

Charging Guidance for Delivery of Funded Entitlements

September 2023 – March 2024

Version 1 – September 2023



SURREY

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1 Overview

1.1 Throughout this document:

- SCC means Surrey County Council
- Council means Surrey County Council
- Parent(s) means a parent or legal guardian
- Provider(s) means any group, organisation, school or childminder providing registered childcare and “**Service Provider**” shall have the same meaning.
- Provider Agreement means Surrey County Council Funded early education for two, three and four-year-olds Provider Agreement
- EYFS means Early Years Foundation Stage
- Early Years Funded Entitlement means the 15 and 30 hour entitlement
- FEE means Funded Early Education (for three and four-year-olds)
- FEET means Funded Early Education for two-year-olds available to eligible parents
- Universal hours means the first 15 hours of funded early education available to all parents
- Extended hours means the second 15 hours of funded early education available to eligible parents
- Statutory Guidance means Department for Education Early education and childcare Statutory guidance for local authorities dated April 2023

2 Purpose

- 2.1 The purpose of this charging guidance is not to replace or depart from statutory guidance or the Provider Agreement, but as supplementary guidance to support providers when interpreting and applying the regulations to their charging arrangements.
- 2.2 Government funding is intended to deliver 15 or 30 hours a week of funded, high quality, flexible childcare. It is not intended to cover the costs of meals, other consumables, additional hours or additional services.¹
- 2.3 The FEE Scheme provides up to 15 or 30 hours per week of funded childcare for children aged 2, 3 or 4 years old (subject to eligibility criteria) until they reach compulsory school age. The benefits of early education for child development are well-established and providers offering a compliant and flexible approach to entitlement will support children and families.

3 FEET

- 3.1 A child will be entitled to the funded hours from the term after both of the following conditions are satisfied: (1) the child has attained the age of two; and, (2) the child or

¹ A1.24 Early education and childcare Statutory guidance for local authorities dated April 2023

parent meets the eligibility criteria. The eligibility criteria are set out in the Provider Agreement (*Section 4 Eligibility*)

- 3.2 A child remains eligible for a FEET place until they qualify for the universal entitlement for three and four year olds.

4 FEE

- 4.1 All children are eligible for 15 hours per week, for 38 weeks per year of funded childcare and education, a Universal entitlement from the term following their 3rd birthday.
- 4.2 A Universal place of 570 hours per year, is to be taken over no fewer than 38 weeks per year and up to 52 weeks per year.²

5 Extended Hours Entitlement (30 hours)

- 5.1 A child will be entitled to the additional funded hours from the term after both of the following conditions are satisfied: (1) the child has attained the age of three; (2) the child's parent has a current positive determination of eligibility from HMRC i.e. a valid 30 hours funded childcare eligibility code.³ Please refer to SCC Provider Agreement, Section 4 Eligibility for satisfying criteria.
- 5.2 Children of families satisfying the eligibility criteria can access an additional 570 hours per year, totalling 1140 hours, these can be taken over no fewer than 38 weeks per year. Where a provider is open for fewer than 38 weeks, they must inform parents that they will not be able to use their full entitlement.
- 5.3 A provider may offer these hours over more funded weeks by stretching the entitlement, for example 1140 funded hours stretched over 51 weeks per year equates to 22.34 hours per week.

6 Flexibility

- 6.1 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

² A1.6 Early education and childcare Statutory guidance for local authorities dated April 2023

³ A1.9 Early education and childcare Statutory guidance for local authorities dated April 2023

- 6.2 Subject to the standards set out in 6.1 above and A2.4 Statutory Guidance, there is no requirement that funded places must be taken on, or delivered on, particular days of the week or times of the day.⁴
- 6.3 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.

7 Consistency

- 7.1 Providers should deliver the funded entitlements consistently, so that all children within a setting accessing any of the funded entitlements receive the same quality and access to provision, regardless of whether they opt to pay for optional hours, services, meals or consumables.⁵

