

# **Central Bedfordshire Council Local Agreement**

Terms and conditions for Providers offering Nursery  
Education Funding  
for 9-23 months, 2, 3 and 4 year olds

**April 2024**

**A great place to live and work.**

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## 1. Introduction

- Central Bedfordshire Council want to ensure that children who are accessing free early education receive the best possible provision, in order to support the wellbeing of our young children and their families.
- We believe in the importance of early education and the positive impact it can make to children's development and families' lives. We will actively encourage parents of eligible children to take up their free early education entitlement, promoting equality and inclusion, particularly for disadvantaged families, looked-after children, child in need and children with special educational needs and disabilities.

**All providers in receipt of Nursery Education Funding (NEF) from Central Bedfordshire are accountable for understanding and operating within the terms and condition of the Central Bedfordshire Local Agreement.**

**By participating in the free early education scheme, providers are agreeing to the full terms and conditions of this scheme**

- Central Bedfordshire Local Agreement has been developed to deliver on the government's commitments and requirements, while ensuring it is tailored to meet the needs of children accessing free nursery education within Central Bedfordshire.
- The funding for Private, Voluntary and Independent Settings for nine – twenty-three months, two, three and four year olds as well as for Schools and Academies for two year olds will be paid for the period of time a child attends the setting. This may result in funding being deducted from a future terms payment where a child leaves the setting prior to the end of term, likewise funding will also be reduced if they start attending after the commencement of the funding period. Funding will also be given to a child who joins the setting after the headcount for the remainder of the funding period.
- The funding for Schools and Academies for three and four year old children will be paid according to the locally agreed formula 'Early Years Single Funding Formula' (EYSFF) available on Schools Portal. The funding will be based on official funded hours recorded on the School Census and will be adjusted/recalculated throughout the year.
- The funding applies for the 15 hour entitlement for eligible children from nine months to two years, the 15 hours entitlement for all three and four year olds and the 30 hours entitlement for eligible working parents of three and four year olds.
- This agreement will be kept up-to-date and updated as necessary.

## 2. Eligibility

**Outcome:** All children who meet the prescribed criteria can take up high quality early education, regardless of their parent's ability to pay, benefiting their social, physical and cognitive development and helping prepare them for school. Evidence shows that regular good quality early education has lasting benefits for all children.

Some nine-twenty-three months and some two year olds are entitled to 570 hours of free early education or childcare the term following their second birthday.

All three and four year olds become entitled to 570 hours of free early education over no fewer than 38 weeks of the year the term following their third birthday, in accordance with the table below. Their entitlement continues until the child reaches compulsory school age (the beginning of the term following their fifth birthday).

<b>Children from 9 months to 3 years between:</b>	<b>Will have a free place from the following:</b>
1st April and 31st August	1st September following either their 9 month, 2nd or 3rd birthday
1st September and 31st December	1st January following either their 9 month, 2nd or 3rd birthday
1st January and 31st March	1st April following either their 9 month, 2nd or 3rd birthday

**For eligible nine month, two, three and four year olds, providers in Central Bedfordshire are required by the terms and conditions of the funding to:**

- The provider should check original copies of documentation to confirm a child has reached the eligible age. The provider can retain paper copies or digital copies to enable the local authority to carry out audits and fraud investigations. Where a provider retains a copy of the documentation, this must be stored securely and deleted/destroyed when there is no longer a good reason to keep the data.
- Providers must ensure that eligible families of nine – twenty-three month olds have received an eligibility code, providers must ensure that they check this eligibility code to ensure it is valid using the eligibility checker on their portal account.
- Providers must ensure that eligible families of two year olds have received an eligibility code, providers must ensure that they check this eligibility code to ensure it is valid using the eligibility checker on their portal account.
- Providers must ensure that families of two year olds who are receiving disadvantaged/government support have obtained an eligibility letter from CBC or another local authority in order to access the funding. Please see Appendix 1 for eligibility criteria for families of two year olds who are disadvantaged/receiving government support.

- Once two year old funding has been approved for disadvantaged/government supported families only, the child continues to be eligible even if the child ceases to meet the criteria at a later date.
- Providers must ensure that parents have included the relevant information on the parent/carer agreement form before an EYPP eligibility has been checked. If a parent has indicated on the form that the child has one of the following:
  - they are currently being looked after by a local authority in England or Wales
  - they have left care in England or Wales through:
    - an adoption
    - a special guardianship order
    - a child arrangement order

Then this needs to be made clear in the child notes section on the provider portal together with the name of the local authority if the parent has disclosed this information.

