

Funded early education for two, three & four year olds

Provider Agreement

1 September 2018 – 31 August 2019



SURREY

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1: Overview

Throughout this document

- SCC refers to Surrey County Council
- Parent refers to parent or legal guardian
- Provider refers to any group, organisation, school or childminder providing registered childcare
- EYFS refers to Early Years Foundation Stage
- FEE – Funded Early Education (for 3 & 4 year olds)
- FEET – Funded Early Education for Two year olds available to eligible parents
- Universal hours – the first 15 hours of funded early education available to all parents
- Extended hours – the second 15 hours of funded early education available to eligible parents

This Provider Agreement is based on the [DfE Model Agreement: Early years provision funded of charge and funded childcare](#). Early years providers must follow this agreement if they are funded by SCC to provide the Early Years Funded Entitlement for two, three and four year olds.

This agreement applies to the 15 hour entitlement for the most disadvantaged two year olds (known in Surrey as FEET), the 15 hour entitlement for parents of three and four year olds (the universal entitlement) and the 30 hours entitlement for eligible parents of three and four year olds (the extended entitlement).

The following frameworks and legislation underpin this agreement:

- [Early Education and Childcare Statutory guidance for Local Authorities 2018](#)
- [Early Years Entitlements: local authority funding of providers operational guidance 2018-2019](#)
- [Childcare Act 2006](#)
- [Childcare Act 2016](#)
- [Equality Act 2010](#)
- [School Admissions Code 2014](#)
- [Statutory framework for the Early Years Foundation Stage \(EYFS\) 2017](#)
- [Local Authority \(Duty to Secure Early Years Provision Free of Charge\) Regulations 2014](#)
- [The Childcare \(Early Years Provision Free of Charge\) \(Extended Entitlement\) Regulations 2016](#)
- [Special Educational Needs and Disability \(SEND\) code of practice 0 to 25 years 2015](#)
- [Data Protection Act 2018](#)

This agreement is not intended to replace, supersede or negate the requirements or expectations set out in legislation, other published statutory guidance and government advice, which may be amended from time to time, without express change in this Provider Agreement.

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

Providers offering the funded entitlement must sign the Provider Agreement. In doing so, providers confirm that they will be offering the funded entitlement in accordance with this Provider Agreement. Signature will be via the Early Education Portal or, for schools that do not have access to the Early Education Portal, a paper copy of the provider agreement.

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

This Provider Agreement is for:

- SCC
- early years providers who are referred to as 'providers' and include:
- private, voluntary and independent early years providers and childminders registered on the Ofsted Early Years Register
- childminders registered with a childminder agency that is registered with Ofsted
- schools, nurseries or classes funded by SCC
- independent schools, academies and funded schools taking children age two and over and which are exempt from registration with Ofsted as an early years provider.

SCC cannot impose requirements which subject the early years provision, or services provided by the childminder agency, to a quality assessment process by SCC; or require the provider to attend any training or other quality improvement programme, other than any training or quality improvement programme identified in an early years provision Ofsted inspection report.

2: Key responsibilities

Key local authority responsibilities

- SCC must secure a funded entitlement place for every eligible child in their area
- SCC will work in partnership with providers to agree how to deliver funded entitlement places
- SCC will 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
- SCC must contribute to safeguarding and promoting the welfare of children and young people in their area.

Key provider responsibilities

- The provider must comply with all relevant legislation and insurance requirements.
- The provider should deliver the funded 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 funded entitlements should receive the same quality and access to provision.
- The provider must follow the EYFS and have clear safeguarding policies and procedures in place that link to the Surrey Safeguarding Children's Board (SSCB) Procedures Manual guidance for recognising, responding, reporting and recording suspected or actual abuse.
- 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

SCC has overarching responsibility for safeguarding and promoting the welfare of all children and young people in their area. In Surrey we work to the Surrey Safeguarding Children's Board (SSCB) Procedures (www.surreyscb.org.uk) which include a number of statutory functions under the 1989 and 2004 Children Acts, Childcare Act 2006, Childcare (Disqualification) Regulations 2009 and the Working Together to Safeguard Children 2015 guidance.

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](#)

In line with the settings safeguarding children policy and procedures, if an allegation is made against the owner, manager or any other employee of the setting (including office/kitchen/cleaning staff), FEE/FEET funding may be withdrawn by SCC. This is dependent on the outcome of the investigation into the allegation, and whether the setting has breached the conditions of the Provider Agreement. The setting must comply with the advice of the Local Authority Designated Officer (LADO) and any compliance *and welfare* notices issued by Ofsted and inform the SCC Safeguarding Advisor - Early Years, of any action taken to safeguard the children in their care.

If the provider fails to comply, the process for termination and withdrawal of funding will be followed.

4: Eligibility (see also Appendix 1)

- The provider must check original copies of documentation (birth certificate or passport) to confirm a child has reached the eligible age on initial registration for all funded entitlements. A record of the date and the member of staff who has checked the documentation should be made on the SCC Declaration Form.
- If the child's legal name and date of birth is not recorded correctly in the Early Education Portal any entitlements paid may be reclaimed.
- The provider should offer places to eligible two-year-olds on the understanding that the child remains eligible until they qualify for the universal entitlement for three- and four-year-olds.
- SCC must ensure 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 funded entitlements.
- When checking eligibility for 30 hour funded childcare, alongside the 30 hours eligibility code, which is the child's unique 11-digit number, the provider must acquire written consent from, or on behalf of, the parent to be able to receive confirmation and future notifications from SCC of the validity of the parent's 30 hours eligibility code. This consent is contained within the SCC Declaration Form 2018.
- Once a provider has received written consent from the parent, they should verify the 30 hours eligibility code with SCC using the standalone eligibility checker within the Early Education Portal before offering a 30 hour place to the parent. Maintained schools that claim funding through schools finance will need to complete the SCC Eligibility Form for Schools, scan it and send electronically using Egress to the Finance and Practice Team, at schools.30@surreycc.gov.uk
- SCC will confirm the validity of 30 hours eligibility codes to allow providers to offer 30 hours places for eligible three- and four-year-olds.
- Thereafter, SCC will complete audit checks to review the validity of eligibility codes for children who qualify for 30 hours funded childcare either each day that the child is within their grace period, if registered in the Early Education Portal, or a minimum of 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 SCC'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:	SCC audit date:	Grace period end date:
1 January – 10 February	11 February	31 March
11 February – 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

5: The grace period

- 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.
- SCC will be able to access information about whether a child has ceased to meet the eligibility criteria and entered the grace period via the Eligibility Checking System. The grace period end date will automatically be applied to eligibility codes.
- SCC should 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 2018](#)
- SCC will notify a provider where a parent has fallen out of eligibility and inform them of the grace period end date, following the audit checks as set out in Table A.
- If a parent does not reconfirm or falls out of eligibility at the end of the grace period, their universal hour's pattern should remain the same unless otherwise stated in your admissions policy.

6: Flexibility (see also Appendix 2)

Providers should offer parents their funded entitlement:

Up to 15 or 30* hours a week for 38 weeks a year which equates to 570 or 1140* hours a year if stretched and offered all year round.

*(for three and four year olds eligible for 30 hours extended entitlement).

SCC encourages providers to offer flexible packages of funded entitlement, subject to the following:

- No session to be longer than 10 hours
- No minimum session length (subject to requirements of registration on the Ofsted Early Years Register)
- Not before 6am or after 8pm
- A maximum of two sites in a single day

Providers should be aware that funded entitlement places can be delivered:

- For up to 52 weeks of the year
- Outside of maintained school term times
- At weekends

Providers should ensure that children are able to take up their funded hours in continuous blocks and avoid artificial breaks being created throughout the day, for example over the lunch period.

Providers should publish their admissions criteria and ensure parents understand which hours/sessions can be taken as part of their funded entitlement. 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 is convenient for parents' working hours.

The provider should work with SCC and share information about the times and periods at which they are able to offer funded hours to support SCC to secure sufficient stretched and flexible places to meet parental demand in Surrey. The provider should also make clear and transparent information about their offer and admissions criteria available to parents at the point the child first accesses provision at their setting.

Parents may choose to access their funded entitlement at more than one provider or on more than one site, but at no more than two sites in one day.

Parents must complete a SCC Declaration Form 2018 with each provider that they intend to take their funded hours with, giving them contractual consent for the provider to claim the funding on the parent's behalf. Where the parent has not completed and signed the SCC Declaration Form 2018 upon commencement of taking their funded place at a provider, SCC reserves the right to reclaim funding paid for said child.

The SCC Declaration from 2018 will be utilised as evidence in assessing where a possible duplicate, fraudulent or over claim has been made. Parents and carers should be made aware of the implications of submitting duplicate claims, fraudulent claims and over claiming funded hours as part of your charging policy.

7: Partnership working (see also Appendix 3)

Partnerships will be supported by SCC on four levels between:

- SCC and providers
- Providers working with other providers, including childminders, schools
- Providers and parents
- SCC and parents

SCC promotes partnership working between different types of providers, including childminders, across all sectors and encourages more providers to offer flexible provision, alongside other providers.

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, see the link in Appendix 3.

The provider should discuss and work closely with parents to agree how a child's overall care will work in practice when their funded 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 (see also Appendix 4)

SCC strategically plans support for children with special educational needs and/or disabilities (SEND) to meet the needs of all children in the local area in line with the graduated response outlined in the [Special Educational Needs and Disability \(SEND\) code of practice 0 to 25 years 2015](#).

SCC must be clear and transparent about the support on offer in their area, through their Local Offer <https://www.surreylocaloffer.org.uk/kb5/surrey/localoffer/home.page>, so parents and providers can access that support.

The registered person must ensure all staff members are aware of their duties in relation to the [SEND Code of Practice](#) and the [Equality Act 2010](#). All providers must have arrangements in place to identify and support children with SEND.