8 Informing parents

- 8.1 The provider should publish their admissions criteria and ensure all information regarding their offer is clear and transparent, ensuring the admission policy is made available to parents in advance of the child's admission at the provision and in advance of the funded entitlement commencing, if different.
- 8.2 Parents should be fully informed of their funded entitlement and how their funded hours can be taken. Providers should provide details of days/hours in which FEET/FEE/Extended hours can be taken, ensuring a flexible offer.
- 8.3 Providers should ensure parents are aware of the options available, for example, can they access their entitlement over a full year, if so, how many weeks is the entitlement stretched over or is it a Term Time offer. How can a parent access their full entitlement without the condition of paying for additional hours.
- 8.4 Providers should inform qualifying parents of their entitlement of 570 or 1140 hours of funded provision in a year, parents can choose to take less than their entitlement if they so wish.
- 8.5 Parents should be informed, where applicable, that the Early Years Pupil Premium (EYPP) provides additional funds from SCC to the provider in order to support disadvantaged three and four year olds in their setting, and the funds cannot be used to subsidise fees.
- 8.6 Providers may wish to have Funding Entitlement Terms, in addition to standard Terms and Conditions. These could include information relating to the entitlements offered and how charges for meals/snacks and additional hours above the entitlement will be charged. Ensuring parents are aware and agree to the offer in advance will ensure parents are fully informed.

⁴ A2.7 Early education and childcare Statutory guidance for local authorities dated April 2023

⁵ A1.28 Early education and childcare Statutory guidance for local authorities dated April 2023

- 8.7 Providers should be mindful and ensure consistency when children move from one entitlement to another, such as, FEET to FEE or Universal to Extended.

9 Private Fees and additional hours

- 9.1 The Statutory Guidance advises Councils not to 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.⁶
- 9.2 Private additional hours over and above funded entitlement is a contractual arrangement between the provider and the parents. SCC will not intervene in private hours, rates and/or arrangements unless these cause barriers or as a condition for families accessing their entitlement.
- 9.3 Providers must ensure the entitlement is free of charge and has no monetary value to the parents and can not be treated as a subsidy for invoice and fee rate purposes.
- 9.4 Providers cannot charge a 'Top Up Fee', the difference between a provider's normal charge to parents and the amount received from SCC to deliver funded places.⁷

10 Deposits and advance fees

- 10.1 Providers cannot require parents to pay a registration fee as a condition of taking up their child's funded place.⁸
- 10.2 A registration fee and/or deposit can be applied if parents book additional hours over and above their child's entitlement, the registration fee would be payable based upon the private hours booked.
- 10.3 Providers can charge parents a refundable deposit to secure their child's funded place but must refund the deposit in full to parents once the child's data has been submitted on the initial headcount. Providers must not charge parents in full in advance and then refund them once you have received your payment from SCC.
- 10.4 Providers cannot charge an administration fee for funded only places.

11 Food and Consumables and Additional Services

- 11.1 Providers can charge for meals and snacks as part of a funded entitlement place and can also charge for consumables such as nappies and sun cream, and for services such as trips and extra-curricular activities. Parents can therefore be expected to pay for these, although these charges must be voluntary for the parent.⁹

⁶ A1.27 Early education and childcare Statutory guidance for local authorities dated April 2023

⁷ A1.30 Early education and childcare Statutory guidance for local authorities dated April 2023

⁸ A1.30 Early education and childcare Statutory guidance for local authorities dated April 2023

⁹ A1.25 Early education and childcare Statutory guidance for local authorities dated April 2023

- 11.2 Providers should have effective communications systems to ensure parents are aware of voluntary costs, we recommend this is in writing or in a method which is easily accessible to the parent.
- 11.3 Providers are responsible for setting their own policy whereby a parent is unable or unwilling to pay for meals and consumables. Such options could be, but not limited to, parents providing their own meals, snacks and consumables, provider reducing the costs or waiving charges.
- 11.4 Providers should be mindful of the impact of additional charges on disadvantaged families.¹⁰
- 11.5 Providers can not apply 'additional services' as an hourly charge. These non-obligatory charges should be clearly detailed in providers literature and charges made sessional/daily/weekly/monthly/termly.
- 11.6 Chargeable 'Additional Services'/'Premiums' which are voluntary to parents should only include items or services which are not considered part of the delivery of high-quality education through the EYFS, which is covered by FEET and FEE funding:
- Consumables: any items that are intended to be consumed and replaced and are not durable.
 - Utilities and facilities: These are business costs and are available to all children and would not be additional to the funded entitlement.
 - Play equipment and learning resources: These are a business cost and a requirement of the EYFS and therefore not additional to the funding.
 - Staffing costs, including staff training: Not an additional service, the EYFE requires providers to 'support staff to undertake appropriate training and professional development opportunities to ensure they offer quality learning and development experiences for children that continually improves' (EYFE 3.20)
 - Craft and stationery: Not generally included, business costs and essential items to delivery EYFS would not be considered additional to the funding.
 - Essential care items: bedding and blankets are essential to providing care for children and are not covered. First aid items are an essential business cost and a requirement under Health and Safety legislation and are not additional.
 - Computer software and on-line journals and tracking systems: Computer software is a business choice and cost. On-line tracking and journals are a business choice and cost. The requirement to track children's progress is required by the EYFS.
- Extra-curricular activities and outings: These are additional services and parents can expect to pay for these, however providers should be mindful of the cost to parents.