- Providers also need to ensure parents of children qualifying for Disability Living Allowance are required to provide documental evidence of this in order to receive the Disability Access Fund (DAF).
- Providers need to take copies of this evidence, scan it and upload it together with the parent/carer agreement form to the child's record on the provider portal. Providers should ensure they collect and submit timely and accurate information and documentation in accordance to the Headcount and payments timetable.
- Alongside the eligibility code for 30 hours, which is the child's unique 11 digit number, and the original copies of documentation, a provider must acquire written consent from the parent to be able to receive confirmation and future notifications from the local authority of the validity of the parents code. The provider must use the parental declaration form which asks the parent for the necessary information and consents.
- The local authority will provide a validity checking service to providers to enable them to verify the eligibility code swiftly and efficiently. Thereafter, the local authority will complete audit checks to review the validity of eligibility codes for children who qualify for funded childcare.
- Some Foster children will now be able to access the 30 hours where they meet the following criteria:
  - The foster parents are working outside fostering
  - Accessing the extended entitlement is consistent with child's care plan
- Foster parents are not able to apply via the HMRC route for a child/ren that they are fostering.
- The foster parents will be provided with their eligibility code which will start with 400 from The Early Years and Childcare performance team. The provider will be able to check eligibility in their usual way on the portal.
- Settings/ providers will enter foster children on headcount and census as per usual.

### 3. Grace Period

- A child will enter the grace period when the child's parents cease to meet the eligibility criteria as determined by HMRC or a First Tier Tribunal in the case of an appeal.
- The local authority 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.
- 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. Please refer to table A, section 13.

### 4. Flexibility

**Outcome:** Children are able to take up their full entitlement to early education at times that best support their learning and at times which fit with the needs of the parents to enable them to work or increase their hours of work if they wish to do so.

- The National Minimum Standards of flexibility states that any parent who wants to access the free entitlement should be able to do so in the following models:
  - No session longer than 10 hours
  - No session shorter than 1 hour
  - Not before 6.00am or after 8.00pm
  - A maximum of two sites in a single day
  - Over the weekend, if a provider provides this service
- 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 secure sufficient stretched and flexible places to meet parental demand.
- Providers may allow parents to stretch their 570/ 1140 hrs over more than 38 weeks per year. Parents will not receive more than the maximum entitlement for the year by choosing to stretch their entitlement, but it will give them the opportunity to budget and balance work or other commitments throughout the year.
- Parents can access the full entitlement across a **maximum of two providers** in one day. It is in the best interest of the child to receive their entitlement at one provider, but where this is not possible two providers may share the delivery of the offer with both providers and parent consent, supported by an agreement.
- Encourage strong partnership working between providers from all sectors (maintained schools, academies and free schools, private, voluntary and independent providers and childminders) to

ensure the market offers maximum flexibility for parents to access free hours to meet their needs and the needs of their child.

- The provider should discuss and work closely with parents to agree how a child's overall care will work in practice 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.
- Where it is reasonably practicable local authorities should ensure that children are able to take up their free hours in continuous blocks and avoid artificial breaks being created throughout the day, for example over the lunch period.

Entitlement to the funding will vary depending on the length of the term. CBC will make the term dates for each full financial and academic year available to all providers on the CBC website. There is no requirement that providers MUST be open for at least 38 weeks of the year.

There is no requirement that providers MUST offer 30 hours in order to receive funding.

Providers can choose not to deliver free places.

Providers must ensure parents are aware that the entitlement to a free place does not offer a guarantee of a place at any one provider or a particular pattern of provision.

## 5. Quality

**Outcome:** All children are able to take up their entitlement to funded early education in a high quality setting. Evidence shows that higher quality provision has greater developmental benefits for children, particularly the most disadvantaged children.

Evidence also shows that high quality provision at the age of two brings benefits to children's development leading to better outcomes.

The Early Years Foundation Stage statutory guidance is mandatory in England. The EYFS sets the standards that all early year's providers must meet to ensure that children learn and develop well and are kept healthy and safe.

Ofsted are the sole arbiter of quality. The local authority has a legal duty to provide information and training on meeting the requirements of the EYFS, meeting the needs of children with SEND and on effective safeguarding for providers who are rated less than good or outstanding or newly registered.

**In order to receive nursery funding for nine – twenty-three month olds, two, three and four years old providers must meet the following requirements:**

- Newly registered providers will be funded following their Ofsted registration.
- Have a Good or Outstanding Ofsted grading, following their first inspection.
- Providers who have a Requires Improvement Ofsted grading will only be eligible to receive funding for three and four year olds.

- Nine – twenty-three month olds and two year olds will only be funded with a provider with a Requires Improvement grading where there is not sufficient, accessible Good or Outstanding provision in the immediate locality.
- Where nine – twenty-three month olds and two years olds are already funded in a Good / Outstanding provider who subsequently receives a Requires Improvement Ofsted grade, we will continue to fund the children already placed in the setting but no further children will be funded until a higher Ofsted grade is achieved.
- The local authority will rely solely on the Ofsted inspection judgement as a benchmark of quality.
- When Ofsted publish an inadequate inspection judgement, local authorities should take appropriate action to improve the quality of provision then if no improvement is seen and following a second inadequate Ofsted inspection, as soon as practicable, the local authority will secure alternative provision and withdraw funding from the inadequate provider. It is up to the local authority to determine an appropriate timeframe for withdrawing funding.
- The local authority will fund providers with an Ofsted inspection judgement of ‘met’ until their Ofsted quality inspection judgement is published. Local authorities should not fund providers with an Ofsted inspection judgement of ‘not met’.
- The local authority will not fund providers who do not actively promote fundamental British values or if they promote views or theories as fact which are contrary to established scientific or historical evidence and explanations.

