

# **Supplementary Information**

# **Surrey Provider Agreement**

**September 2017**



**SURREY**

This information is supplementary to and forms part of Surrey County Council's Provider Agreement for early years provision of funded childcare.

## 1. Overview - No additional information

## 2. Key Responsibilities - No additional information

## 3. Safeguarding

### **Will I still be able to claim FEET/ FEE funding if there is an allegation made against the owner, manager or other employee of the setting?**

**Maybe.** This will depend on the outcome of the investigation into the allegation and whether the setting has breached the conditions of the Model Agreement. The setting must comply with the advice of the local authority designated officer (LADO) and any Ofsted compliance *and welfare* notices and inform the local authority 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

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 registration or declaration form to make sure this is not happening.

Parents/legal guardians claiming FEET or Funded Early Education for 3 and 4 year olds with you for the first time will need to show you the child's birth certificate or passport to prove they qualify for early education funding and to show the child's legal identity before you submit their registration form to us.

You must make sure that parents/legal guardians 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.

### **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 hours of funded early years provision 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 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 Funded Early Education for 3 and 4 year olds. Surrey County Council 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 they cannot claim their free entitlement as the school will be already funded for that term for the child, even if they are part-time, via Schools Finance.

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

### **Two-year-olds are eligible for 15 hours of funded early year's 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

**Or**

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

- child looked after by Surrey County Council
- 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 service 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 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 Surrey County Council. 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 Funded Early Education for 3 and 4 Year Olds should be able to continue to access the same hours, terms and conditions they were accessing under FEET if they request to do so.

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 will tell you that they are eligible for 30 hours funded childcare and showing you their code. These codes will be 11 digits long and will start with either 11 (temporary codes) or 500. If a parent made an application by phone they will need phone customer interaction line to re-confirm eligibility.

Before you offer the extended hours the code has to be checked to confirm eligibility. To do this the parent needs to fill in the [30 Hours Free Childcare Eligibility Form](http://www.surreycc.gov.uk/freeearlyeducation) as this gives you their permission to ask the local authority to check the code. You'll find this form at [www.surreycc.gov.uk/freeearlyeducation](http://www.surreycc.gov.uk/freeearlyeducation).

Once you have this information and have consent, contact the Finance and Practice Team on 01372 833811. For security reasons you will need to provide all the following information:

- your setting name
- your Funded Early Education URN (you'll find this on your Provider Details screen in the Funded Early Education Portal)
- a contact telephone number
- your setting email address
- the information provided by the parent on the 30 Hours Free Childcare Eligibility Form.

Once you have submitted your 30 Hour Funded Childcare Eligibility Form information Surrey County Council will contact you with the results of the eligibility check. If the child is eligible we will provide you with the Validity Start Date, Validity End Date and Grace Period End Date.

Thereafter, Surrey County Council will complete audit checks to review the validity of eligibility codes for children who qualify for 30 hours extended entitlement at six fixed points in the year. Surrey County Council will notify a provider where a parent has fallen out of eligibility and inform them of the grace period end date.

This is a temporary process as we will be developing the Funded Early Education Portal to allow you to do the check and get the result immediately.

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

## 6. Flexibility

### How can parents/legal guardians use the funded hours?

Parents can choose whether they want to use fewer hours for more weeks of the year or just use the funding in term time dependent on what the setting offers.

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 fee 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. 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	47 weeks	12.12 hours	42 weeks	13.57 hours
51 weeks	11.17 hours	46 weeks	12.39 hours	41 weeks	13.90 hours
50 weeks	11.40 hours	45 weeks	12.66 hours	40 weeks	14.25 hours
49 weeks	11.63 hours	44 weeks	12.95 hours	39 weeks	14.61 hours
48 weeks	11.87 hours	43 weeks	13.25 hours	38 weeks	15.00 hours

**Extended 30 hour offer:**

52 weeks	21.92 hours	47 weeks	24.25 hours	42 weeks	27.14 hours
51 weeks	22.35 hours	46 weeks	24.78 hours	41 weeks	27.80 hours
50 weeks	22.80 hours	45 weeks	25.33 hours	40 weeks	28.50 hours
49 weeks	23.26 hours	44 weeks	25.91 hours	39 weeks	29.23 hours
48 weeks	23.75 hours	43 weeks	26.51 hours	38 weeks	30.00 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/legal guardian can choose to use their child's remaining funded hours at another provider. If they choose not to do this then we will pay their child's early education funding pro-rata.