12 Invoices

- 12.1 Providers need to ensure their invoices and receipts are clear, transparent and itemised allowing parents to see that they have received their child's entitlement completely free of charge and understand fees paid for additional hours or services.¹¹
- 12.2 Invoices should:

¹⁰ A1.25 Early education and childcare Statutory guidance for local authorities dated April 2023

¹¹ A1.33 Early education and childcare Statutory guidance for local authorities dated April 2023

- Identify FEET/FEE/Extended hours clearly, showing the hours accessed during the billing period with no monetary value.
- Not show funding amount received from SCC as a monetary subsidy or deduction from normal fee charges (Top Up Fee)
- Clearly itemise charges for meals/snacks/consumables and additional service charges, where payment for these has been confirmed by prior agreement.
- Charges for additional hours are clearly described.
- Ensure the rates charged are the same as the charging rates disclosed to parents at point of admission or as informed in line with providers Terms and Conditions for fee reviews.
- Include details of any discounts, for example sibling discounts.

Additionally, invoices should include the providers details, name and address, the parent and child's name and identifying details, such as reference numbers, invoice numbers and the billing date and period.

Invoice Template Example

In this invoice example the child is attending the nursery 4 mornings per week (5 hour sessions), accessing 15 hours FEE entitlement, with an additional morning privately charged per week. The parent has agreed to the meals, snacks and consumables charge per session. It follows all of the principles outlined in section 12.2.

Provider Details: Name and address		Option - Could include company or charity or registration number	
Invoice To Parents name and address		Date of Invoice Billing/Invoice period Child's Name	Option – Could include reference or invoices numbers
Invoice Breakdown			
Fee 15 Hour Entitlement		£0.00	
1 x AM Session per week @ £25.00 x 4 sessions		£100.00	
Lunch @ £4.00 x 12 sessions (For FEE entitlement sessions)		£60.00	
Snacks @ £0.50 x 12 sessions (For FEE entitlement sessions)		£6.00	
Consumables @ £0.50 x 12 sessions (For FEE entitlement sessions)		£6.00	
(Discounts – Sibling discount, promotional discount)		- £0.00	
Option – details other charges i.e. Late charges, Extra-Curricular activities.			
Invoice Total			£172.00
➤ Could include an accumulative balance to show credit/debit balance brought forward from previous months.			
Terms of Payment			
➤ Include details of when fees are due i.e. Fees are due by DATE or Within xxx days of receipt of this invoice.			
➤ Could include how to pay with Bank Transfer details			
➤ Result if payment is late, is there a charge?			

13 Breach of requirements

- 13.1 SCC intends positive relations with providers and has dedicated teams to offer support and guidance. The council has a statutory duty to ensure legislation and regulations are adhered to by ensuring providers are compliant.
- 13.2 SCC takes any compliance breach seriously and will follow the Compliance Process detailed in section 15 of this guidance to establish if a breach has occurred.
- 13.3 Where a provider fails to rectify a breach within the time prescribed by SCC they will be issued with a Compliance Notice. A Compliance Notice will give the provider details of the breach and actions required to rectify within a set timescale. Failure to comply with the notice could result in the provider being removed from the Directory of Providers.

Failure to comply with a Compliance Notice – Process 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.

1. Deadline date for action passed from the Compliance Notice - Provider advised not to offer places to new funded children.
2. Provider invited to panel within 6 weeks of the compliance deadline date - Letter sent advising provider of time date of the panel. Provider given the opportunity to submit evidence including progress towards actions set and/or why action could not be met within the timeframe. Submission required two working days before panel.
3. EY Senior Commissioning Officer prepare evidence – Senior Commissioning Officer (SCO) prepares evidence of communication, meetings, following Compliance process. SCC Early Years Commissioning Team prepare sufficiency assessment for immediate area. Submission required two working days before panel.
4. Panel convened at least 10 working days after issue of letter - Panel to include a minimum of three senior managers taken from the EY support teams and Head of Commissioning or Service Manager.
5. Panel process –
 - a. Chair introduces panel members.
 - b. SCO presents evidence.
 - c. Provider's evidence is presented.
 - d. Panel reviews evidence and makes decision regarding timeframe for compliance and/or withdrawal of funding.
 - e. Provider informed of decision in two working days.
 - f. Letter follows within 10 working days.
6. Appeal to include panel of three senior managers and one representative from original panel - Provider advised of right to appeal within 10 working days. Appeals procedure followed. Provider advised outcome within three days of appeal panel.
7. Funding withdrawn - Provider informed of funding withdrawal date. Provider informs parents of funded children of intention to withdraw funding. Funded Early Education

team and Family Information Service informed of decision to ensure parents are supported and no further payments are made beyond the agreed timeframe.