## 6. Funding Early Education Places

**Outcome:** Fair and transparent funding which supports a diverse range of providers. This diversity enables parents to choose a provider that best meets the needs of their child.

### 6.1. Funding for three and four year olds

Central Bedfordshire Council has a Funding Formula which offers a base rate for three and four year olds for all providers is £5.02.

There are additional supplements for social deprivation and quality. Below is a breakdown of the supplements:

#### 6.1.1. Social deprivation

Index of Multiple Deprivation (IMD) based on where the child lives (postcode)

- 20p per child per hour for the 0-30% disadvantaged
- 10p per child per hour for the 31-60% disadvantaged
- 0 for the children in the remaining areas



### **6.1.2. Quality**

There are three levels of quality incentives for PVIs and childminders. It will apply to the highest qualified practitioner who is in the provision.

- 20p per child per hour if the provider employs a qualified teacher in Early Years (QTS) or an early years graduate with early years professional status (EYP)
- 15p per child per hour if the provider employs an early years graduate without EYP
- 10p per child per hour if the provider employs a level 4 practitioner.

If the qualified person is being 'shared' across more than one provision, they must spend at least two full days a week in each provision that is claiming the appropriate funding rate.

Providers are expected to inform CBC of any changes to the highest qualified practitioner through the Staff highest qualification form on the provider portal as soon as the changes take place. Failure to inform may result in any overpayments being reclaimed. New providers will need to complete this form once they have been set up to offer funding.

### **6.1.3. Provider rate for maintained schools and Academies**

An additional supplement has been added to maintained schools and academies for the teacher's pay and pension funding has been incorporated into the early years block:

58p per hour for all funded 3 and 4 year old hours.

### **6.1.4. Early Years Pupil Premium (EYPP)**

All children aged nine – twenty-three months, two, three and four who meet the eligibility criteria could attract the EYPP funding. Where parents have included the relevant information on the parent declaration and eligibility is confirmed, the funding will be paid to early years providers in the final payment for the term. Funding is based on an hourly rate linked to number of hours claimed at 68p per hour per child. The provider should ensure that they have identified the disadvantaged children in their provision as part of the process for checking Early Years Pupil Premium (EYPP) eligibility. They will also use EYPP to improve outcomes for this group.

### **6.1.5. Disability Access Fund (DAF)**

- The Disability Access Fund (DAF) is to support children with disabilities or SEN which will provide £910 per year for every eligible child. The funds could be used, for example in making reasonable adjustments to your provision and/or improve outcomes for these children.
- 9 – 23 months, 2, 3 and 4 year olds will be eligible for the DAF if they meet the following criteria:
  - The child is in receipt of Disability Living Allowance (DLA) and,
  - The child attends an early years provider for nursery education funding

- The Providers taking nine – twenty-three months, two, three and four year olds that are eligible for the DAF will be entitled to receive a one-off payment of £910 per year. The DAF is not based on an hourly rate and is an additional entitlement.
- Children do not have to take up their full 570 hours of nursery education funding they are entitled to in order to receive the DAF. Children in receipt of the DAF will be eligible where they take-up any period of free entitlement.
- Parents of children qualifying for Disability Living Allowance are required to provide documented evidence of this entitlement. Providers need to take a copy of this evidence and send or scan with the completed parent declaration form.

## **6.2. Funding for nine – twenty-three month olds**

- £10.32 per hour per child flat rate for all eligible 9 – 23 month olds.

## **6.3. Funding for two year olds**

- £7.44 per hour per child flat rate for all eligible 2 year olds.

### **For eligible nine – twenty-three month, two, three and four year olds, providers in Central Bedfordshire are required by the terms and conditions of funding to:**

- Complete a termly headcount (both estimate and actual) on the NEF funding portal.
- Ensure that a parent declaration form is completed each term for each child eligible for the free entitlement. All parents' declarations to be signed by the parent and uploaded to the child's record on the portal by the required date. Copies to be retained by the provider to show the local authority as required or for auditing purposes.
- Complete all documentation as requested by CBC personnel, including the statutory Early Years Census and the childcare audit by the date required.
- Provide details of their provision for entry on the online Central Bedfordshire Family Information Directory.
- Have a bank account for the childcare provision into which the funding can be paid.
- Maintain a business email address and check emails regularly.
- Offer the hours as flexibly as possible within the funding regulations.
- Inform CBC if it becomes apparent that a funded child is attending another childcare provision.

