

Part E

## Early Education and Childcare Local Authority Funding Agreement

1st September 2021 to 31st August 2022

This section of the Agreement derives from the <u>Model Agreement</u> issued by the Department for Education (DfE). The content has been set by the department for which all local authorities must include as part of a provider agreement to deliver the free entitlements.

Alongside the agreement content includes links to where further information can be found.

This document does not provide guidance on how providers operate their private businesses, including charges for the provision over and above a child's free hours.

The Local Authority 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 free place.

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

It is not intended to replace, supersede or negate the requirements or expectations set out in legislation, other published statutory guidance and government advice.

The Local Authority cannot impose requirements which subject the quality of the early years provision, or services provided by the childminder agency, to a quality assessment process by the local authority; 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 inspection report.

When signing the agreement documentation (Part A), the provider is agreeing to or understand the following –

- A right to unilaterally vary the agreement to reflect changes in legislation and departmental guidance
- A clause stating that references to legislation will be to that legislation as amended from time to time, without express change in the model agreement and/or provider agreement
- Freedom of Information provisions
- Termination and enforcement clauses, to cover all enforcement stages up to and including termination of the agreement. The local authority should also make clear that they do not waive the right to act if they do not act immediately (a slower evidence based approach may be required on occasion)
- An obligation to comply with all relevant legislation
- Provisions for dealing with data protection and confidentiality
- An obligation to take out and maintain adequate levels of insurance
- Provisions dealing with how funding must be accounted for and recorded for audit purposes
- A clear process for resolving any disputes





Agree	ment Content	Further Info
Key lo	cal authority responsibilities	
2.4	Local authorities must secure a free entitlement place for every eligible child in their area.	Childcare Sufficiency     Early Years Reference Group
2.5	The local authority should work in partnership with providers to agree how to deliver free entitlement places.	<ul><li>Peer Support</li><li>Core Offer</li></ul>
2.6	The local authority should be clear about their role and the support on offer locally to meet the needs of children with special educational needs and/or disabilities (SEND) as well as their expectations of providers.	Strategic Aims     SEND Local Offer
2.7	The local authority must contribute to the safeguarding and promote the welfare of children and young people in their area.	Safeguarding
Kev pi	rovider responsibilities	
2.8	The provider must comply with all relevant legislation and insurance requirements.	Early Years Foundation
2.9	The provider should deliver the free 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 free places, along with their services and charges. Those children accessing the free entitlements should receive the same quality and access to provision.	Stage  Early Education Funding Toolkit  SEND Code of Practice SEND Funding Sources
2.10	The provider must follow the EYFS and have clear safeguarding policies and procedures in place that link to the local authority's guidance for recognising, responding, reporting and recording suspected or actual abuse.	
2.11	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.	
Safegu	uarding	
2.12	The local authority has overarching responsibility for safeguarding and promoting the welfare of all children and young people in their area. They have a number of statutory functions under the 1989 and 2004 Children Acts which make this clear, and the 'Working together to safeguard children' 2015 guidance1 sets these out in detail.	Safeguarding     Early Years Foundation     Stage     Working Together to
2.13	The provider must follow the EYFS and have clear safeguarding policies and procedures in place that are in line with local guidance and procedures for responding to and reporting suspected or actual abuse and neglect. A lead practitioner must take responsibility for safeguarding and all staff must have training to identify signs of abuse and neglect. The provider must have regard to 'Working Together to safeguard Children' 2015 guidance.	safeguard Children 2015 Guidance
Eligibi	lity	
2.14	The provider should check original copies of documentation to confirm a child has reached the eligible age on initial registration for all free entitlements. The provider can retain paper or digital copies of documentation to enable the local authority to carry out audits and fraud investigations. Where a provider retains a copy of documentation this must be stored securely and deleted when there is no longer a good reason to keep the data.	Early Education Funding     Toolkit     DfE Eligibility Criteria     Childcare Sufficiency
2.15	The provider should offer places to eligible two-year-olds on the understanding that the child remains eligible until they become eligible for the universal entitlement for three- and four-year-olds.	<ul> <li>Family Information Service</li> <li>Provider Portal Log On</li> </ul>
2.16	The local authority must ensure that a child has a free entitlement place no later than the beginning of the term following the child and the parent meeting the eligibility criteria for the free entitlements.	
2.17	Alongside the 30 hours eligibility code, which is the child's unique 11-digit number, and original copies of documentation (see 2.14), a provider must acquire written consent from, or on behalf of, the parent to be able to receive confirmation and future notifications from the local authority of the validity of the parent's 30 hours eligibility code.	
2.18	Once a provider has received written consent from the parent, they should verify the 30 hours eligibility code with the local authority.	
2.19	The local authority will confirm the validity of 30 hours eligibility codes to allow providers to offer 30 hours places for eligible three- and four-year-olds. The local authority will provide a validity checking service to providers to	