All providers must identify a Special Educational Needs Co-Ordinator (SENCO). The SENCO has a key role in supporting colleagues and coordinating the responses of the setting to meet the individual needs of children with SEND.

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 and disadvantage (see also Appendix 5)

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

The provider should ensure that they have identified the disadvantaged children in their setting as part of the process for checking Early Years Pupil Premium (EYPP) eligibility. They will also use EYPP and any other locally available funding streams or support to improve outcomes for this group. Children found to be eligible for EYPP under economic criteria will automatically be paid deprivation funding in addition to the EYPP payment.

10: Quality (see also Appendix 6 and 7)

Early Years Foundation Stage

The 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.

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

Ofsted judgement Good or Outstanding

SCC will fund places for two, three and four year old children at any provider judged 'good' or 'outstanding' by Ofsted or at any childminder registered with a childminder agency judged 'effective' by Ofsted, as long as a parent wants their child to take up their funded place at that provider and the provider is willing to accept SCC's funding requirements as set out in this agreement.

Ofsted judgement Satisfactory or Requires Improvement

- SCC will only fund places for two year old children in 'satisfactory' (prior to 2014) or 'requires improvement' providers, where there is not sufficient, accessible, 'good' or 'outstanding' provision.
- SCC will fund places for three and four year old children at any provider judged 'satisfactory' (prior to 2014) or 'requires improvement' by Ofsted or at any childminder registered with a childminder agency judged 'effective' by Ofsted if a parent wants their child to take up their funded place at that provider and the provider is willing to accept the local authority funding and any other local authority requirements.

Newly registered providers

- SCC will fund places for two, three and four year old children at new providers registered with Ofsted until the provider's first full Ofsted inspection judgement is published or 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 funded place at that provider and the provider is willing to accept SCC's funding requirements as set out in this agreement. Following publication of their Ofsted inspection judgement, the conditions in the above paragraphs will apply.
- SCC will fund providers with an Ofsted inspection judgement of 'met' until their Ofsted quality inspection judgement is published. SCC will not fund providers with an Ofsted inspection judgement of 'not met'.

Exemptions from the EYFS

- SCC will fund providers with exemptions from the EYFS if a parent wants their child to take up their funded place at an exempt provider and the provider is willing to accept SCC's funding requirements as set out in this agreement.
- SCC will fund individual children who have exemptions from the EYFS.

SCC are not required to fund places at providers who do not meet the quality standards but may choose to do so to ensure sufficiency of funded places.

SCC will rely solely on the Ofsted inspection judgement of the provider or the childminder agency as the benchmark of quality.

SCC will not fund providers who do not actively promote fundamental British values or if they promote views or theories as fact which are contrary to established scientific or historical evidence and explanations.

Ofsted judgement Inadequate

- SCC will secure alternative provision and withdraw funding from a provider (other than a local authority maintained school), as soon as is practicable, when Ofsted publish an inspection judgement of the provider of 'inadequate' or an inspection judgement of a childminder agency of 'not effective'. It is for local authorities to determine an appropriate timeframe for withdrawing funding. When withdrawing funding SCC will take into account the continuity of care for children who are already receiving their funded hours at a provider or with an agency registered childminder and Ofsted monitoring information about the provider or agency. Once funding is withdrawn, providers are not able to offer entitlement funding again until they have had an Ofsted inspection judgement which is not inadequate.
- Once notification is received from Ofsted or the provider of an inspection outcome of inadequate, the provider will be advised not to offer a funded place to any additional children until after the formal process to withdraw funding is complete. This is to ensure that new children do not go through a settling in procedure to be then moved when funding is withdrawn.
- SCC will not withdraw funding from providers or from childminders registered with an agency until the provider's or childminder agency's Ofsted inspection judgement is published. Once the inspection report is published the provider will be invited to a panel meeting within a six week period. The purpose of the panel meeting is to set the timeframe in which funding is to be withdrawn. At the meeting, panel members will review evidence submitted by the provider and the SCC Supporting Children Team and set a timeframe for withdrawing the provider from the List of FEET Providers and the Surrey Directory of Providers. Providers are notified of the panel's decision within 2 working days and confirmed by letter within 10 working days. The provider has a right to appeal the panel's decision within 10 working days of receiving the letter. Please see appendix 7 - Procedure for withdrawal of funded early education from inadequate settings.

SCC will take appropriate action to improve the quality of provision at a local authority maintained school which has been judged by Ofsted to require significant improvement or has been placed in special measures.

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

SCC will consider any information published by Ofsted about a provider or childminder agency including the recent history about childcare provision by a particular provider or agency or childcare provision at a particular address. This may include, for example, where SCC 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.

SCC is required to provide information, advice and training for the following providers:

- those registered on the Ofsted Early Years Register who are judged less than good by Ofsted in their most recent inspection report
- newly registered providers on the Ofsted Early years Register who have not yet had an inspection report published
- those on Part A (the compulsory part) of the Ofsted General Childcare Register who are assessed by Ofsted as not having met the requirements of registration or the requirements relating to their activities.

Regarding:

- meeting the requirements of the EYFS
- meeting the needs of children with special educational needs and disabilities; vulnerable and disadvantaged children
- effective safeguarding and child protection.

11: Business planning

SCC will clearly set out the documentation that they need to receive from providers to support payment and delivery of funded entitlements and the timetable which providers should follow when submitting their documentation, this includes setting out the importance of timely and accurate Census returns.

SCC will not charge providers disproportionate penalties for providing late or incomplete information leading to additional administration in the processing of funded entitlements. Any charges applied will be reasonable and proportionate to the inconvenience or costs incurred as a result of the lateness or incomplete claim. Charges for this will be clearly communicated with providers.

SCC should not carry out audit regimes which are disproportionate or are unnecessarily burdensome to providers.

The provider should ensure they submit timely and accurate information, including, but not limited to, Census data, Declaration Forms and invoices, as per the financial guidelines of SCC. Failure to do so will result in inaccurate, delayed or suspended funding.

The provider should maintain accurate financial and non-financial records relating to funded entitlement places and should give SCC 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.

For any general advice and support relating to your childcare business please see the [running your business](#) section of our website at www.surreycc.gov.uk/childcareprofessionals or email the Early Years Commissioning Team at childcarebusinessadvice@surreycc.gov.uk

12: Charging (see also Appendix 8)

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.

The provider can charge for meals and snacks as part of a funded entitlement place and they can also charge for consumables such as nappies or sun cream and for services such as trips and forest school. 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, ensuring that this is in line with the terms of this Provider Agreement, with options including waiving or reducing the cost of meals and snacks or allowing parents to supply their own meals.

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 choose to pay for optional hours, services, meals or consumables.

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

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.

The provider cannot charge parents "top-up" fees (the difference between a provider's usual fee and the funding they receive from SCC to deliver funded places) for funded hours or require parents to pay a registration fee as a condition of taking up their child's funded place.

The provider can charge parents a refundable deposit to secure their child's funded place but should refund the deposit in full to parents once the child's data has been submitted on the initial headcount. You must not charge parents in full in advance and then refund them once you have received your payment from us.

An administration or registration charge can only be made if a child takes up additional paid hours and the charge should be proportionate. If a parent is only accessing funded hours then the charge must be voluntary.

The provider will also ensure that receipts contain their full details so that they can be identified as coming from a specific provider and invoices do not show a charge for the funded entitlement.

13: Funding (see Appendices 9 & 10)

All providers must only make a claim for funding if they have a SCC Declaration Form signed and dated by the parent or carer.

Providers should also note the following:

- Providers must have completed the SCC Provider Agreement 2018 in the Early Education Portal. Schools must return a signed paper version.
- PVI providers will use the Early Education Portal to claim funding for all eligible 2, 3 & 4 year old children.
- Maintained schools must claim for all 3 & 4 year old children through schools finance and all claims for 2 year olds through the Early Education Portal.
- SCC Declaration Forms must be retained by the provider for a period of seven years.
- SCC will pay all providers according to the published payment schedule.
- The provider should accurately submit their claims in the Early Education Portal and any other necessary data by the published dates to support SCC to make payment.
- Claims must be made in the funded period in which the child takes up or uses their funded early education place. If a parent has given you the relevant forms on time but due to an administrative error the child has not been funded, you can contact the Finance and Practice team, who may, in exceptional circumstances, add a late claim to the Early Education Portal for you. Please note late claims will only be accepted up to 6 weeks into the new funded period.
- SCC will not backdate claims if a SCC Provider Agreement was not completed in the Early Education Portal, or if for a school, a paper version, for the relevant funded period.
- SCC will set out funding processes and timetable so providers are clear about the funding that they will receive and the requirements on them in order to receive it, including funding multiple providers and changes in provider. See Appendices 8 & 9.

14: Compliance

SCC reserves the right to carry out checks and/or audits on providers to ensure compliance with the requirements of delivering the funded entitlements. Providers must retain all attendance and finance records for a period of seven years.

If an audit is carried out copies of the following documents for the relevant time period must be made available:

- SCC Declaration Forms (and SCC registration forms for funded periods prior to autumn 17)
- parental change of attendance forms
- children's attendance records
- samples of invoices/charges to parents, if applicable
- documentation to prove the status of the setting, for example registered charity, incorporated company, private owner
- information provided to parents relating to how funded entitlement can be accessed and any charges for additional time, services or consumables
- any other evidence that can reasonably be requested.

Providers must follow all planning guidance and have appropriate planning permission in place.

Providers must comply with all environmental health legislation.

Providers should give SCC and parents at least one month's notice in writing if they decide to stop offering the funded places.

If a setting closes part way through a funding period, SCC requires providers to pay back unused funding to enable children to access their funded entitlement elsewhere.