- Provide prompt and accurate information to CBC in response to enquiries and complaints from the public or as a result of planned consultation.
- Childminders cannot claim nursery funding for a related family member.
- Not make any charges to parents accessing their free entitlement and ensure the provision is free at the point of delivery (charging *top up* fees is prohibited).
- Ensure any goods or services, for example meals or additional hours are offered to parents outside of the free entitlement, and never as a condition of children accessing their free entitlement.
- The level of extra fees is a private matter for agreement between the provider and the parent. Parents who choose to take up additional services should not be charged more for those services than parents of children who are not accessing a free place. Parents who pay for privately funded hours must be provided with a bill/ invoice which clearly shows that they have only been charged for the additional hours/ services and not the hours funded by NEF.
- Comply with the SEND Code of practice: 0 to 25 (2014), the Disability Discrimination Act 2005 and the Equalities Act 2010. All Early Years providers are expected to cooperate with the local authority in their duty to publish relevant and up to date Local Offer for children and young people 0-25 with special educational needs.
- Comply with the guidance and procedure of the relevant Local Safeguarding Children Board (LSCB) and the government's statutory guidance *Working Together to Safeguard Children*.
- Be aware of their responsibility under the Data Protection Act (DPA) 2018, General Data Protection Regulation (GDPR) 2018 and where relevant the Freedom of Information Act 2000.
- Actively promote fundamental British values and not promote views or theories as fact which are contrary to established scientific or historical evidence and explanations.
- Take any measures identified in a report from Ofsted to improve the overall effectiveness of the provision.
- Be aware of their responsibility to manage the security of your provider portal account. It is best practice to regularly change your password to ensure that there is no unauthorised access. Please remember to change your setting password if a member of staff who had access to the portal has left. Please remember to notify the Early Years and Childcare Performance Team if a member of staff has left and they had their own individual portal account. The Performance Team will then disable the account.

**Please Note** - Providers cannot charge fees for any of the free hours.

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

Providers will deliver the free entitlements consistently so all children accessing any of the entitlements receive the same quality of provision.

Providers can charge parents a deposit to secure a free place, but the deposit must be refunded in full to parents within a reasonable time scale.

Any changes to provision or change of ownership must be communicated to the local authority.

## 7. Framework for Delivery of the Entitlement

Parents can split their funding between two providers, if eligible for 30 hours parents can split between three providers, if they choose to do so.

If a child is receiving funding at two or three providers the providers must work together with the parent, to ensure the needs of the children are met. Any hours over and above the maximum free hours for the period will have to be paid for by the parents.

Providers who are offering the free entitlement should communicate to parents how this can be accessed, using the literature provided by CBC for each funding period. They should advise parents of how many free funded hours are available to them each period and make them aware in advance that they will be required to pay for any hours attended over this amount. Parents must also be advised that they will not receive more than 570 funded hours per academic year.

The duration of the lunch break can be included as part of the funded hours. Whilst a provider can make a reasonable charge for meals provided to children during the day, they **cannot** include this as a condition for attendance. Any charge for lunch is to be agreed in advance with the parents and the option for bringing a packed lunch **must be available** if this would be more affordable for parents.

For each term's headcount, providers will be required to obtain from all parents a signed Parent/Carer Agreement confirming what hours the eligible child will claim (funded hours claimed may be lower than hours actually attended). In addition, providers must check the child's details by sight of an original birth certificate, passport, health red book or child benefit book. The Parent/Carer Agreement is a formal agreement between the provider and the parent / carer of the child and will be for the defined period of each term.

**Providers must ensure that parents are made aware of the circumstances in which the Parent/Carer Agreement can be broken or amended. These are:**

- If the family leaves the area
- If the family's circumstances change i.e. new job / unemployment
- Child with a long term sickness
- To accommodate changing shift patterns
- Provision not appropriate to the child's needs

If a parent wishes to increase their existing hours the provider must ask the parent to complete a new Parent/Carer Agreement Form and upload this to the headcount via the portal.

If a parent wishes to increase or change their child's attendance after headcount has taken place and this change is not covered by the above list of reasons the provider will be entitled to charge for these additional hours.

If a child is booked to attend but is unexpectedly absent for a single period or short term period CBC will not penalise the provider by reclaiming the funding. If a child's absence is recurring or for extended periods of time providers should contact CBC who will look at each individual case and will use their discretion regarding whether or not to reclaim the funding.

Detailed headcount guidance will be made available for each term; CBC will endeavour to make each term's guidance and associated documentation available prior to the end of the preceding term.

## 8. Payment Arrangements

Providers must meet deadlines set by CBC with regard to headcount returns. If deadlines are not met, payments cannot be guaranteed.

Providers should ensure they collect and submit timely and accurate information and documentation, including, but not limited to, headcount data, census data, parental declarations, as per the Headcount and Payments timetable. Failure to do so may result in inaccurate, delayed or suspended funding.