**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 receive funding to deliver free places. 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/legal guardians?**

Yes, you must tell parents/legal guardians 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.

## **7. 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 will be less. Parents/legal guardians must make it clear on the registration form or 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 settings -

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/legal guardian may choose to pay for all of their child's care at your setting if they are using all of their free 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 free hours funding that the parent(s) 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 Free 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 free entitlement through a partnership approach. You can find out further information at: [www.familyandchildcaretrust.org/dfes-30-hour-mixed-model-partnership-toolkit](http://www.familyandchildcaretrust.org/dfes-30-hour-mixed-model-partnership-toolkit)

## **8. 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.

Inclusion support grant and 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 new fund which is available to support three and four year olds in receipt of Disability Living Allowance to take up their funded early education 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/freeearlyeducation](http://www.surreycc.gov.uk/freeearlyeducation) and click on Providing free 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.

## **9. Social mobility and disadvantage**

**9.1** 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' free entitlement. In order to assist Surrey County Council in meeting its public sector equality duty, providers must ensure that parents complete the equalities monitoring information as requested in the Free Early Education Registration form.

### **9.2 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 free early education for 3 and 4 year olds 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

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
- 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 funded early education hour that an eligible child attends their setting. Surrey County Council 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-rate 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 the local authority 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](http://www.surreycc.gov.uk/childcareprofessionals) on our website via [www.surreycc.gov.uk/childcareprofessionals](http://www.surreycc.gov.uk/childcareprofessionals) (through the Funding section)

### 9.3 Deprivation Funding

From September 2017, providers funded by Surrey County Council for **Funded Early Education for 3 and 4 year olds** 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 finishes at the end of the summer term 2017.

From September 2017 to March 2018, this supplement has been set at £3.89 per hour for each eligible child.



Please be aware that the deprivation rate will be reviewed annually and based on current predictions of demand, from April 2018, it is likely to be at a lower rate of between £2 to £2.50 an hour.

From April 2018 onwards, the deprivation funding rates will be set in spring 2018 following discussions with the Schools Forum and with the Early Years Reference Group, and will not then be changed during the period from April 2018 to March 2019.

Deprivation funding will be paid through EYPP applications by providers.

#### **9.4 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 Early Years Foundation Stage 2017.

### **10. 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 Early Years Foundation Stage 2017
- Complete the Early Years Foundation Stage Profile and take part in the moderation process led by Surrey County Council 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 Early Years Foundation Stage
- Have a named Special Educational Needs and Disability Coordinator (SENDCo) who works in the setting and will attend any relevant training, including SENDCo meetings (forums).
- We may withdraw settings from the List of FEET Providers and/or the Surrey Directory of Providers if they, or the childminder agency they are registered with:
  - receive an inadequate Ofsted outcome.
  - do not comply with the Statutory Framework for the Early Years Foundation Stage 2017
  - do not comply with legal requirements such as health and safety
  - commit fraud or misappropriate funds or grants
  - do not return the spring headcount and early years census form by the date given.
  - do not comply with the fundamental British values as set out in HM Government Prevent Strategy.

Withdrawal from the List of FEET Providers and/or the Directory of Providers means that a provider would not be able to claim free early education for 2, 3 and 4 year olds. Providers withdrawn from the List of FEET Providers and/or Directory will need to re-register, following the usual process.

## 11. Business planning

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](http://www.surreycc.gov.uk/childcareprofessionals) or email the Early Years and Childcare Commissioning Team at [childcarebusinessadvice@surreycc.gov.uk](mailto:childcarebusinessadvice@surreycc.gov.uk)

## 12. Charging

### Can I charge parents?

You cannot charge a parent/legal guardian a 'top-up' fee (the difference between a provider's usual fee and the funding they receive for their child's free 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 got 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 Funded Early Education for 3 and 4 year old sessions as detailed in your information for parents or Terms & Conditions the parent/legal guardian 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 Funded Early Education for 3 and 4 Year Olds should be able to continue to access the same hours, terms and conditions they were accessing under Funded Early Education for 2 Year Olds if they request to do so.

It is your responsibility as the provider to make arrangements with the parent/legal guardian to pay for any additional services. You should make parents/legal guardians aware in writing of any charges for additional services before they take up their free 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 Funded Early Education for 3 and 4 Year Olds and run a clear and transparent invoice system, which does not show a charge for the free entitlement. The invoice should include the number of funded hours and detail of what the charges apply to. Where a child is only accessing FEET or Funded Early Education for 3 and 4 year olds at your setting there is no need to send parents an invoice.