Failure to pay back SCC any monies owed within given deadlines will result in SCC implementing its corporate debt recovery policy.

15: Termination and withdrawal of funding (see Appendix 11)

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

SCC will withdraw providers from the List of FEET providers and/or Surrey Directory of Providers, other than in exceptional circumstances, if they, or the childminder agency they are registered with:

- Receive an inadequate Ofsted inspection judgement (see section 10 – Quality)
- Do not comply with the statutory framework for the EYFS 2017.
- Do not comply with legal requirements such as health and safety.
- Commit fraud or misappropriate funds or grants.
- Do not complete the Spring Early Years Census by the date given.
- Do not produce SCC Declaration forms for claims made within the Early Education Portal on request.
- Do not comply with the fundamental British values as set out in HM Government Prevent Strategy.

SCC reserves the right to act to terminate or withdraw funding even if this is not done immediately.

Withdrawal from the List of FEET Providers and/or Directory of Providers means that a provider is not able to claim funding for eligible two, three and four year olds.

16: Appeals process

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

Providers who wish to appeal should write to SCC, within 10 days of receiving notification of the Council's decision to withdraw funding. They should outline the grounds for appeal linked to the termination list above and give reason why they believe that they are meeting the full terms of compliance. This will then be reviewed by senior managers in line with the full appeals procedure.

The appeals procedure for withdrawal of funded early education from inadequate settings can be found in appendix 7.

17: Complaints process

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 Provider Agreement and in Early Education and Childcare Statutory Guidance for Local Authorities published by the Department for Education.

SCC expects that the majority of complaints will be resolved locally using the providers own complaints procedure.

If a parent is not satisfied that their child has received the funding in accordance with the legislation or as set out in this agreement and in the Early Education and Childcare Statutory guidance for Local Authorities, and has not been able to resolve their concern directly with their provider, they should contact SCC at free.earlyeducation@surreycc.gov.uk SCC will investigate the parent's complaint and will ask the provider to provide information regarding the complaint within a specified timescale.

If you have a concern or a complaint about how SCC are administrating the funding or about a member of the team please follow the [SCC's complaints procedure](#) available online at www.surreycc.gov.uk.

If a parent or provider is not satisfied with the way in which their complaint has been dealt with by SCC or believes SCC 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.

18: Contact details

Finance & Practice Team	01372 833811	free.earlyeducation@surreycc.gov.uk
Childcare Business Advice Team		childcarebusinessadvice@surreycc.gov.uk
Supporting Children Team and SEND Team		sectorNE@surreycc.gov.uk sectorSE@surreycc.gov.uk sectorSW@surreycc.gov.uk sectorNW@surreycc.gov.uk
SCC Safeguarding Advisor – Early Years		sue.monk@surreycc.gov.uk
Local Authority Ombudsman		https://www.lgo.org.uk/

Appendix 1 - Eligibility

Funded Early Education is not linked to where the child lives. It is the Local Authority where the child is educated that pays the funding. If a child goes to another setting that is not in Surrey, please make sure that no more than the maximum hours are claimed between the two local authorities. It is the setting's responsibility to check the SCC Child Declaration Form to make sure this is not happening.

The provider must ensure that parents complete the SCC Declaration Form each funded period and fill in their address and postcode. In the first funded period of attendance parents must also confirm that the name of the child is their **full legal name** (as stated on the birth certificate or valid passport). The provider should not complete any of the information requested on the front page of the SCC Declaration Form.

Where a child's name has been legally changed the provider should see evidence of this before editing the child's record on the portal or updating SIMS (for schools).

Eligibility for funded early education for two, three and four year olds

Three-year-olds (and two-year-olds who meet the eligibility criteria below) are entitled to 15 universal hours of funding from the start of the term beginning on or following the date set out below:

- Children born in the period 1 January to 31 March: 1 April following the child's third birthday, or second birthday, as applicable
- Children born in the period 1 April to 31 August: 1 September following the child's third birthday, or second birthday, as applicable
- Children born in the period 1 September to 31 December: 1 January following the child's third birthday, or second birthday, as applicable

All 3 and 4 year olds are eligible for 15 universal hours of funded childcare until the term they take up a statutory school place, usually in a reception class.

These dates are consistent with those used for determining the start of compulsory education.

What happens when a child starts school?

A child reaches statutory school age at the beginning of the first term after their fifth birthday (1 January, 1 April or 1 September). At this age they no longer qualify for FEE. SCC offers most children the opportunity of starting reception class in the maintained sector before the child is of statutory school age.

If the child has a delayed start to their school place during autumn term they cannot claim their funded entitlement as the school will be funded from the beginning of the term for the child, even if they are part-time, by Schools Finance.

A child who starts reception at a school in January can claim funded entitlement for the autumn term.

Funded Early Education for Two Year Olds (FEET)

Two-year-olds are eligible for 15 hours of funded early years provision (FEET) if the family receives one of the following benefits:

- Income Support
- Income based Jobseeker's Allowance (JSA)
- Income related Employment and Support Allowance (ESA)
- Support through Part 6 of the Immigration and Asylum Act 1999
- The Guaranteed element of State Pension Credit
- Child Tax Credit and have an annual income under £16,190 before tax
- Working Tax Credit and have an annual income under £16,190 before tax
- Working Tax Credit 'run-on' – the payment someone may receive for a further four weeks after they stop qualifying for Working Tax Credit

- Universal Credit and have an annual net earned income not over £15,400.

Or

If their child is in one of the groups listed below:

- child looked after by SCC
- child who has been adopted or has left care through either a special guardianship or child arrangements order
- child with a statement of special educational needs (SEN) or an Education, Health and Care Plan (EHCP)
- child getting Disability Living Allowance (DLA).

The Department for Education's eligibility checking system provides a mechanism for local authorities to verify whether children meet the qualifying criteria for FEET.

When making the first claim for a FEET funded child you can only claim from the date the application for FEET was received and agreed by the Finance and Practice Team. If the child is already attending the early years setting prior to the parent receiving their eligibility letter, the payment to the provider will not be backdated by SCC. Providers must make it clear to parents that they are liable for any fees until the start date on their eligibility letter.

Once a child has been agreed for FEET they will be funded even if the family does not meet the criteria at a later date.

Children moving from FEET to FEE should be able to continue to access the same hours, terms and conditions they were accessing under FEET if they request to do so.

30 Hours Eligibility (Extended hours funding)

Parents must check eligibility for 30 Hours Funded Childcare at the government's website [Childcare Choices www.childcarechoices.gov.uk](http://www.childcarechoices.gov.uk).

A child will be entitled to the extended hours from the term after both of the following conditions are satisfied:

- the child has reached the age of three years
- the child's parent has received confirmation from HMRC that they are eligible for the entitlement

If a parent has a child who will be three before the next term but forgets to apply, they will have to wait until the **start of the following** term to claim their extended hours.

Parents who are eligible for the extended hours will have an eligibility code which they must present to their provider for checking before being offered the extended hours.

Codes are 11 digits long and will start with either 11 (temporary codes) or 500. If a parent made an application by phone they will need to phone the HMRC Helpline on 0300 123 4097 to re-confirm eligibility. All parents must reconfirm their details through their Government Gateway account or the Helpline at regular intervals, in most cases every 3 months.

Before a provider can offer the extended hours the code must be checked using the standalone checker in the Early Education Portal or for maintained schools by completing a SCC Eligibility Form for Schools which should then be scanned and electronically sent to the Finance and Practice Team at schools.30@surreycc.gov.uk.

You can find out more about [providing 30 hours funded childcare](http://www.surreycc.gov.uk/fundedearlyeducation) on our web page available via www.surreycc.gov.uk/fundedearlyeducation.

Appendix 2 - Flexibility

How can parents use the funded hours?

Parents can either access their funded entitlement as 15 or 30* hours per week term time only (which is 38 weeks per year) or stretched over up to 52 weeks per year. Not all providers will offer both term time and stretched hours but the entitlement is for a maximum of either 570 or 1140* hours per year. Providers should not offer stretched funding if they are open fewer than 50 weeks per year.

Providers should make sure that children are able to take up their Funded Entitlement in continuous blocks and avoid artificial breaks being created throughout the day, for example, over the lunch period.

Providers can define the 'core' hours in which completely funded hours may be taken, but this information must be made clear to parents within the provider's charging policy and website where applicable.

Providers can define the maximum number of funded hours that they will offer in a session or day but this information must be made clear to parents within the provider's charging policy and website where applicable.

Providers should make information about their Funded Entitlement offer and admissions criteria available to parents (through publicity materials, website) at the point the child first accesses the provision. Parents should be asked to sign confirming that they have read and understood the arrangements. Providers should publish their admissions criteria and ensure parents understand which hours/sessions can be taken as Funded Entitlement. 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 is convenient for parents' working hours.

Can I offer funded early education during school holidays?

Funded early education can be offered throughout the year including at weekends rather than just during maintained school term times, e.g. 10.96 hours per week for 52 weeks per year for a universal 15 hour offer or 21.92 hours per week for 52 weeks per year for an extended 30 hour offer.

The total annual number of hours claimed cannot exceed 570 hours or 1140 hours per child. The maximum number of hours a child can have in a week will be dependent on how many weeks in a year you are open, but can be no more than 15 hours or 30 hours per week.

Universal 15 hour offer:

52 weeks	10.96 hours
51 weeks	11.17 hours
50 weeks	11.40 hours

Extended 30 hour offer:

52 weeks	21.92 hours
51 weeks	22.35 hours
50 weeks	22.80 hours

What if I can't offer 15 hours a week?

If you are unable to open for 15 hours a week, for example, because the premises are unavailable, the parent can choose to use their child's remaining funded hours at another provider.

What if I can't offer 38 weeks a year or 30 hours each week?