If deadlines are not met and a payment is made after the given date, parents **must not** be charged and then reimbursed once the funding is received.

The amount paid per child will differ for each provider as it is determined by the EYSFF.

The NEF is accessed across 3 periods within a year. Central Bedfordshire now delivers the entitlement in line with Central Bedfordshire's schools on an academic basis. Period 1 (Autumn) Period 2 (Spring) Period 3 (Summer).

### **Payments for nine – twenty-three month, two, three and four year olds**

Funding for each term will be paid to **Private, Voluntary and Independent Childcare providers** in four monthly instalments as per the dates provided in the payment timetable.

- The first three payments in each term will total 75% of the number of hours on the providers estimate form.
- The fourth payment will be the final balancing payment based on the term's actual headcount of eligible children and any other adjustments including the EYPP and DAF payment.

The same payment arrangements apply to the funding for eligible two year olds paid to Schools and Academies.

Schools and academies will receive their funding monthly. Payment schedule for three and four year old funding for schools and academies is available on the Schools Portal website.

Children's information must be submitted on the census at set times throughout the year.

Providers must ensure, wherever possible, that no more than 15 hours of free provision per week is claimed in respect of any one child, or up to 30 hours of free provision per eligible three and four year olds. If a childcare provider becomes aware that a child is receiving funding for more than the universal entitlement of 15 hours provision per week, they should immediately inform CBC.

Providers can charge for meals and snacks as part of a free entitlement and they can also charge for consumables or additional services. Where parents are unwilling or unable to pay, 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 or allowing parents to supply their own meals.

**Providers must undertake to repay on demand any payment of funding if that payment was:**

- For provision that did not meet the requirements set out in the Central Bedfordshire Local Agreement.
- Made for all or part of any term where the provision was unavailable or was not taken up.
- Made due to an administrative error / incorrect claim.

## 9. Early Leavers / Late Starters

- Providers are required to keep a record of children moving out after the headcount date, and to let the Early Years and Childcare performance team know as soon as possible by completing a Notification of Early Leaver Form which is available on the provider portal.
- For any child joining your setting after you have submitted actual hours, you should complete a parent declaration which is available to download from the CBC website and available on the portal. You can then add the child to the Actuals area of the provider portal if it is still open. If the Actuals area is closed, you can add the child on in the Adjustments area of the provider portal. Please enter the start date of the child in the adjustments notes and how many hours per week the child is claiming with you.
- Please bear in mind that the local authority does not fund any parental notice period which is unattended. Funding will transfer to a child's new provider as soon as a claim is made in line with dates on the Early Leaver and Late adjustments.
- It is the responsibility of the provider to ensure any notice period on their contract with the parent is followed.
- Parents / carers should be aware that the scheme allows LA nurseries / schools to make appropriate arrangements for phasing intakes of eligible pupils in the first 4 weeks of term. As the child is on roll, he/she will be included on schools' claim for funding. Provided that

admission is not delayed beyond the first 4 weeks of term, the LA school can claim the full amount.

- Therefore, parents / carers who choose to send their child to a provider whilst waiting to be admitted to a LA school during the first 4 weeks of term will not be eligible for any additional funding. In these circumstances, the provider may charge the parent / carer for the hours accessed whilst the child is awaiting a phased intake into the LA school. If entry into the LA school is beyond the first 4 weeks of the term, the pre-school may claim funding.

## 10. Providing Clear Bills to Parents

- Free Early Education hours should not be recorded on billing/invoicing information as a monetary subsidy which is deducted from a final payment. Free Early Education has no monetary value to parent/carers.
- Parents must be provided with a clear and transparent bill that shows the funded hours as free. The fees that parents are charged must reflect the fees stated in your fee structure. The fee structure must be available to parents and clearly state the hours the nursery funding can be taken.
- Providers 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.
- Registration fees cannot be requested for children who only access funded hours. In order for bills to be clear, free nursery funding and purchased hours should be separately identified on the bill. Additional costs (when applicable) such as meals or trips should also be separately identified on the bill. Example see Appendix 3.
- Arrangements for charging for additional services should be clear and transparent to all parents. If it is alleged that a provider is charging top up fees, CBC will investigate the matter and if the allegation is found to be true, take immediate action (which may include removal from the Directory of Providers).

### 10.1. Charging

Government funding is intended to deliver 15 or 30 hours a week of free, high quality, flexible childcare. It is not intended to cover the costs of meals, other consumables, additional hours or additional services.

- Providers can charge for meals and snacks as part of a free entitlement place and that they can also charge for consumables such as nappies or sun cream and for services such as trips and yoga. Parents should therefore expect to pay for these. 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 deliver the free entitlements consistently, so that all children accessing any of the free entitlements receive the same quality and access to provision, regardless of whether they opt to pay for optional hours, services, meals or consumables.
- Providers should be completely transparent about any additional charges, for example, for those parents opting to purchase additional hours or additional services.
- If providers charge parents a deposit to secure their child's free place, the deposit is refunded in full to parents within a reasonable time scale.
- Providers should publish their admissions criteria and work with parents to ensure that 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.