	enable them to verify the 30 hours eligibility code. The Eligibility Ch to make instant checks for code validity.	necking Service (ECS)	allows all local authorities		
2.20	Thereafter, the local authority should complete audit checks to revenue who qualify for 30 hours free childcare at 6 fixed points in the year, the year (in line with the dates as listed at table A below). It is provider where a parent has fallen out of eligibility and inform the				
	Table A: Date Parent receives ineligible decision on reconfirmation:	LA Audit Date:	Grace Period End Date:		
	1 Jan – 10 Feb	11 Feb	31 Mar		
	11 Feb – 31 Mar	1 Apr	31 Aug		
	1 April – 26 May	27 May	31 Aug		
	27 May – 31 Aug	1 Sept	31 Dec		
	1 Sept – 21 Oct	22 Oct	31 Dec		
	22 Oct – 31 Dec	1 Jan	31 Mar		
2.21	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.  Local Authorities 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 Service. The grace period end date will automatically be applied to eligibility codes.				
2.23	The local authority 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.				
2.24	The local authority should set out their local arrangements for informing providers of a child's grace period in this section.				
Flexibil	ity			•	
2.25	Provision must be offered within the national parameters on flexibility as set out in Section A2 of Early Education and Childcare Statutory guidance for Local Authorities.  • Early Education Funding Toolkit				
2.26	The provider should work with the local authority and share information about the times and periods at which they are able to offer free entitlements to support the local authority to secure sufficient stretched and flexible places to meet parental demand in the local authority. The provider should also make information about their offer and admissions criteria available to parents at the point the child first accesses provision at their setting.				
2.27	Norfolk Context - process for child receiving free entitlement at multiple providers				
	rship working				
2.28	Partnerships should be supported by local authorities on four levels between:  Local authorities and providers  Providers working with other providers, including childminders, schools and organisations  Providers and parents  Local authorities and parents			<ul> <li>Core Offer</li> <li>Peer Support</li> <li>Training</li> <li>Briefing Sessions</li> <li>Home Learning</li> </ul>	
2.29	childminders, across all sectors and encourage more providers to offer flexible provision, alongside other providers.  Resources  • Early Years Foundation			<ul> <li>Family and Childcare Trust Resources</li> <li>Early Years Foundation</li> </ul>	
2.30	The provider should work in partnership with parents, carers and other providers to improve provision and outcomes for children in their setting. An interactive toolkit2 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.  The provider should discuss and work closely with parents to agree how a child's overall care will work in practice				
2.31	when their free entitlement is split across different providers, such as at a maintained setting and childminder, to ensure a smooth transition for the child.				