There is no requirement that providers must open for at least 38 weeks of the year or that providers must offer 30 hours each week in order to deliver funded entitlement. However even if you only offer 15 hours of funded early education a week to three and four year olds, you may still be part of a 30 hour offer for a parent. For example, a parent may take their universal (first) 15 hours with a full day care setting and then their extended (second) 15 hours with you.

This means that if you're offering a place to a parent and they've given you their 30 hour eligibility code, even if you're not delivering more than 15 hours of funded early education, you should check this code with us before offering them a place to make sure you'll get funded.

If I can't open for 38 weeks a year, do I have to tell parents?

Yes, you must tell parents in writing that you are offering less than they are entitled to. Your letter should explain the full entitlement, give the Surrey Family Information Service contact details (surrey.fis@surreycc.gov.uk) and explain the potential drawbacks of going to a setting offering less than 38 weeks per year.

Appendix 3 – Partnership working

Can a child go to more than one provider?

Yes, but if the child attends just term-time settings the total claim must not be more than 15 hours or 30 hours a week (if eligible for the extended entitlement). If the child attends through the holidays, the maximum number of hours each week will be less.

Parents must make it clear on the Declaration Form before the beginning of each funded period where they want to claim the funded hours. Priority will be given to the setting who submits their information first.

Child attending stretched **and** term time providers –

Where the stretched funding provider submits their claim first, only the weekly stretched hours balance will be available for the term time setting to claim;

Where the term time only provider submits their claim first, there will only be a balance of hours for the stretched funding provider to claim, which means that the hours may “run out” before the end of the funded period. The provider will need to charge the parent for any hours that are not funded.

It might be helpful for both settings to agree to work with the Finance and Practice Team to maximise funding for each provider.

A parent may choose to pay for all of their child's care at your setting if they are using all of their funded hours at another setting.

If a child goes to both your setting and a maintained nursery class or school, you will only be able to claim for the funded hours that the parent is not using at the maintained nursery class or school.

For example:

- If a child with a universal 15 hour offer goes to a maintained nursery class for three hours every morning and your setting for two afternoons a week, all the universal funding will go to the school and you will have to charge the parent.
- If a child with an extended 30 hour offer goes to a maintained nursery class for 15 hours a week and your setting for 25 hours a week, we will be able to fund you for 15 hours and the school will also get funding for 15 hours. You will charge the parent for the additional 10 hours.

When a child is accessing their Funded Entitlement at more than one provider, providers should work in partnership with other providers and parents to ensure continuity of care and effective transitional arrangements to support the child's learning, development and well-being (for example, sharing child development records, the two year progress check and details of hours attending).

The Family and Childcare Trust have created a toolkit exploring different ways of responding to the extended funded entitlement through a partnership approach. You can find out further information at:

www.familyandchildcaretrust.org/dfes-30-hour-mixed-model-partnership-toolkit

Appendix 4 - Special educational needs and disabilities

Every provider will expect to have some children with additional needs at some time. With careful planning and organisation most of these children are able to participate fully in the activities you offer. It is expected that providers will make 'reasonable adjustments' and make their offer inclusive to all children and families. Children with SEND may meet the eligibility criteria for the 30 hour entitlement just like all other 3 & 4 year olds.

The Inclusion Fund may be available for funded 3 & 4 year olds, and in exceptional circumstances, funded 2 year olds. Discretionary Funding will (depending on the individual needs of the child/children) be available for up to the full 30 hours extended entitlement. Providers will be expected to apply for this funding. You can also get support and advice from the Supporting Children Team.

What is the Disability Access Fund?

The Disability Access Fund is a fund which is available to support three and four year olds in receipt of Disability Living Allowance to take up their funding at your setting. This is a one off annual payment which is available to providers even if the child attends for fewer than 570 hours a year. Providers will be expected to apply for this funding (go to www.surreycc.gov.uk/fundedearyeducation and click on Providing funded early education for three and four year olds)

If a child changes their setting during the financial year, the Disability Access Fund will remain with the original setting.

If the child attends more than one provider then the parent allocates the funding to one of them. The funding cannot be shared across providers.

Appendix 5 - Social mobility and disadvantage

Providers must ensure that they act in accordance with the [Equality Act 2010](#) which outlaws discrimination, harassment and victimisation. The Act applies to a number of 'protected characteristics' including sex, race, disability, religion or belief and sexual orientation. In addition, providers should apply the principles of equality and justice in delivering the early years' funded entitlement. In order to assist SCC in meeting its public sector equality duty, providers must ensure that parents complete the equalities monitoring information as requested in the Declaration Form.

Early Years Pupil Premium

Early Years Pupil Premium is additional funding for early years settings to improve the education they provide for disadvantaged three and four year olds.

All providers delivering funded early education places will be eligible to receive the Early Years Pupil Premium.

Early Years Pupil Premium can be claimed by the childcare provider if a child at their setting is accessing FEE universal hours and the child's parent or carer receives one of the following benefits:

- Income Support
- Income-based Jobseekers Allowance
- Income-related Employment and Support Allowance
- Support under Part VI of the Immigration and Asylum Act 1999
- The guaranteed element of State Pension Credit
- Child Tax Credit (providing the family is not also entitled to Working Tax Credit and have an annual gross income of no more than £16,190)
- Working Tax Credit run-on (paid for 4 weeks after a family stops qualifying for Working Tax Credit)

- Universal Credit and have an annual net earned income of no more than £7,400 (before benefits)

Or if the child falls into one of the following groups:

- looked after by the local authority
- adopted from care
- has left care through a special guardianship arrangement
- has left care and is subject to a child arrangement order.

Early Years Pupil Premium is paid at a national rate of 53p for every hour of universal funding that an eligible child attends their setting. SCC passes on the full rate to providers.

Children will not need to access the full entitlement to be eligible for Early Years Pupil Premium; providers will be paid on a pro-rata basis.

Providers should ensure that they promote the Early Years Pupil Premium to all parents and carers in the setting and identify eligible children, including those eligible because they are looked after or have left the care of SCC through adoption or special guardianship. This should be a voluntary disclosure – some parents will choose not to identify themselves as meeting the eligibility criteria.

You can find more information about [Early Years Pupil Premium](#) on our website via [Surrey County Council - Childcare professionals](#) (through the Funding section), including a section for how schools can claim the EYPP.

Deprivation Funding

From September 2017, providers funded by SCC for FEE are entitled to an additional hourly supplement for children eligible for the Early Years Pupil Premium (EYPP) on economic deprivation grounds.

The deprivation supplement replaces the deprivation funding which was based on IDACI and finished at the end of the Summer term 2017.

From April 2018 to March 2019, this supplement has been set at £2.77 per universal and extended hour for each eligible child. This is reviewed each financial year.

Deprivation funding will be paid through EYPP applications by providers.

Statutory Two Year Progress Check

Providers must make sure that the statutory Two Year Progress Check is carried out in accordance with the Statutory Framework for the EYFS 2017.

Appendix 6 - Quality

Why does quality matter?

“Evidence shows that higher quality provision has greater developmental benefits for children, particularly for the most disadvantaged children leading to better outcomes. The evidence also shows that high quality early education at age two brings benefits to children’s development.” [DfE Early Education and Childcare Statutory guidance](#).

What must providers do?

- Comply with the Statutory Framework for the EYFS 2017
- Complete the EYFS Profile and take part in the moderation process led by SCC where appropriate
- Comply with other legal obligations including (but not restricted to), Employment Law, Anti-discriminatory legislation, Health and Safety legislation and Data Collection Regulations.
- Have a Designated Safeguarding Lead (DSL) or deputy DSL on duty at each setting who has attended a child protection course and follow the regulations and procedures of the [Surrey Safeguarding](#)

[Children's Board](#) We expect that this person will have been on the 'Working together to Safeguard Children' and 'Surrey Safeguarding Modules 1 and 2'.

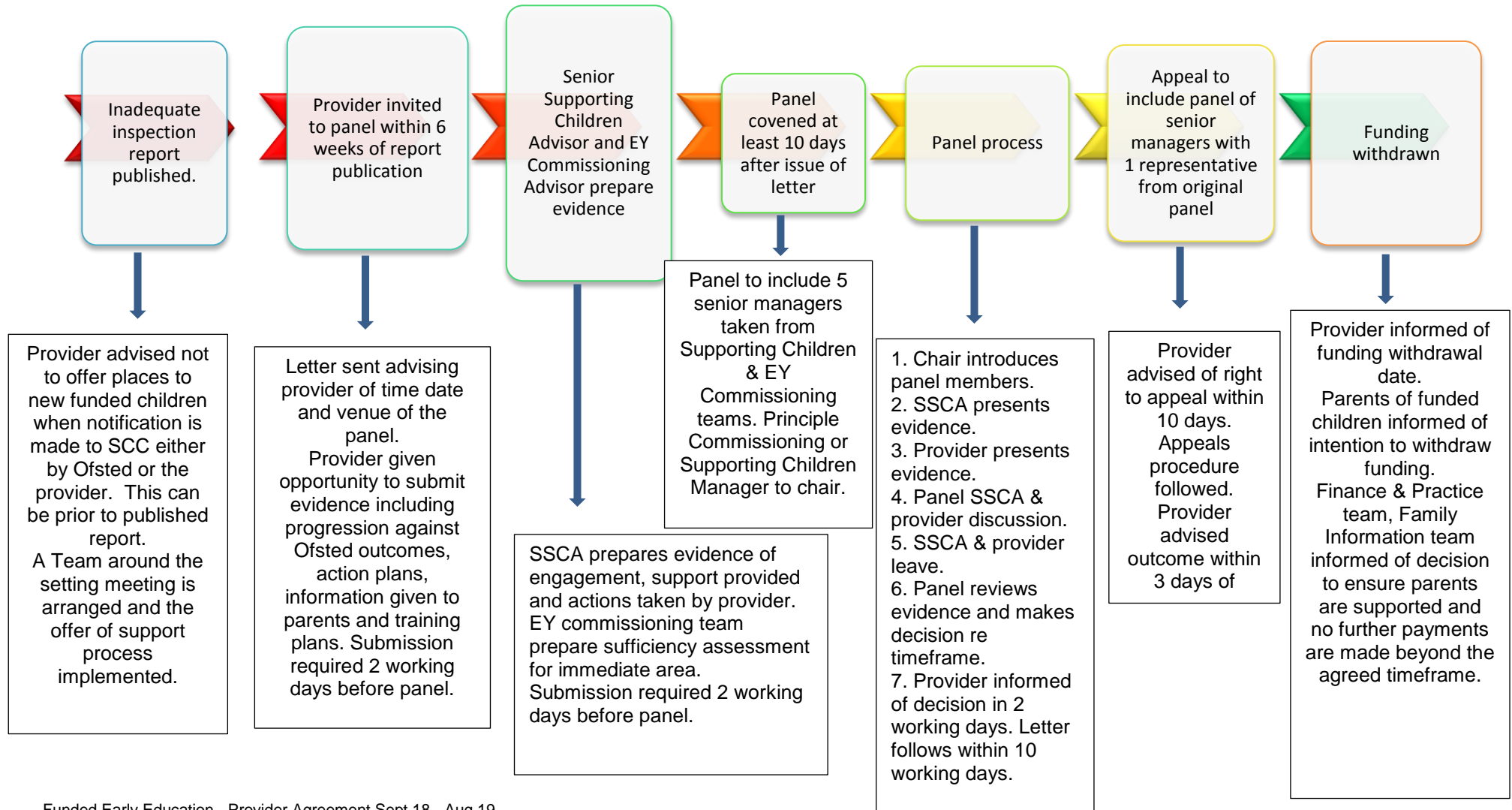
What should providers do?