14 Audit and Monitoring

- 14.1 SCC intends a proportionate audit strategy and reserves the right to make visits to private, voluntary and independent providers to verify compliance with the Statutory Guidance and SCC Provider Agreement.

15 Complaints and compliance

- 15.1 SCC has a duty to investigate complaints made about a setting and will follow a robust and consistent approach when handling complaints raised regarding the way a setting is applying charges and funded entitlement.
- 15.2 Providers should keep a record of complaints regarding their provision, including complaints raised about charging and funded entitlement.

Early Years FEE Funding Complaints Process

Stage 1 - Enquiry Received

- Enquiry received by the Early Years Commissioning Team.
- The query will be logged.
- An initial email will be sent to the enquirer to confirm the Local Authority Statutory duty and explain next steps and process when dealing with a funding query.
- In the first instance we will request the enquirer discuss their query with their provider. If at this stage the enquirer is not satisfied with the provider response or has already approached their provider, they can request for a member of the Commissioning Team to assess and investigate.
- If the parent resolves the issue with the provider the query will be closed at this stage, if not, the query moves to Stage 2.

Stage 2 - Gathering Information

- The enquirer (Parent/Legal Guardian) must provide written authorisation for the Early Years Commissioning Team to approach the provider and disclose the nature of the enquiry and who has made the enquiry, there may be exceptional circumstance whereby naming the enquirer would not be appropriate and a decision to maintain their privacy will be made.
- The Early Years Commissioning Team will request from the enquirer relevant information, such as invoices, Terms and Conditions, provider/parent contracts, relevant communication and/or literature from the provider relating to the query.
- The Early Years Commissioning team will review available information and research further where needed.
- If the Early Years Commissioning Team can establish and conclude the query at this point, they will write to the enquirer via email to provide an outcome and reasoning. The enquiry will be closed at this stage, if not, move to Stage 3.

Stage 3 - Meeting with Provider

- The investigating officer will contact the provider's management and discuss the nature of the query and the enquirer.
- The provider will be informed of the Local Authority role and statutory duty and the process for investigations. The initial conversation may include a request for further information and documents and give the provider the opportunity to respond to the query. The investigating officer may require a follow up meeting with the provider to establish all information to conclude the investigation.
- Once meetings and/or discussions concluded move to Stage 4.

Stage 4 - Analyse Information against regulations

- The investigating officer will analyse the information, apply to regulations, and conclude the enquiry.
- The outcome and reasoning will be communicated via email with both the enquirer and the provider and include any necessary actions where applicable.
- If either party, the enquirer, or provider are not satisfied with the outcome they can write to the Commissioning Manager stating the reason they wish this to be reviewed. The Commissioning Manager will consider all information and conclude their review, once concluded the outcome will be communicated in writing via email.
- Both parties will be given the link to Surrey County Council Complaints Process, should they require it.

Stage 5 - Review & Further Actions

- If a provider was given actions, the Commissioning Team will review these actions.
- If provider has failed to comply with actions set within the timescale, without sufficient reasoning, the situation will be referred to the Commissioning Manager for a Compliance Notice, further non-compliance could result in the provider being removed from the Directory of Providers.

16 Information and support

For further guidance and support please contact a member of the Early Years Commissioning Team at eycommissioningteam@surreycc.gov.uk

17 Appendix

Resources

- [A guide to Early Education funding in Surrey \(Version 2 September 2018\)](#)
- [SCC Funded early education for two, three and four-year-olds, Provider Agreement](#)
- [Early Education and Childcare Statutory guidance for local authorities, June 2018](#)
- [The Childcare Act 2006](#)
- [The Childcare Act 2016](#)

Declaration form guidance for providers

Use this guidance to support you when reviewing and completing parental declaration forms. There are some top tips included which will hopefully make the process easier for you as a provider. All declarations forms must be kept for a minimum of 7 years to ensure they are available for Audit when requested. We have now produced an annual declaration form that should be resigned each funded period, to reduce admin time and printing costs, this is available as a digitally fillable form on our [providing funded early education webpage](#) and can also be printed.