2.32	The local authority must strategically plan support for children with special educational needs and/or disabilities	<ul> <li>SEND Code of Practice</li> </ul>	
2.52	(SEND) to meet the needs of all children in their local area as per the Special Educational Needs and Disability code of practice: 0 to 25 years3 (January 2015).	Norfolk's Local Offer	
2.33	The provider must ensure owners and all staff members are aware of their duties in relation to the SEND Code of Practice and the Equality Act 2010.		
2.34	The local authority must be clear and transparent about the support on offer in their area, through their Local Offer, so parents and providers can access that support.		
2.35	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.		
Social	mobility and disadvantage		
2.36	The local authority should promote equality and inclusion, particularly for disadvantaged families, looked after children and children in need by removing barriers of access to free places and working with parents to give each child support to fulfil their potential.	Early Years Foundation     Stage     Early Childhood and Famili     Service	
2.37	The provider should ensure that they have identified the disadvantaged children in their setting as part of the process for checking EYPP eligibility. They will also use EYPP and any locally available funding streams or support to improve outcomes for this group.  • Virtual Schools • Early Education Fundi Toolkit • Admissions Policy Gui		
Qualit	у		
2.38	The Early Years Foundation Stage (EYFS) statutory framework is mandatory for all schools that provide early years provision and Ofsted-registered early years providers in England. The EYFS sets the standards that all early years providers must meet to ensure that children learn and develop well and are kept healthy and safe.	Early Years Foundation     Stage     Statutory Guidance     Ofsted Inspections	
2.39	Ofsted are the sole arbiter of quality for all free entitlements and Ofsted and inspectorates of independent schools have regard to the EYFS in carrying out inspections and report on the quality and standards of provision.	Core Offer     Early Years & Childcare     Training Programme	
2.40	Local authorities have a legal duty to provide information, advice and training on meeting the requirements of the EYFS, meeting the needs of children with SEND and on effective safeguarding and child protection for providers who are rated less than 'Good' by Ofsted or newly registered providers.	Training Programme	
2.41	Provision must be offered in accordance with the national parameters on quality as set out in Section A3 of Early Education and Childcare Statutory Guidance for Local Authorities and the EYFS statutory framework.		
Busine	ess planning		
2.42	The local authority should clearly set out the documentation that they need to receive from providers to support payment and delivery of free entitlements and the timetable which providers should follow when submitting their documentation, this includes setting out the importance of timely and accurate census returns.	Deadlines     Early Education Funding     Toolkit     Sustainable Business DfE	
2.43	The local authority should not charge providers disproportionate penalties for providing late or incomplete information leading to additional administration in the processing of free entitlements. Any charges should be reasonable and proportionate to the inconvenience or costs incurred to the local authority as a result of the lateness and local authorities will ensure charges are clearly communicated to providers.	guidance  Family and Childcare Trus Resources  Census Guidance	
2.44	The local authority should not carry out audit regimes which are disproportionate or are unnecessarily burdensome to providers.		
2.45	The provider should ensure they submit timely and accurate information, including, but not limited to, headcount data, census data, parental declarations and invoices, as per the financial guidelines of their local authority. Failure to do so may result in inaccurate, delayed or suspended funding.		
2.46	The provider should maintain accurate financial and non-financial records relating to free entitlement places and should give the local authority access on reasonable notice to all financial and non-financial records relating to free entitlement places funded under the provider agreement, subject to confidentiality restrictions.		
Chargi	ng		
2.47	Government funding is intended to cover the cost to deliver 15 or 30 hours a week of free, high quality, flexible childcare. It is not intended to cover the cost of meals, consumables, additional hours or additional services.	Operational Guidance     Charging Policy Guidance     Complaints Policy Guidance	
		Early Education Funding	