- Keep an up to date staff training and development plan for qualifications and undertake a relevant training programme for continuous professional development for all staff
- Submit an Action plan to us within 20 working days of the report following an Ofsted inspection
- Keep records of children's progress throughout the EYFS
- Have a named Special Educational Needs and Disability Coordinator (SENCO) who works in the setting and will attend any relevant training, including SENCO, network meetings.

Appendix 7 – Inadequate process flowchart

Process and support for withdrawal of funded early education

The purpose of the panel is to set a timeframe to withdraw the provider from the Surrey Directory of Providers and the List of FEET Providers.



Procedure for withdrawal of funded early education from inadequate settings

The purpose of this document is to describe how Surrey County Council will fulfil its statutory duty to withdrawal funding for early education from settings that are judged by Ofsted to be inadequate.

Our statutory responsibilities in this regard are clear, as set in Section A3.13 of the Early Education and childcare statutory guidance for local authorities. This states that local authorities should:

“Secure alternative provision and withdraw funding from a provider (other than a local authority maintained school), as soon as is practicable, when Ofsted publish an inspection judgement of the provider of ‘inadequate’ or an inspection judgement of a childminder agency of ‘not effective’. It is for local authorities to determine an appropriate timeframe for withdrawing funding. When withdrawing funding local authorities should take into account the continuity of care for children who are already receiving their free hours at a provider or with an agency registered childminder and Ofsted monitoring information about the provider or agency.

Surrey County Council is committed to ensuring that children in Surrey are able to access the highest standards of early education and childcare provision. This means that we will take action to support settings when a judgement of inadequate is issued by Ofsted to a provider, but we will also withdraw funding in line with our statutory responsibilities.

When an Ofsted judgement of inadequate is received by a Surrey setting, the Supporting Children Team and Early Years Commissioning Team will write to a provider with an offer of support. Initially support will take the form of a team around the setting meeting. In this meeting a support plan will be developed to address the issues highlighted by Ofsted, which could include developing an action plan and implementing a Safeguarding and Welfare Requirements audit. This will depend upon the actions required by Ofsted.

The formal process to decide the timeframe to deregister the provider from the Surrey Directory of Providers and the List of FEET Providers and withdraw funded entitlement funding will begin after the Ofsted report is published. Please note that Surrey County Council does not waive its statutory responsibility to withdraw funding, as required by statutory guidance, if it does not act immediately or in line the timeframes and process set out in this document.

Process

Once notification is received by Surrey County Council from Ofsted or the provider, the provider will be advised against offering a place to any additional funded children until after the formal process to withdraw funding is complete. This is to ensure that new children do not have to go through a settling in procedure to be then moved once funding is withdrawn.

A panel to decide the timeframe in which to withdraw funding will be convened at least 10 days after the provider is sent a letter inviting them to the panel meeting. The provider is given the opportunity, prior to the panel meeting to submit any evidence they wish to relate to areas such as:

- progress they feel they have made in responding to their Ofsted outcomes;
- action plans, including time frames, for addressing the issues in their Ofsted report; and

- training to support improvement.

The provider must also provide a copy of the information given to current and perspective parents regarding the inspection outcome. If no evidence is received to demonstrate that parents have been informed of the Ofsted inspection outcome, Surrey County Council will write directly to parents and carers claiming funded early education hours at the setting.

The Senior Supporting Children Advisor responsible for the area will also collate the following information to present at the panel:

- evidence of engagement by the provider;
- support provided by Surrey County Council; and
- action taken by the provider

A sufficiency assessment of funded childcare places within the immediate area of the setting will also be carried out by the Early Years Commissioning Team for the panel to consider at the meeting.

The provider should confirm attendance at the panel and submit all evidence at least 2 working days before the panel date.

The panel will consist of a minimum of 3 senior managers from Supporting Children and Families Team and Early Years Commissioning Team, including either the Principal Commissioning Manager or Supporting Children Manager who will chair the meeting. The panel will consider the evidence and make the decision as to the timeframe for withdrawal of funding.

There are three options for withdrawal of funding available to the panel as follows:

- Withdraw funding with immediate effect;
- Withdraw funding at the end of the current funded period (or the following half-term, should there be insufficient time to give parents due notice); or
- Withdraw funding following notification of the outcome of the next Ofsted inspection, should the setting receive a second inadequate.

The outcome of the panel will be conveyed to the provider within two working days and a formal letter sent to the provider within five working days. The provider will have 10 working days from the issue of the letter to appeal the decision about the timescale for funding withdrawal. Please note that there is no option to appeal against the Local Authority's statutory duty to withdraw funding from inadequate settings. Any appeal should clearly set out the grounds for contesting the decision about when funding would be withdrawn and be made in writing to the Head of Market Strategy in Children Schools and Families at Surrey County Council.

A panel to include the Head of Market Strategy for Children, Schools and Families as Chair and two other senior managers will be convened. One member of the original panel will be present to explain the process followed and rationale behind the decision taken by the Withdrawal of Funding Panel. The appeal will be considered and the provider will be notified of the appeals panel decision within three working days.

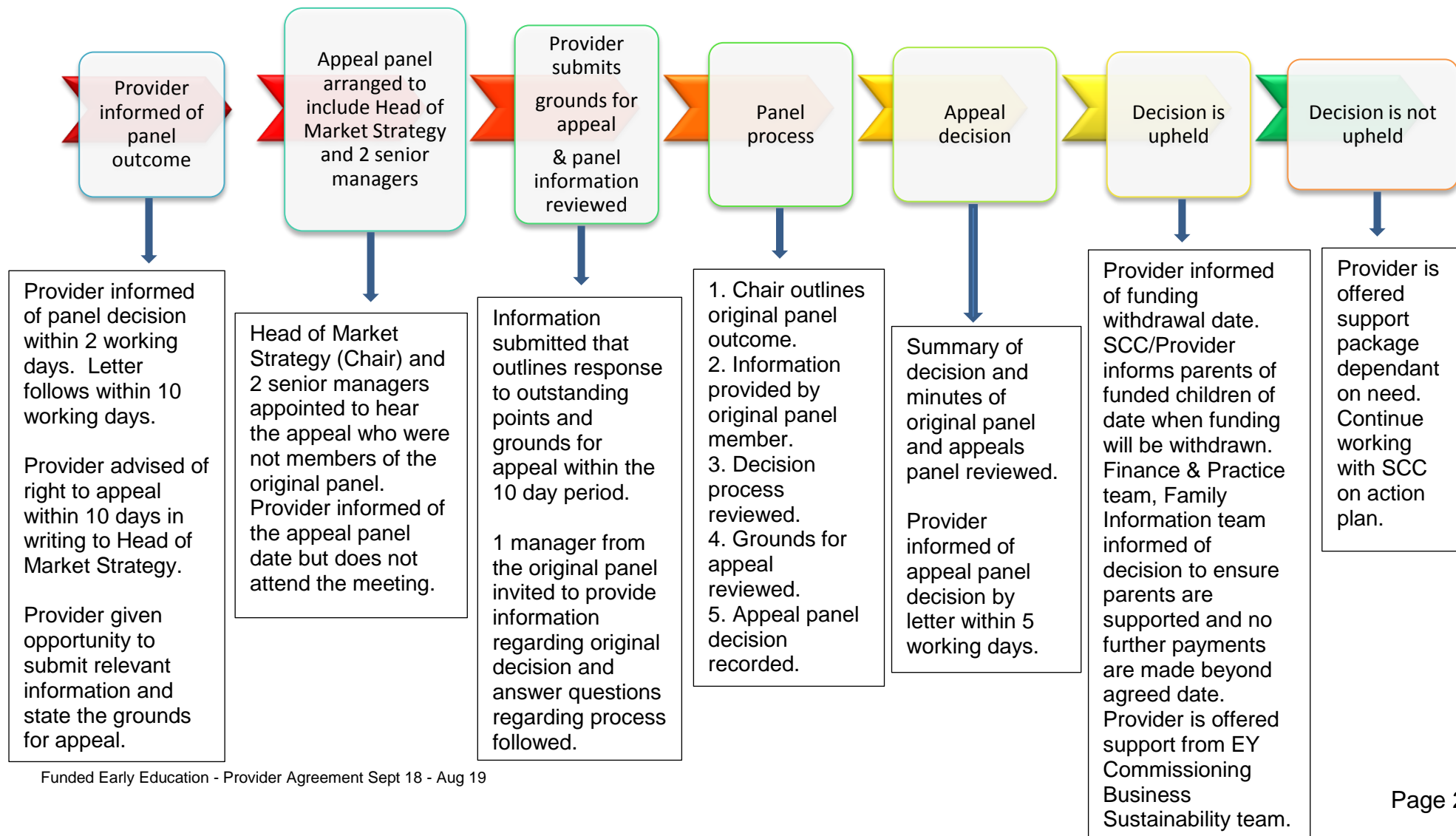
Should the provider choose not to appeal, or if the decision is upheld by the Appeal Panel, Surrey County Council will write to the parents of the children claiming their funded early education hours at the setting to advise them that funding is being withdrawn and the related timescales. These letters will be sent out within 10 working days.