## 11. Bank Holidays

- Where it is identified that a child will fail to receive their full entitlement of 570/1140hrs across the funding year due to bank holidays providers should, where possible offer the hours that the child has missed on a different day within the funding year. The local authority recognises that providers have costs attributed to bank holidays therefore if alternative hours cannot be offered providers will not be penalised for this. Parents must be informed if their child will not receive their full entitlement due to bank holidays.

## 12. Unplanned closures

- In exceptional conditions, facilities may be forced to close, for example due to extreme weather conditions or facilities failure (heating, water, electricity...). In these circumstances please contact the Early Years and Childcare performance team on 0300 300 6044 or email [CPEAdmin@centralbedfordshire.gov.uk](mailto:CPEAdmin@centralbedfordshire.gov.uk) .
- Where this is a temporary problem affecting the provision for no more than a period of five consecutive days, we would ask the provider to work with the parents in an attempt to accommodate the free entitlement once the provision has re-opened. Where providers are unable to do this, parents are not entitled to receive a monetary refund of the free entitlement. The local authority recognises that there may be business costs attributed to these days and would not normally look to recoup the funding from the provider. Where a problem persists for more than five consecutive days the provider must seek guidance from Early Years and Childcare performance team.
- It is recommended that you look at insurance that covers the cost of staff wages and income under circumstances that lead to a sustained period of closure. During sustained closure, parents would be entitled to access their NEF with another provider, space allowing. The local authority reserves the right to recoup funding where the free sessions they have commissioned are not delivered for a period greater than five consecutive days.



### 13. Progress check, assessment and Integrated Review

- The completion of an EYFS progress check when a child is aged between two and three must be undertaken. The check must be shared with parents and other appropriate professionals working with a child, if appropriate.
- Providers must work in partnership with parents and carers and provide them with relevant information or advice about their children’s progress and funding entitlements.
- With the informed consent of parents, the records of individual children and their achievements must be transferred to other providers to enhance the transition process for each child.
- Parents/carers must be asked for permission to share the progress check and any information that is relevant to the Integrated Review.

### 14. Audit Requirements

A number of funded providers will be audited each term. Every provider must therefore maintain accurate records about all children receiving free hours and be able to supply CBC with:

- Copies of completed Parent Declaration / Provider Agreement Form.
- Copies of invoices to parents where a child is attending more than 15 hours a week to show no top up fees are being charged. The invoice should clearly show charges for additional hours or services so that it is clear the parents have not been charged for the funded hours.
- Records of attendance (registers) for every funded child. This should include arrival and departure times for children.
- A charging policy / admissions policy / information to parents that shows that the NEF is completely free at the point of delivery.
- The local authority will complete audit checks to review the validity of codes for children who qualify for 30 hours free childcare at 6 points in the year, both at half term and end of term. Please see Table A below. The local authority will inform a provider when a parent has fallen out of eligibility and inform them of the grace period.

**Table A**

<b>Date parent receives ineligible notice on reconfirmation</b>	<b>LA audit date</b>	<b>Grace period end date</b>
1 Jan – 10 Feb	11 February	31 March
11 Feb – 31st Mar	1 April	31 August
1 April – 26 May	27 May	31 August
27 May – 31 August	1 September	31 December
1 Sept – 21 Oct	22 October	31 December
22 Oct – 31 Dec	1 January	31 March

- The local authority will carry out check and/or audits on how you have spent both your EYPP and/ or DAF and how this funding has impacted the child.
- Any other details as requested.
- Records must be retained for the current year and for an additional seven years.

## 15. Parental Complaints

Disputes relating to additional fees/charges remain a private matter between the parent/carer and provider and all involved are advised to seek legal advice if appropriate. Central Bedfordshire will not investigate any financial concerns raised by a parent/carer regarding the purchase of additional hours or services, unless there is a clear indication that the Free Early Education requirements have not been met or invoicing/billing does not clearly indicate the difference between the Free Early Education hours and additional hours/services.

## 16. Provider Complaints

If any provider is not satisfied with their treatment or CBC's delivery of the funding, they can appeal using the council's complaints procedure (listed below). Complaints must be received in writing.

### Stage 1 – Local resolution

A complaint will be acknowledged in writing and a full response sent within 5 working days of the date CBC received it. The response will state clearly whether the complaint is upheld or not and the reasons why – focusing on openness and transparency.

### Stage 2 – Senior Service Level Investigation

If the provider is not satisfied with the outcome of the stage 1 complaint a request can be made for the complaint to be elevated to stage 2. A stage 2 complaint will be responded to in writing by a senior manager of the service - within 15 working days of the date CBC received the request.