We have also created a parent guide to completing the declaration form (Early education funding declaration form guidance) based on feedback that parents typically struggle to complete the forms which can result in more admin time for providers. This can also be found on the [providing funded early education webpage](#) and includes sample declaration forms for a term-time claim, yearly stretch claim and termly stretch claim to show how the forms should be completed in each scenario.

Page 1

Provider name and DfE URN

Declaration Form – Child Year 2023/2024 Funded Early Education for 2, 3 & 4 year olds

Provider name	
DfE URN	



Full DfE URN must be included on the form to identify the provider and alleviate misunderstandings and incorrect payments. You can complete this for the parent or provide them with this information to fill-in themselves.

Child details

Child's details - Please use legal names & block capitals.

Child Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Prefer not to say
Child Date of Birth	
Child Legal Forenames	
Child Legal Surname	
Address	
Postcode	

Full legal names must be used for identification purposes. Parents should not use any abbreviations or nick names for the child. You will need to ensure that you have seen identification documents for the child, ensuring that the information that has been provided is accurate.

Eligibility codes

Eligibility codes

	Eligible?	Code:
Is your child eligible for 2-year-old funding?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Is your child eligible for 30 hours of funded childcare?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please provide your national insurance number:	

To be able to check a families' eligibility for the extended entitlement (30 hours), the parent must provide both the eligibility code and their NI number.

If a parent does not know their 2-year-old eligibility code, this can be found by searching for the child on the funding portal.

Page 2

Do not allow parents/ legal guardians to complete this section form in advance. This must be completed each term once the child has started/returned for the first session of the funded period.

Weekly attendance and funded entitlement claim

Autumn funding period (1 September – 31 December).

Setting name	2-year-old funded weekly hours	Universal 3- & 4-year-old funded weekly hours	Extended 3- & 4-year-old funded weekly hours
Start date:		<input type="checkbox"/> Stretched offer <input type="checkbox"/> Term-time offer	
End date (if applicable):			

The actual hours being attended (term-time or stretched) must be included in each of the boxes, this box should not be ticked only.

It must be indicated whether a stretched or term-time offer is being accessed, by a tick or cross in the appropriate box.

Children attending more than one setting

My child is also claiming funded hours at the following setting (including providers outside of Surrey):

Setting name	2-year-old funded weekly hours	Universal 3- & 4-year-old funded weekly hours	Extended 3- & 4-year-old funded weekly hours

For children attending multiple settings, parents/ legal guardians must declare so. They must complete separate declaration forms for each provider.

Page 3

Early Years Pupil Premium

The EYPP claim form has now been combined with the declaration form based on provider feedback. Parents do not have to complete this section, however, can complete the first half of the form to assess if they may be eligible for EYPP. If any of the answers to the first half of the page are yes, then the parent should complete the second half if they consent to an eligibility check.

In order for an EYPP check to be undertaken, this page of the form must be signed and dated.

An EYPP check can be undertaken at any time during the funded period, this section of the form can be revisited at any time throughout the year.

Page 4

Disability Access Fund

Checks for DAF have now been added to the declaration form, if complete this section and are happy for the provider to claim this funding, they will need to provide a copy of their child's DLA entitlement. The signed declaration forms, alongside this evidence will be sufficient for DAF to be claimed.

Parent declaration

It's really important that parents/ legal guardians read and fully understand the declaration. By encouraging this, you should be able to alleviate confusion at a later date.

Page 5

Parent declaration continued

Autumn funded period	
Signature of parent/legal guardian	
Name (please print)	
Date	

No declaration form must be submitted without signature, name and date from the parent/legal guardian completing it. The declaration form is considered invalid without date and signature. This must be resigned within each funded period.

Provider use only

Surrey providers can now only claim funding on a term-time basis but can choose to stretch the funding themselves. Where parents have indicated their child is accessing a stretched offer, providers must complete this section of the form to indicate if the funding is being stretched annually (equal number of funded hours offered each week across the year) or termly (different number of hours offered each term based on number of hours that can be claimed) and over how many weeks the funding is being stretched.

Provider stretching the funding yearly, over 51 weeks:

<input checked="" type="checkbox"/> Yearly stretch	<input type="checkbox"/> Termly stretch		
Over how many weeks? 51	Over how many weeks? Autumn term	Over how many weeks? Spring term	Over how many weeks? Summer term

Provider stretching the funding termly, over 51 weeks:

<input type="checkbox"/> Yearly stretch	<input checked="" type="checkbox"/> Termly stretch		
Over how many weeks?	Over how many weeks? Autumn term 17	Over how many weeks? Spring term 12	Over how many weeks? Summer term 22

This information combined with the number of hours the child is accessing per week, will allow the number of term-time hours to be claimed on the portal to be calculated.