If the provider receives an Ofsted inspection before the funding is withdrawn and the inspection outcome is no longer inadequate then the provider will continue to receive funding and will remain on the Surrey Directory of Providers and List of FEET providers.

If an Ofsted inspection outcome of requires improvement or above is received after the funding has been withdrawn, the provider will need to re-register on the Surrey Directory of Providers and List of FEET providers following the standard process.

Appendix 7 – Inadequate appeals process flowchart

Process for appeal following withdrawal of funded early education



Appeals procedure for withdrawal of funded early education from inadequate settings

It is a legal requirement under Section A3.13 of the “Early Education and Childcare Statutory Guidance for Local Authorities” that local authorities should

“Secure alternative provision and withdraw funding from a provider (other than a local authority maintained school), as soon as is practicable, when Ofsted publish an inspection judgement of the provider of ‘inadequate’ or an inspection judgement of a childminder agency of ‘not effective’. It is for local authorities to determine an appropriate timeframe for withdrawing funding. When withdrawing funding local authorities should take into account the continuity of care for children who are already receiving their free hours at a provider or with an agency registered childminder and Ofsted monitoring information about the provider or agency.”

Whilst the statutory duty on local authorities to withdraw funding from provision that is judged to be inadequate is clear and cannot be changed, the local authority does have discretion in relation to the timing of when funding will be withdrawn, taking into consideration continuity of care for children who are already receiving free hours at the setting. This document sets out the grounds on which a provider may appeal the decision, related to the time frame for withdrawal of funding, taken by Surrey County Council’s Withdrawal of Funding Panel and the procedure that will be followed in conducting the appeal.

All providers will be informed of the decision that has been made regarding the timing of withdrawal of funding will be informed of the decision within 2 days of the Withdrawal of Funding Panel and have this formally confirmed by letter within 10 working days. This letter will inform notify them of their right to appeal the decision should they wish to.

Grounds for an Appeal

An appeal can be made in relation to the decision about the timing of withdrawal of funding on one or both of the following grounds:

- On the merits of the panel’s decision, e.g. the panel did not act reasonably or failed to take into account relevant information presented
- That the Council did not follow its published procedure in conducting the Withdrawal of Funding Panel process.

Exercising the Right to Appeal

Appeals must be submitted within 10 working days of notification of the Council’s decision to withdraw funding to the Head of Market Strategy.

They can be contacted in writing to:

Head of Market Strategy
Surrey County Council
County Hall
Room 314

Penrhyn Road
Kingston upon Thames
KT1 2DW

The appeal must state the grounds for the appeal and give as much information as possible to assist the panel in their decision whether or not to uphold the appeal.

Consideration of Appeals

Once the notification of the appeal is received by the Head of Market Strategy the following process applies:

- An appeals panel composed of the Head of Market Strategy (Chair) and two senior early years managers will consider all appeals. These managers must not have been involved in the original Withdrawal of Funding Panel.
- One manager from the original withdrawal of funding panel will be invited to attend the appeal panel meeting to provide information regarding the original decision and answer questions regarding the process followed by the panel. This manager will not participate in deciding the outcome of the appeal.
- The appeal panel members will consider information provided by the panel member, the formal correspondence sent to the provider and the minutes of the original panel and review the decision process and grounds for appeal.
- The appeal panel members will then record whether the appeal is upheld or not upheld.
- The appeals panel will inform the provider of its decision and findings in writing within 5 working days following the appeal meeting.
- If the decision about the timing of withdrawal of funding is upheld Surrey County Council will write to the parents of the children claiming their funded early education hours at the setting to advise them that funding is being withdrawn and the related timescales. These letters will be sent out within 10 working days of the appeal panel.
- If a provider receives an Ofsted inspection before the funding is withdrawn and the inspection outcome is no longer inadequate then the funding will continue with the provider.
- If the decision on timing of withdrawal of funding is not upheld, the Appeal will set an alternative timeframe for withdrawal of funding – this will either be at the end of the current term or at the point when the provider's next Ofsted inspection judgement is published, assuming that this remains an inadequate outcome. Surrey County Council will continue to offer a support package dependant on need and the provider will continue working with Surrey County Council to deliver their improvement action plan.

Appendix 8 – Charging

Can I charge parents?

You cannot charge a parent a 'top-up' fee (the difference between a provider's usual fee and the funding they receive for their child's funded part time early education. Early Education and Childcare Statutory Guidance for Local Authorities states that local authorities should 'ensure that early education places are delivered completely free to parents.' Please take this into account when working out invoices/bills, as you must not charge any top-up fees and you must not charge parents in advance and then refund them once you have received your payment from us.

What if a child goes to my setting for more than their funded hours?

If a child goes to your setting for more than the maximum funded entitlement, or for hours outside your FEE sessions as detailed in your information for parents or Terms & Conditions the parent must pay you for the additional time. Please note that children funded by FEET must be able to access their entitlement with no additional charge. A session length for the delivery of FEET should not be set so that a parent has to pay for any additional time unless they wish to. Children moving from FEET to FEE should be able to continue to access the same hours, terms and conditions they were accessing under FEET if they request to do so.

It is your responsibility as the provider to make arrangements with the parent to pay for any additional services. You should make parents aware in writing of any charges for additional services before they take up their funded place. Your offer for delivery and charging should be clear and transparent so that parents understand what they will be charged for and how much this will be.

You must give parents information on FEET and FEE and run a clear and transparent invoice system, which does not show a charge for the funded entitlement. The invoice should include the number of funded hours and detail of what the charges apply to. Providers should require parents to sign to confirm that they have read and understood the charging arrangements.

Where a child is only accessing FEET or FEE at your setting there is no need to send parents an invoice.

Appendix 9 - Funding

Funded Early Education for 2 year olds (FEET) is a government initiative that funds 15 hours of early education for 2 year old children who would benefit most from early access to childcare.

Funded Early Education (FEE) for 3 and 4 year olds enables all parents to access 15 or 30 hours of funded early education a week for their child.

Parents must make sure their chosen early years provider is registered with SCC and on the Directory of Providers to offer Funded Early Education for 3 and 4 year olds or on the List of FEET Providers to offer FEET.

Which providers qualify to offer FEET?

- A childminder registered with Ofsted or a childminder registered with a childminding agency which is registered with Ofsted.
- Private, voluntary and independent providers registered either on the Ofsted Early Years Register as a childcare provider or with the Department for Education as an independent school.
- Nursery schools, nursery classes or units funded by the local education authority.
- Academies.
- Funded schools.

To qualify, your setting needs to:

- have received an outstanding or good Ofsted outcome
- be a new provider registered with Ofsted awaiting your first full Ofsted inspection judgement to be published
- have an Ofsted inspection judgement of 'met' until your Ofsted quality inspection judgement is published.

Or, if you received a satisfactory or requires improvement outcome and are in a high priority area for FEET, we will consider your application on an individual basis. If you have received an inadequate Ofsted outcome you do not qualify.

Are there any other requirements for registering for FEET?

Prospective providers need to make sure that they:

- are registered with Ofsted or with the Department for Education as an independent school
- are able to meet the requirements of the EYFS
- are able to meet the needs of all children, including those with additional needs, and/or disabilities, and will promote equality of opportunity
- have a named Special Educational Needs Co-Ordinator (SENCO) who works in the setting
- have a named designated child protection officer (Designated Safeguarding Lead - DSL) or a deputy DSL on duty at each setting*
- produce a Local Offer, outlining the provision they put in place for children with additional needs, as outlined in the SEN Code of Practice 2014. For more information contact your Supporting Children Advisor.

* As required by the Surrey Safeguarding Children Board.

What is the timetable for applications?

An early years provider can apply to be registered for the List of FEET Providers at any time and registration can be completed within a short time scale provided the early years setting meets the quality criteria for FEET funding. We cannot backdate funding prior to registering on the List of FEET Providers.

We will refuse your application if:

- it does not meet the application conditions
- you do not comply with the Statutory Framework for the EYFS.

We reserve the right to refuse an application and vary the criteria should the need arise. If we refuse your application we will send you a letter explaining why and give you information about the appeal process.

What happens once my setting is registered?

SCC will issue you with a Department for Education unique reference number (DFE URN) in addition to your Ofsted URN. Once your application has been approved you will be able to claim the funding immediately. You will find all the forms you need to claim funding at www.surreycc.gov.uk/fundedearlyeducation

What happens if I am already claiming for FEET children and receive an Ofsted outcome of requires improvement or inadequate?

If you receive a requires improvement Ofsted inspection outcome we will contact you to discuss whether your setting will be able to remain on the List of FEET Providers and what support we might be able to offer.