### Stage 3 – Independent Investigation

If the provider is not satisfied with the outcome of the stage 2 complaint a request can be made by the provider for the complaint to be elevated to stage 3. Customer Relations may offer and facilitate an adjudication meeting. If at the conclusion of the complaints procedure the complainant is not satisfied with the outcome, they may refer their complaint to the Local Government Ombudsman

### Central Bedfordshire Council Complaints Handling – General

The focus will be on resolution and the desired outcome of the complainant wherever possible. Remedies will be proportionate to the issue of complaint. Every consideration will be given to identifying service and/or organisation improvements to achieve better outcomes for customers and evidence will be recorded.

If more time is needed to respond to complaints at any stage of the process the customer must be kept informed and advised of a date when the response will be completed.

## 17. Withdrawing from delivery of the free Entitlement

If a provider decides that they no longer wish to offer the free entitlement the provider must contact CBC to make them aware and agree a date for removal from the Directory. Providers must ensure that if they choose to withdraw, that individual parents are informed by letter giving at least a full term's / 3 months' notice to enable parents to make alternative arrangements.

## 18. Removal from the Directory of Providers

Due to changes in statutory duties, the local authority no longer undertakes a separate quality assessment and therefore the Ofsted grading will be the main influencing factor in determining the removal of funding.

### 1. Suspension by Ofsted;

Funding will be withdrawn from providers who have been suspended by Ofsted.

Providers will be able to reapply for the funding once the suspension has been lifted and an appropriate Ofsted grade is evident.

### 2. Inadequate judgement given by Ofsted;

- The local authority **will not** fund any **new** eligible nine – twenty-three month, two, three or four year olds in a provision graded 'Inadequate' by Ofsted.
- The local authority **will** continue to fund those **existing** nine – twenty-three month, two, three and four year olds as long as the monitoring visits from Ofsted are showing improvement and the provider is actively engaging with the local authority to improve the quality of provision by addressing the Ofsted actions.
- Where a provision has received 2 consecutive 'Inadequate' Ofsted judgements, the local authority will **cease funding as soon as practicable**.

### 3. Requires Improvement judgement given by Ofsted;

- The local authority **will not** fund any **new** eligible nine – twenty-three month, two year olds in a provision graded 'Requires Improvement' by Ofsted.
- The local authority **will** continue to fund those **existing** nine – twenty-three month, two, three and four year olds as long as the provision is engaging with the local authority and can demonstrate improvement in quality against the Ofsted actions. Failure to do so could **result in the refusal of funding for any new three and four year olds**.

The local authority deems it vital that early years providers can demonstrate their capacity to improve. Therefore, removal of funding may be considered under the following circumstances:

- A provider who is judged as 'Requires Improvement' by Ofsted at two consecutive inspections.
- A provider, who is judged as 'Requires Improvement' by Ofsted and who at their next Ofsted inspection is judged 'Inadequate'.

#### **4. Failure to complete / return mandatory documents;**

Providers who fail to submit their Early Years Census or any other mandatory requests for information by the given date may have their funding suspended.

**Providers should note that without an up to date signed Provider Agreement, no funding can be administered, and providers will be removed from the Directory of Early Years Providers if this is not returned as required.**

#### **5. Failure to provide the NEF entirely free of charge;**

As per the statutory guidance; where providers knowingly place barriers to parents accessing their NEF funding will be removed. For example:

- topping-up on invoices. A top up fee is the difference between what a provider normally charges, and the funding received from the local authority.
- insisting that parents pay top-up charges in order to ensure that their child receives any necessary additional or one to one support.
- insisting on a registration fee/deposit/retainer fee prior to taking up a place which is solely funded. Parents should be made aware that their place cannot be held unconditionally if such fees are not made, however this should be a conscious decision made by the parent.
- requesting payments in advance for any NEF time to be reimbursed at a later date.
- providing and charging for lunch without giving the parent/carer the option to bring a packed lunch where NEF sessions are run over this period.
- providing and charging for consumables such as nappies and wipes without giving the parent the opportunity to bring their own to the setting during NEF funded hours.
- insisting parents/carers purchase uniforms for children attending solely funded NEF hours.

#### **6. Making inaccurate claims for funding;**

If early year's providers are found to make consistently inaccurate or fraudulent claims, funding will be removed. Legal action may also be considered. For example:

- where attendance patterns are inconsistent with the signed Parental Declaration.
- where Parent Declarations have not been completed/signed and updated by the parent/carer as necessary.
- where verbal or written confirmation of attendance given by the parent/carer to the local authority conflicts with hours claimed for by the provider.
- where the provider knowingly makes fraudulent claims for hours not attended.
- where claims are made for children whose date of birth has not been validated through copy of a birth certificate or other relevant documentation.

**7. Failure to promote the fundamental British values of democracy, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs.**

- Providers must not promote views or theories which are contrary to established scientific or historical evidence.

It is the responsibility of CBC to ensure that all providers adhere to the Local Agreement.