## 13. Funding

Free 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 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/legal guardians must make sure their chosen early years provider is registered with Surrey County Council 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 Funded Early Education for 2 year olds (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.
- Free 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 Early Years Foundation Stage
- 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 (SENCO) 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 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 Early Years Foundation Stage.

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?**

The Department for Education will give you a unique reference number (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/freeearlyeducation](http://www.surreycc.gov.uk/freeearlyeducation)

### **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 FEET funding for any further FEET children at your setting. FEET children whose funding has already been agreed prior to the Ofsted notification will be funded until after the inspection report is published and alternative provision is secured. If the parent or carer does not wish to move their child when offered alternative provision, we will cease their FEET funding from the start of the week following their refusal of alternative provision.

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 Funded Early Education for 3 and 4 year olds?**

- 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.
- Free 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

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

For most maintained schools, children are funded separately through the school budget and this Provider Agreement does not apply. Children going to a non-maintained (independent) school are able to claim Free Early Education for 3 and 4 year olds 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 Early Years Foundation Stage
- 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 (SENCO) 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 Free Early Education for 3 and 4 Year Olds 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 Early Years Foundation Stage.

### **What happens once my setting is registered?**

The Department for Education will give you a unique reference number (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/freeearlyeducation](http://www.surreycc.gov.uk/freeearlyeducation).

### **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.

**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:

<b>Funded period</b>	<b>Dates</b>
Autumn	1 September – 31 December
Spring	1 January – 31 March
Summer	1 April – 31 August

**How many days funding do I receive each funded period?**

If you are a term-time setting the maximum number of days you can claim in 2017-2018 is:

<b>Funded period</b>	<b>Days</b>
Autumn 2017	70
Spring 2018	55
Summer 2018	65
Total:	190

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](http://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.

**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/legal guardian.

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

The rate paid to providers for Funded Early Education for 3 and 4 year olds is at £4.51 per hour per child.

**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/legal guardian should fill in and sign either a registration form or if their child is already getting funding at your setting, a declaration form. This is a commitment from the parent/legal guardian that their child will take up the hours they have asked for that funded period.

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 Funded Early Education for 3 and 4 year olds 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 or cuts their hours 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/legal guardians your usual fees.

If a parent/legal guardian 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/freeearlyeducation](http://www.surreycc.gov.uk/freeearlyeducation). You will then amend the hours on the 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 need to fill this information in on the Funded 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 on the portal by sending us a Data Correction form. This can be downloaded from [www.surreycc.gov.uk/freeearlyeducation](http://www.surreycc.gov.uk/freeearlyeducation)

#### **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 Surrey County Council in order to offer Funded Early Education for 3 and 4 year olds 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.

**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](http://www.ico.org.uk)

Your setting must keep all registration forms, parental declarations, 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, but if you do you must keep them in a secure place.

### **Why is the annual early years' census important?**

Central government bases the funding Surrey County Council gets on the number of children reported in the Department for Education annual census each January. All providers must return full and accurate census forms 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 Funded Early Education for 3 and 4 year olds.

### **What information do I have to give parents/legal guardians?**

Before parents/legal guardians 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/legal guardian if you do not offer 38 weeks a year
- how the free early education is arranged in the setting (core Free 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 free 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 Funded Early Education for 3 and 4 year olds which are also available online in the new academic year via [www.surreycc.gov.uk/fis](http://www.surreycc.gov.uk/fis)

### **How does the claim system work?**

Before we can pay you, you **must have completed your Provider Agreement on the Funded 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 portal.

You can only claim for the number of hours for which the child's parent/legal guardian 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 (contact the Finance and Practice Team for advice if a parent/legal guardian is asking for 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 Early Years Foundation Stage.

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/legal guardians 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 Funded Early Education for 3 and 4 year olds only if the parent/legal guardian has given you a date when the child will return to your setting.

We pay:

- an estimate payment made by the end of the second week of the funded period
- a reconciliation payment (based on the headcount)
- amendment payments, if appropriate, later in the funded period.