If you receive an inadequate Ofsted inspection outcome, Ofsted will notify us before the inspection report is published. At the point of notification, we will not agree to provide FEE or FEET funding for any further children at your setting. (See also section 10)

In exceptional circumstances, we may continue to fund children in a setting with an Ofsted inspection outcome of inadequate.

How do I withdraw from the List of FEET Providers?

If you choose to withdraw, you must tell the Finance and Practice Team in writing. If you withdraw part way through a funded period you will need to repay any funding already paid to you for that funded period.

You should write to individual parents giving at least a term/three months' notice to allow them to make alternative arrangements.

Which providers qualify to offer FEE?

- A childminder registered with Ofsted: or a childminder registered with a childminding agency which is registered with Ofsted.
- Private, voluntary and independent providers registered either on the Ofsted Early Years Register as a childcare provider or with the Department for Education as an independent school.
- Schools, nurseries or classes funded by the local education authority.
- Academies.
- Funded schools.

To qualify, your setting needs to:

- have received an outstanding or good Ofsted outcome
- have received a satisfactory or requirements improvement or you are registered with a childminder agency judged 'effective' by Ofsted and a parent want their child to take up their funded place with you.
- be a new provider registered with Ofsted awaiting your first full Ofsted inspection judgement to be published
- have an Ofsted inspection judgement of „met“ until your Ofsted quality inspection judgement is published

If you have received an inadequate Ofsted outcome you do not qualify.

Children going to a non-maintained (independent) school are able to claim FEE funding from us until they are of statutory school age, which is the term after their fifth birthday.

Are there any other requirements for registering for Funded Early Education for 3 and 4 year olds?

Prospective providers need to make sure that they:

- are registered with Ofsted or with the Department for Education as an independent school
- are able to meet the requirements of the EYFS
- are able to meet the needs of all children, including those with additional needs, and/or disabilities, and will promote equality of opportunity
- have a named special educational needs coordinator (SENDCO) who works in the setting
- have a named designated child protection officer (DSL) or a deputy DSL on duty at each setting*
- produce a Local Offer, outlining the provision they put in place for children with additional needs, as outlined in the SEN Code of Practice 2014. (For more information contact your supporting children advisor).

* As required by the Surrey Safeguarding Children Board.

What is the timetable for applications?

An early years' provider can apply to be registered on the Surrey Directory of Providers at any time and registration can be completed within a short time scale provided the early years

setting meets the quality criteria for FEE funding. We cannot backdate funding prior to registering on the Surrey Directory of Providers.

We will refuse your application if:

- it does not meet the application conditions
- you do not comply with the Statutory Framework for the EYFS.

What happens once my setting is registered?

SCC will issue you with a Department for Education unique reference number (DFE URN) in addition to your Ofsted URN. Once your application has been approved you will be able to claim the funding immediately. You will find all the forms you need to claim funding at www.surreycc.gov.uk/fundedearlyeducation.

How do I withdraw from the Surrey Directory of Providers?

If you choose to withdraw, you must tell the Finance and Practice Team in writing (see appendix 1 for contact details). If you withdraw part way through a funded period you will need to repay any funding already paid to you for that funded period.

You should write to individual parents giving at least a term/three months' notice to allow them to make alternative arrangements.

Further information about funding

How many hours is each child entitled to?

Children are entitled to a maximum of 570 hours per year for the universal entitlement or 1140 hours for the extended entitlement. This is either delivered over 15 hours or 30 hours per week for a maximum of 38 weeks a year or for fewer hours for more weeks in the year although the total number of hours will remain 570 or 1140 per year.

What is a funded period?

Each financial year is divided into three funded periods as set out below:

TERM TIME	Autumn 2018	Spring 2019	Summer 2019
Maximum no of hours	210	165	195
Maximum no of days if open 5 days a week	70	55	65
Maximum no of weeks	14	11	13

STRETCHED – evenly across the year		Maximum 52 weeks = 10.96 hours
Maximum number of hours		
1 September – 31 December	1 January – 31 March	1 April – 31 August
189.9 hours	147.7 hours	232.10 hours

Due to where the school Easter holidays fall in 2019, the first week of April is counted in the Summer funded period and therefore there are 11 funded weeks in Spring (1 – 31 March) and 13 funded weeks in Summer (1 April – 31 August).

Please be aware of the following:

- You can complete your claim for Returning Children from 1 April 2019.
- From 1 April 2019, you can also claim for children already in your setting but first eligible to claim in the Summer funding period.

- All new children starting at your setting after the Easter Holidays should have a start date of 23 April 2019 or later.

When completing your Provider Agreement please note that if you are only open between Monday to Friday when entering in your closed days you should **not exceed** the maximum number of funded days as above.

You can choose when you open but you cannot exceed the maximum number of days allowed for each funded period. If you want to follow Surrey school term dates they can be found at www.surreycc.gov.uk/schools. You are now able to take inset days but these should be shown as closed days and you will not be funded for those days.

You will be funded for the May Day Bank Holiday but not for any other Bank Holidays if you show this as an open day in the Early Education Portal. It is therefore counted as one of your open days.

How much is the funding worth?

The funded early education is not about cash. The funded early education is a guarantee of a funded place. It is not a voucher and it is not a subsidy for parents. It is worth something to the provider, but not to the parent.

The rate paid to providers for FEET is £5.88 per hour per child.

The rate paid to providers for FEE is £4.60 from 1 April 2018 per hour per child for universal and extended hours.

What happens when a child starts or leaves a setting, or changes the number of funded hours after the headcount date?

At the beginning of each funded period every parent should fill in a SCC Declaration Form.

A child who starts at a setting and claims either term time or stretched will have to continue with this offer until the funded period after their next birthday. You should make sure parents are made aware of this before the child takes up the funding.

Headcount date is a date set each funded period when settings record how many hours each child is taking as FEET or FEE that term. **Headcount date will always be the Tuesday after your first full week in the funded period so will vary from setting to setting.** We will fund eligible 3 and 4 year olds who are at your setting on headcount day for the whole funded period as long as they didn't start the funded period at another setting or give notice before the start of the funded period that the child will be leaving, or falls into one of the categories below. When making the first claim for a FEET funded child you can only claim from the date the application was received and agreed by the Finance and Practice Team. If you are unsure of this date please contact the Finance and Practice Team.

If a child leaves and **you are not able to fill their place** we will not generally reclaim funding although there are some circumstances where the funding can be reclaimed including:

- an inadequate outcome following an Ofsted inspection
- the child moves house
- there is a change in a parent's employment circumstances
- where a child has special needs and a different setting would be more appropriate.
- where there has been social worker involvement.

You must tell us if another child uses those hours, otherwise we'll be paying you twice for the hours.

If a child joins your setting after the headcount date we will pay you from the day that the child starts with you unless the child had been going to another setting. In this case we will not fund the child and you will need to charge the parents your usual fees.

If a parent wishes to change their child's number of funded hours at your setting after the head count date, you must ask them to fill in a change of hours request form (you keep this form). You can download these forms from www.surreycc.gov.uk/fundedearlyeducation. You will then amend the hours in the Early Education Portal.

What if a child takes up their funded place part way through the year?

If a child takes up their funded place part way through the year, the number of hours will be adjusted to reflect the portion of the year remaining.

How will you know when I am open each funded period?

You will need to complete this information in the Early Education Portal.

You must let the Finance and Practice Team know if for any reason you make any changes to the dates you have entered in the Early Education Portal by sending us a Data Correction Form. This can be downloaded from www.surreycc.gov.uk/fundedearlyeducation

What if I sell the setting or move the setting to different premises?

Change of ownership: As soon as you know the registered person for your setting is going to change you **must** email the Finance and Practice Team to ask for a re-registration pack. The new registered person **must** re-register with SCC in order to offer FEE and FEET places. You **may** also have to re-register with Ofsted.

Committee run groups that have a change of chairperson do **not** need to re-register with Ofsted but **should** tell the Finance and Practice Team in writing of the change. They will **not** need to re-register on the Directory of Providers or reapply to the List of FEET Providers.

What if I am closed unexpectedly?

If your setting is closed for example due to snow, or other unplanned incidences, you need to advise us by contacting 01372 833811 or free.earlyeducation@surreycc.gov.uk. In most cases we will not remove the funding for these days. If you are a childminder and unable to work due to short term illness you will need to advise your parents and ourselves.

Depending on the circumstances we may remove the funding for the period of closure. When this occurs the child's claim in the Early Education Portal must be amended with a Leavers Date to allow another provider to claim the balance of funding.

What happens if a child is absent?

If a child is absent you retain the funding as you will be holding a place open for the child. Where this is an extended leave of absence you must obtain a return date for the child in order to keep the place open.

Change of setting address: As soon as you know that you will be moving to new premises the registered person **must** email the Finance and Practice Team to inform them of the new address. You **may** also have to re-register with Ofsted.

What records do I need to keep and for how long?

As a person or organisation holding personal data, your setting must be listed on the Public Register of Data Controllers held by the Information Commissioners Office. For more details call the Information Commissioners Office on 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate number or visit www.ico.org.uk

Your setting must keep all SCC Declaration Forms, Change of Hours Forms and Registers for a minimum of seven years in case of an audit. If not kept on site, records must be stored locally. You do not need to keep copies of birth certificates or passports.

Why is the annual early years' Census important?

Central government bases the funding SCC gets on the number of children reported in the Department for Education annual Census each January. All providers must complete full and accurate Census data in the Early Education Portal by the given date, to make sure we are given the right amount of funding each year. If you do not return the data on time we may remove you from the List of FEET Providers and the Directory of Providers. This would mean that you could not offer FEET or FEE.

What information do I have to give parents?