A childcare provider found to be in breach of any of the requirements detailed in the Central Bedfordshire Local Agreement will be given notice of one full term regarding any changes that the childcare provider must make. Any childcare provider, who does not make these changes, will be given notice of removal from the Central Bedfordshire Directory of Providers.

Should removal from the Directory be determined by an 'Inadequate' Ofsted inspection outcome, there will be no grounds to appeal to Central Bedfordshire.

## **19. Other information:**

The local authority will promote partnership working between different types of providers, across all sectors and encourage more providers to be flexible.

The local authority will support children with special education needs or disabilities and aim to meet the needs of all children in the area as per the code of practice. The offer will be clear and transparent.

## Appendix 1 - Criteria for families of 2 year olds who are disadvantaged/receiving government support

A 2 year old can access up to 570 hours of funded early education and childcare a year, if they receive one of the following eligible benefits:

- Income support
- Income-based job seeker's allowance (JSA)
- Income-related Employment and Support Allowance (ESA)
- Universal Credit, and your household income is £15,400 a year or less after tax, not including benefit payments
- Tax credits, and your household income is £16,190 a year or less before tax
- Support through part 6 of the Immigration and Asylum Act
- The Guaranteed element of Pension Credit
- The Working Tax Credit 4-week run on (the payment you get when you stop qualifying for Working Tax Credit)

To see if they are eligible, the parent can create an account on **CBC Parent Portal** and apply for 2 year old funding. They will need their National Insurance Number (NINo) or National Asylum Support Service (NASS) number.

2 Year old can also get free childcare if they:

- Are looked after by the local authority
- Have an Education, Health and Care (EHC) plan
- Receive Disability Living allowance (DLA)
- Have left care under an adoption order, special guardianship order or a child arrangements order

A 2 year old that a parent cares for may also get free childcare if they're a non-UK citizen who cannot claim benefits or if their immigration status says they have 'no recourse to public funds'. They must live in England and their household income must be no more than:

- £26,500 for families outside of London with one child
- £34,500 for families within London with one child
- £30,600 for families outside of London with two or more children
- £38,600 for families within London with two or more children

They cannot have more than £16,000 in savings or investments. For more information and how to apply visit our **Family Information Directory**.

The Department for Education's eligibility checking system provides a mechanism for local authorities to verify whether children meet the eligibility criteria based on parental receipt of benefits (including Universal Credit). Once two-year-old funding has been approved the child continues to be eligible even if the child ceases to meet the criteria at a later date.

## Appendix 2 - Foster Children - 30 Hours

- Foster parents will not be able to apply through the normal HMRC route
- Foster parents in discussion with the Foster child/ren's social worker will discuss if applying for 30 hours is consistent with the child's care plan
- Foster parents will sign an application form to declare that they are working outside fostering, and if their partner is not a foster parent, that they meet the income requirements for 30 hours. The social worker will countersign this form and send to Early Years and Childcare performance team who will then provide the foster parent with their eligibility code.
- Once foster parent has received a code, they will take the code to their setting/ provider
- Settings/ providers will check the code via the portal
- Child will then take up their 30 hours place the term following their third birthday and receipt of the code
  - As with 30 hours generally, children start the term after they are 3 **and** the parents have a valid code.
  - If a child comes into foster care when they are already 3, then they will start term after the code was issued.
  - LAs are not prohibited from allowing in-term starts but there will be no extra funding for these from central government.
- Settings/ providers will enter foster children on headcount and census as per usual.

## Appendix 3 - Example Invoice

Central Pre-school – High Street North, Any Town, ABC 123			
INVOICE			
Joe Blogs 21 South Street Any Town ABC 456		Customer ref: BLOGS01 Invoice Date: 13/5/18 Invoice period: 04/06/18 to 29/06/18 Invoice Number: 00012	
<b>Childcare services Fred Blogs:</b>			
Detail	Hours/Units	Hour/Unit rate	Total
Universal funding	60	£0.00	£0.00
Extended funding – eligibility code 1234567	60	£0.00	£0.00
Additional childcare	40	£6.50	£260.00
Agreed services - meals	28	£4.00	£112.00
Agreed services – Monday dance club	4	£6.00	£24.00
		<b>Total</b>	<b>£396.00</b>
Payment Due:	31/05/18		
Payment method:	Bank Transfer, Childcare Vouchers, Tax Free childcare		
Payment to:	Riverside Bank, Account number: 00000000 Sort code: 00-00-00		
<b>Any queries about this invoice contact xxxxx</b>			



# **Central Bedfordshire in contact**

**Find us online:** [www.centralbedfordshire.gov.uk](http://www.centralbedfordshire.gov.uk)

**Call:** 0300 300 6044

**Email:** [cpeiaadmin@centralbedfordshire.gov.uk](mailto:cpeiaadmin@centralbedfordshire.gov.uk)

**Write to:** Early Years and Childcare Performance Team, Children's Services,  
Central Bedfordshire Council, 2nd Floor, The Council Offices, High Street  
North, Dunstable, Bedfordshire, LU6 1LF