	The provider can charge for meals and snacks as part of a free entitlement place and they can also charge for consumables such as nappies or sun cream and for services such as trips and musical tuition. Parents should	Toolkit  Invoice Guidance		
	therefore expect to pay for these, although 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 free entitlements are responsible for setting their own policy on how to respond, with options including waiving or reducing the cost of meals and snacks or allowing parents to supply their own meals. Providers should be particularly mindful of the impact of additional charges on the most disadvantaged parents.	Admissions Policy Guidance		
2.49				
	The provider should deliver the free entitlements consistently so that all children accessing any of the free entitlements will receive the same quality and access to provision, regardless of whether they opt to pay for optional hours, services, meals or consumables.			
2.50				
	The local authority should 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 free place. The provider should be completely transparent about any additional charges.			
2.51				
	The provider should publish their admissions criteria and ensure parents understand which hours/sessions can be taken as free 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.			
2.52	The provider can charge parents a deposit to secure their child's free place but should refund the deposit in full to parents within a reasonable time scale.			
2.53				
	The provider cannot charge parents "top-up" fees (any difference between a provider's normal charge to parents and the funding they receive from the local authority to deliver free places) or require parents to pay a registration fee as a condition of taking up their child's free place.			
2.54	The provider should ensure their invoices and receipts are clear, transparent and itemised, allowing parents to see that they have received their free entitlement completely free of charge and understand fees paid for additional hours. The provider will also ensure that receipts contain their full details so that they can be identified as coming from a specific provider.			
Fundir	ng			
2.55	The local authority should pay all providers, particularly childminders, monthly by September 2018 unless a provider requests and the local authority agrees to continue an existing alternative sustainable method of payment.	Provider Portal Guidance     Early Education Funding     Toolkit		
2.56	The provider should accurately complete and submit headcount and other necessary data returns by the agreed date to support the local authority to make payment.			
2.57	Local authority to set out funding process 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.			
Compl	iance			
2.58	The local authority can carry out checks and/or audits on providers to ensure compliance with the requirements of delivering the free entitlements.	Early Education Funding     Toolkit		
2.59	The local authority should set out details of their compliance process in this section.			
Termi	nation and withdrawal of funding			
2.60	Suspension of registration by Ofsted or a breach of statutory requirements or safeguarding issues may result in	Early Education Funding		
	the termination of the arrangement and withdrawal of funding.	Toolkit		
2.61	The Local Authority should insert details of their termination/withdrawal of funding terms and process. Termination provisions must also include those required by regulation 7 (Termination of the arrangements) of the Local Authority, (Duty to Secure Early Years Provision Free of Charge) Regulations 2014 and regulation 37 (Arrangements between local authorities and early years providers: termination) of The Childcare (Early Years Provision Free of Charge) (Extended Entitlement) Regulations 2016]			
Annos	ls process			
2.62	Is process  A provider may be denied approval to offer the free entitlements or have their funding withdrawn as set out	Appeals Process		
	above. The provider can appeal against that decision.	Early Education Funding		
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# Early Education and Childcare Local Authority Funding Agreement

1st September 2021 to 31st August 2022

2.63	The local authority should set out details of their appeals process in this section.	Toolkit
Comp	laints process	<u> </u>
2.64	The local authority should set out here their complaints procedure for parents who are not able to resolve their concern directly with the provider where the parent is not satisfied that their child has received their free entitlement in accordance with the legislation or as set out in this agreement and in Early Education and Childcare Statutory guidance for local authorities. This complaints procedures must satisfy public law requirements.	Complaints Procedure     Early Education Funding     Toolkit
2.65	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 free entitlement in the correct way, as set out in this agreement and in Early Education and Childcare Statutory guidance for Local Authorities.	
2.66	If a parent or provider is not satisfied with the way in which their complaint has been dealt with by the local authority or believes the local authority has acted unreasonably, they can make a complaint to the Local Authority Ombudsman. Such complaints will only be considered when the local complaints procedures have been exhausted	

#### Annex A: Parent Declaration for the Free Entitlement

Parent/carer claim form

Annex B: Hyperlinks to further information

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Information	Source	Link	
Admissions Policy Guidance	DOCUMENT	https://www.schools.norfolk.gov.uk/early-learning-and-childcare/early-years-funding/early-education-and-childcare	
Appeals Process	DOCUMENT	https://www.schools.norfolk.gov.uk/early-learning-and-childcare/early-years-funding/early-education-and-childcare	
Briefing Sessions	WEB LINK	https://www.schools.norfolk.gov.uk/early-learning-and-childcare/early-years-and-childcare-leadership/early-years-briefing-sessions	
Census Guidance	DOCUMENT	https://www.schools.norfolk.gov.uk/early-learning-and-childcare/early-years-funding/early-education-and-childcare	
Charging Policy Guidance	DOCUMENT	https://www.schools.norfolk.gov.uk/early-learning-and-childcare/early-years-funding/early-education-and-childcare	
Childcare Sufficiency	WEB LINK	https://www.schools.norfolk.gov.uk/early-learning-and-childcare/early-years-and-childcare-leadership/childcare-sufficiency	
Complaints Policy Guidance	DOCUMENT	https://www.schools.norfolk.gov.uk/early-learning-and-childcare/early-years-funding/early-education-and-childcare	
Complaints Procedure	DOCUMENT	https://www.schools.norfolk.gov.uk/early-learning-and-childcare/early-years-funding/early-education-and-childcare	
Core Offer	DOCUMENT	https://www.norfolk.gov.uk/children-and-families/send-local-offer	
Deadline Dates	DOCUMENT	https://www.schools.norfolk.gov.uk/early-learning-and-childcare/early-years-funding/early-education-and-childcare	
		https://www.gov.uk/help-with-childcare-costs/free-childcare-2-year-olds?	
DfE Eligibility Criteria	ria WEB LINK	https://www.gov.uk/help-with-childcare-costs/free-childcare-and-education-for-2-to-4-year-olds?	
		https://www.gov.uk/30-hours-free-childcare?	
Early Childhood and Family Service	WEB LINK	https://www.norfolk.gov.uk/children-and-families/early-childhood-and-family-service	
Early Education Funding Toolkit	DOCUMENT	https://www.schools.norfolk.gov.uk/early-learning-and-childcare/early-years-funding/early-education-and-childcare	
Early Years & Childcare	WEB LINK	https://www.schools.norfolk.gov.uk/early-learning-and-childcare	