Before parents take up a funded place you must tell them in writing:

- about charges for any extra time
- the charges for extra services including snacks and/or lunch
- the payment and invoicing processes for extra services, including timescales
- the contractual arrangements relating to notice periods
- the implications for the parent if you do not offer 38 weeks a year
- how the funded early education is arranged in the setting (core Funded Early Education for 2, 3 and 4 year olds hours, optional extra services such as music or French lessons)
- charging policy for unexpected closures (for example the weather or flu)
- of any implications where you stretch the funded early education throughout the year and a child leaves your setting during a funded period.

You should also make a copy of the Provider Agreement available to parents.

Surrey Family Information Service has leaflets for parents on FEET and FEE which are also available online in the new academic year via www.surreycc.gov.uk/fis

How does the claim system work?

Before we can pay you, you must have completed your Provider Agreement in the Early Education Portal.

In each funded period there will be a headcount day. This will usually be the Tuesday after the first full week that you are open in the funded period. The headcount date for the current funded period is shown on your home page of the Early Education Portal.

You can only claim for the number of hours for which the child's parent has asked you to claim.

You must keep a daily register. You should:

- fill it in using a pen
- clearly indicate who is present on any given day
- use consistent codes for non-attendance with an explanation. You may like to use the following Surrey schools codes, not all will be relevant to you:
- / morning attendance
- \ afternoon attendance
- H holiday of 10 days or less
- F holiday of more than 10 days
- I illness
- N no reason supplied for absence
- L Late

- **R** Religious observance
- **Y** Setting is unable to open (for example due to poor weather or damage to building).
- You may also need to record additional information in line with the Statutory Framework for the EYFS.

If a child is registered to go to your setting on set days, but is regularly absent you will need to be able to show an auditor the reasons that you have claimed for that child for those days. You may be asked to show, for example, what steps you have taken to make sure that the parents are aware of their entitlement and the attendance requirements at your setting.

Where you know that a child is likely to be absent for more than two consecutive weeks within a funded period you may claim FEET or FEE only if the parent has given you a date when the child will return to your setting.

Early years Declaration Forms are available to download from www.surreycc.gov.uk/fundedearlyeducation. **Please make sure you use 2018-19 forms.**

Appendix 10 – Payments

SCC is committed to delivering monthly payments for all providers from September 2019. This will enable SCC to fully consult with the early years sector and ensure that robust systems for monthly payments are in place. SCC will invite a number of providers to participate in a monthly payments trial during the academic year 2018/2019.

Currently, if a provider has made a claim or have amended a claim for funding in the Early Education Portal by the last day of the month, they will be paid by the 15th of the following month (or nearest working day).

Estimate payments

Universal hours:

We will pay this to you automatically (unless you are a childminder or a new setting) by the end of the first week of the funded period. It will be approximately 60% of what you were paid for the same term last year. For example your estimate payment for Autumn 2018 will be approximately 60% of what you were paid for the Autumn term 2017. There is the option of a second estimate payment if numbers last year were significantly lower than the current funded period (which would mean a low payment).

If you are a new setting you will need to contact the Finance and Practice Team for an Estimate Claim Form, as we will have no history on which to base the payment.

If you are a childminder or claiming FEET funding you will always need to fill in an Estimate Claim Form if you would like an estimate payment. This is because the number of hours you claim tends to vary significantly. The forms are available to download at www.surreycc.gov.uk/fundedearlyeducation. Please make sure that you use the form for the correct funded period.

If you need to ask for a second estimate payment please contact the Finance and Practice Team for an Estimate Claim Form and make sure you send it back by the deadline stated.

Extended hours: For the current year you will need to complete a 30 hours Estimate Claim Form to apply for payments for the additional hours (over and above the Universal hours). We will pay 60% of the value of the hours indicated on your Estimate Claim Form.

How do I get a balance payment?

You will use the Early Education Portal to claim for the children. You must make sure that all data submitted to SCC is accurate. For all claims in the Early Education Portal by the end of the first month you will receive the balance (value of claims less the estimate payment) on the 15th of the following month (or nearest working day).

Making claims in the Early Education Portal for both funding options:

Children for whom you are claiming for the first time, their parents will need to fill in a SCC Declaration Form. You should not fill in any of the child's details yourself. The form asks for details that the Department for Education need for statistical purposes. We use this information when assessing take up of certain family groups and for planning purposes. You need to be aware that you can only claim FEET or FEE once you have received a completed SCC Declaration Form. You will use the Early Education Portal to claim for your new children. Please refer to the user guide on the Early Education Portal for instructions on how to claim funding.

Children who were funded the term before, and still qualify, will be on the Early Education Portal under Returning Children. Please refer to the user guide on the Early Education Portal for instructions on how to claim funding. You can only claim funding for a returning child if you have a SCC Declaration Form for the new funded period.

If you do not have a SCC Declaration Form or the child has not attended at all in the current funding period, you cannot claim hours for them. For each child you will need to state whether or not they are returning. If they are returning, you will need to enter the pattern of hours that each parent has asked you to claim for their child and confirm that the child has actually returned to the setting. This means that this cannot be done in advance.

If a child has moved house please update their address details.

Please do not use your own versions of the forms. You should use only the forms you've downloaded from www.surreycc.gov.uk/fundedearlyeducation.

If you are unable to claim FEET or FEE for a child because the parent has not completed the SCC Declaration Form, you may wish to charge the parent your full fees.

Do I need to get parents to do anything else?

All parents must complete a SCC Declaration Form each term. This is the contract between them and yourselves for the funding and contains all the required terms and conditions. It also discloses any other provider that the child is attending and reduces the risk of over claims.

For the first SCC Declaration Form you will need to see the child's birth certificate or passport to prove they qualify for a funded part-time early education place and to show the child's legal identity and record this on the SCC Declaration Form.

You must ensure that parents fill in their address and postcode and that the name of the child is their **full legal name** (as stated on the birth certificate or valid passport). You should not complete any of the information requested on the front of the page.

You will need to securely store the forms for seven years in case auditors want to see them. All forms should be stored locally.

You do not need to store photocopies of birth certificates or passports and you should not do so unless you can store them securely. Please record the child's details accurately - any errors cause delays in the administration and payment process.

You will need to give every parent a copy of the Privacy Notice. You must add details relating to your setting in the appropriate places.

You can download the SCC Declaration Form and Privacy Notice from www.surreycc.gov.uk/fundedearlyeducation.

What do I do if a parent changes their mind after the headcount?

If a parent wishes to reduce or increase the amount of their child's FEET or FEE hours with you after the headcount date you will need to change the hours in the Early Education Portal. Please refer to the user guide in the Early Education Portal for instructions on how to claim funding.

The parent will also need to fill in a change of hours form. You will need to keep the change of hours form for seven years. You can download the form from www.surreycc.gov.uk/fundedearlyeducation.

Remember that a child who goes to more than one setting may already be getting the maximum funding and we may not be able to pay you for the increase in hours at your setting. Also, if a child has been to another setting you may not get funding as it will have been paid to the other setting.

What do I do if a child moves settings within a funded period?

Once a parent has filled in a SCC Declaration Form they will know that their child will not be funded if they move to another setting, unless there are exceptional circumstances. The new setting will be entitled to charge the parents their normal fees.

What do I do if a child starts at my setting after the headcount?

As long as the parent did not fill in a SCC Declaration Form for another setting and the child did not start at the other setting or school we will pay you from their first day with you.

Can I backdate claims?

No, claims have to be made during the funded period in which the child takes up or uses their funded early education place. If a parent has given you the relevant forms on time but due to an administrative error the child has not been funded, you can contact the Finance and Practice team, who may, in exceptional circumstances, add a late claim to the Early Education Portal for you.

Late claims will only be accepted up to 6 weeks into the new funded period.

What happens if you pay me too much money?

There may be times when we pay you too much money. This can happen if you receive an estimate payment for more children than you actually claim for or children leave or reduce their sessions during the funded period. When this happens, we will send you an invoice. We will send invoices around 6 weeks following the end of the funded period. This means that you won't be expected to pay invoices during the longer holiday periods but you may need to take this into account in your business processes.

Audit of records

The Finance and Practice Team and SCC's auditors visit a sample of settings to look at records kept relating to FEET and FEE. If we are going to visit you we will usually contact you to arrange a mutually convenient date and to tell you what documents you will need to show us.

Under Section 9 of the Childcare Act 2006, local authorities have the power to place conditions of funding on providers of childcare. If a provider fails to meet the conditions set by SCC (in this Provider Agreement), you may need to repay us all or part of the funding you have been paid for FEET or FEE and you may be removed from the Surrey Directory of Providers and/or List of FEET Providers. We may also contact parents directly if necessary.

Appendix 11 – Termination and withdrawal of funding

Will I still be able to claim FEET/ FEE funding if?

- The setting receives an Ofsted inspection grading of Inadequate
- The setting's registration is suspended by Ofsted
- We do not meet the Safeguarding & Welfare Requirements Statutory Framework for the EYFS 2017
- We do not comply with other legal requirements, for example - health and safety, disqualification, data protection
- We commit fraud or misappropriate funds or grants
- We are not able to produce SCC Declaration Form signed and dated by the parent or carer when requested
- We do not return the Spring headcount and early years Census Form by the given date
- We do not safeguard children from abuse as set out in Working Together to Safeguard Children 2015
- We are in clear breach of the SSCB procedures manual to safeguard children from abuse and neglect
- We do not comply with the fundamental British values as set out in HM Government Prevent

No. Being in breach of any of the conditions set out in this Provider Agreement 2018 - 19 may result in the provider be withdrawn from the list of FEET providers and/ or the Surrey Directory of Providers. Withdrawal means you will not be able to claim funded early education for 2, 3 and 4 year olds until you are compliant again. If you are withdrawn from the list you will need to re-register, following the standard process.