Early years registration and declaration forms are all available to download from [www.surreycc.gov.uk/freeearlyeducation](http://www.surreycc.gov.uk/freeearlyeducation). **Please make sure you use 2017-18 forms.**

### **Estimate payments**

**Universal hours:** We will pay this to you automatically (unless you are a childminder or new setting) by the end of the second 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 2016 will be approximately 60% of what you were paid for the autumn term 2015. 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/freeearlyeducation](http://www.surreycc.gov.uk/freeearlyeducation). 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 80% of the value of the hours reflected by the actual codes that have been validated by the Finance and Practice Team. This process will change in future years.

### **How do I get a reconciliation payment?**

You will use the Funded Early Education Portal to claim for the children. You must make sure that all data submitted to Surrey County Council is accurate.

You can claim for children in two ways at this time:

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

If you do not have a parental declaration form for a child 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/legal guardian 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.

**Children for whom you are claiming for the first time**, their parents/legal guardians will need to fill in a registration form. This acts as the claim form for that child for the first funded period. 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 Funded Early Education for 3 and 4 year olds once you have received a completed registration form.

Please do not use your own versions of the forms. You should use only the forms you've downloaded from [www.surreycc.gov.uk/freeearlyeducation](http://www.surreycc.gov.uk/freeearlyeducation).

If you are unable to claim FEET or Funded Early Education for 3 and 4 year olds for a child because the parent/legal guardian has not given you the form, you may wish to charge the parent/legal guardian full fees.

You will use the Funded Early Education Portal to claim for your new children. Please refer to the user guide on the portal for instructions on how to claim funding.

**Do I need to get parents/legal guardians to do anything else?**

**For children new to the setting:** Parents/legal guardians claiming FEET or Funded Early Education for 3 and 4 year olds with you for the first time will need to show you the child's birth certificate or passport to prove they qualify for a free part-time early education place and to show the child's legal identity before you submit their registration form to us.

You must make sure that parents/legal guardians 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.

**For children who are continuing to be funded:** You need to ask parents/legal guardians to fill in a declaration form. If the parent wants to claim for the same number of hours for the following funded period they can sign in the appropriate place on the original form. If the hours are changing the parent must complete a new form. You must not amend the number of hours. Parents should only sign for one funded period at a time. This provides written confirmation from parents/legal guardians at the beginning of each funded period saying how many hours they want you to claim for their child at yours and any other setting. 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/legal guardian a copy of the Privacy Notice. You must add details relating to your setting in the appropriate places.

You can download the registration form, declaration form and Privacy Notice from [www.surreycc.gov.uk/freeearlyeducation](http://www.surreycc.gov.uk/freeearlyeducation).

**What do I do if a parent/legal guardian changes their mind after the headcount?**

If a parent/legal guardian wishes to cut or increase the amount of their child's FEET or Funded Early Education for 3 and 4 year olds hours with you after the headcount date you will need to change the hours on the portal. Please refer to the user guide on the portal for instructions on how to claim funding.

The parent/legal guardian 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/freeearlyeducation](http://www.surreycc.gov.uk/freeearlyeducation).

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/legal guardian has filled in a registration or 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/legal guardians their normal fees.

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

As long as the parent/legal guardian did not fill in a registration or 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 free early education place. We cannot make payments for a particular funded period once it has ended. If a parent has given you the relevant forms on time but due to an administrative error the child has not been funded, you cannot charge the parent.

### **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 claim for far fewer children than the same term the year before or if children leave or cut their sessions during the funded period. When this happens, we will send you an invoice. We will send invoices out in January for the autumn funded period, March for the spring funded period and September for the summer 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 Surrey County Council's auditors visit a sample of settings to look at records kept relating to FEET and Funded Early Education for 3 and 4 year olds. 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 Surrey County Council (in this Provider Agreement), you may need to repay us all or part of the funding you have been paid for FEET or Funded Early Education for 3 and 4 year olds 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.

## **14. Compliance – no additional information**

## **15. 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 Early Years Foundation Stage 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 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 the Model Agreement 2017 - 18 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 free 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 usual process.

## **16. Appeals process – no additional information**

## **17. Complaints process**

If you have a concern or a complaint about how Surrey County Council are administering the funding or about a member of the team please follow the [Surrey County Council's complaints procedure](#) available online at [www.surreycc.gov.uk](http://www.surreycc.gov.uk).

If a parent has a concern or complaint regarding how you are administering the funding you should refer them to our senior finance officer at [free.earlyeducation@surreycc.gov.uk](mailto:free.earlyeducation@surreycc.gov.uk) who will investigate.