Early Years Foundation Stage	WEB LINK	https://www.gov.uk/early-years-foundation-stage
Early Years Transitions	WEB LINK	https://www.schools.norfolk.gov.uk/early-learning-and-childcare/early-years-quality/transitions
Family and Childcare Trust Resources	WEB LINK	https://www.familyandchildcaretrust.org/resources-professionals
Family Information Service	WEB LINK	https://www.norfolk.gov.uk/children-and-families/childcare-and-early-learning/family-information-service
- "	WEB LINK	https://www.schools.norfolk.gov.uk/early-learning-and-childcare/early-years-inclusion/sen-inclusion-funding
Funding Sources		https://www.schools.norfolk.gov.uk/early-learning-and-childcare/early-years-inclusion/sen-inclusion-funding/disability-access-fund
Home Learning	WEB LINK	https://www.norfolk.gov.uk/children-and-families/childcare-and-early-learning/home-learning
Invoice Guidance	DOCUMENT	https://www.schools.norfolk.gov.uk/early-learning-and-childcare/early-years-funding/early-education-and-childcare
Norfolk's Local Offer	WEB LINK	https://www.norfolk.gov.uk/children-and-families/send-local-offer
Ofsted Inspections	WEB LINK	https://www.gov.uk/government/collections/ofsteds-inspection-of-early-years-providers
Operational Guidance	WEB LINK	https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7 18181/Early_years_entitlements-operational_guidance.pdf
Peer Support	WEB LINK	https://www.schools.norfolk.gov.uk/early-learning-and-childcare/early-years-and-childcare-leadership/peer-support-programme
Provider Portal Guidance	DOCUMENT	https://www.schools.norfolk.gov.uk/early-learning-and-childcare/early-years-neo-account
Provider Portal Log On	DOCUMENT	https://www.schools.norfolk.gov.uk/early-learning-and-childcare/early-years-neo-account
Safeguarding	WEB LINK	https://www.schools.norfolk.gov.uk/early-learning-and-childcare/early-years-safeguarding
SEND Code of Practice	WEB LINK	https://www.gov.uk/government/publications/send-code-of-practice-0-to-25
SEND Local Offer	WEB LINK	https://www.norfolk.gov.uk/children-and-families/send-local-offer
Statutory Guidance	WEB LINK	https://www.gov.uk/government/publications/early-education-and-childcare2
Strategic Aims	WEB LINK	https://www.schools.norfolk.gov.uk/early-learning-and-childcare
Sustainable Business DfE Guidance	WEB LINK	https://www.gov.uk/government/publications/supporting-early-years-providers-to-run-sustainable-businesses
Training	WEB LINK	https://www.schools.norfolk.gov.uk/early-learning-and-childcare/early-years-training
Training Programme	WEB LINK	https://www.schools.norfolk.gov.uk/early-learning-and-childcare/early-years-training
Virtual Schools	WEB LINK	http://www.schools.norfolk.gov.uk/Professionallearning/VirtualSchoolforChildreninCare/index.htm
Working Together to safeguard Children	WEB LINK	https://www.gov.uk/government/publications/working-together-to-safeguard-children2