



Provider agreement for funding early years provision and childcare

Effective from April 2024

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1. Introduction

- 1.1. This document sets out the conditions placed on early years providers who wish to offer the early years entitlements. For the purposes of this document early years providers are referred to as 'providers' and include:
- early years providers and childminders registered on the Ofsted Early Years Register
 - childminders registered with a childminder agency (CMA) which is itself registered with Ofsted
 - schools taking children aged 2 and over and which are exempt from registration with Ofsted as an early years provider
- 1.2. These conditions have been produced with regard to the Department for Education (DfE) Early Education and Childcare Statutory guidance for local authorities (January 2024) and sections 6, 7, 7A, 9A, 12 and 13 of the Childcare Act (2006) and section 1 and 2 of the Childcare Act (2016) and applies to:
- the 15 hours entitlement for the most disadvantaged 2-year-olds (Targeted 2-year-old education and childcare funding)
 - the 15 hours entitlement for parents of 3- and 4-year-olds (the universal entitlement)
 - the eligible working parent entitlements, which include:
 - the 30 hours entitlement for eligible working parents of 3- and 4-year-olds
 - from April 2024, the 15 hours entitlement for children aged 2 years
 - from September 2024, the 15 hours entitlement for children aged 9 months to 3 years (under 3's)
 - from September 2025, the 30 hours entitlement for children aged 9 months to 3 years (under 3's)
- 1.3. In this Agreement 'under 3' means children aged 9 months to 3 years old

Changes from 2023 to 2024

This summary outlines the principal modifications between the 2023-24 and 2024-25 agreements. Please note that it is not exhaustive, and providers are strongly advised to review the complete agreement

- Updated wording regarding promotion of fundamental British Values and not promoting as evidence-based, views or theories which are contrary to established scientific or historical evidence
- 2-year-old funding for disadvantaged families now referred to as Targeted 2-year-old funding
- 30 hours extended entitlement changed to eligible Working Parent entitlement
- Section 7 & 8 - Incorporated guidance on the new eligible Working Parent entitlements
- Section 9 – Rewritten to clarify requirements for children in foster care
- Section 14 – Updated to clarify consequences of poor OFSTED inspections
- Section 15 - Clarity added on charging of administration fees

- Section 16 – Rewritten to provide greater clarity regarding provider fees and charged and to reflect changes in the statutory guidance *The need to use the term ‘optional’ in relation to additional charges has been removed from the statutory guidance.*
- Section 17 – Details of funding process changed to:
 - incorporate monthly Payments for childminders
 - improve guidance when children change provider
 - clarify that funding is by participation only
- Section 21 – Clarified and expanded guidance on withdrawal of funding

2. Review date

- 2.1. This document was last reviewed on 30/01/2024.
- 2.2. The information included in this document is correct at the time of publication but is subject to changes in Government policy. This document will be kept under review and updated, as necessary.

3. Legal framework

- 3.1. The following frameworks and legislation underpin this agreement, the list is not an exhaustive list:
 - Statutory guidance: Early Education and childcare - January 2024
 - Childcare Act 2006
 - Childcare Act 2016
 - Equality Act 2010
 - School admissions code 2014
 - Statutory framework for the early years foundation stage 2023
 - Local Authority, (Duty to Secure Early Years Provision Free of Charge) Regulations 2014 as amended by the 2018 Regulations
 - The Childcare (Early Years Provision Free of Charge) (Extended Entitlement) Regulations 2016
 - The Childcare (Free of Charge for Working Parents) (England) Regulations 2022
 - Special educational needs and disability code of practice: 0 to 25 years 2015
 - Data Protection Act 2018
 - Freedom of Information Act 2000
 - The Schools and Early Years Finance (England) Regulations 2023
- 3.2. Bracknell Forest Council reserves the right to unilaterally vary this document to reflect changes in legislation and guidance from the Department of Education.
- 3.3. References to legislation will be legislation as amended from time to time, without express change to this document.
- 3.4. All providers are required to keep up to date with and comply with relevant legislation.

- 3.5. The Freedom of Information Act 2000 gives any person the right to request information held by public authorities such as Bracknell Forest Council. For more information, please see the [freedom of information](#) page on the Bracknell Forest Council website.

The Council is under a statutory duty which may require the release of information under the Freedom of Information Act 2000. Such information may include matters relating to or arising out of or under this Agreement. The Council shall be entitled to disclose such information in the event that it receives a request to do so. In this event the Council shall inform the Provider of the request and give the Provider details of the information that the Council intends to disclose.

- 3.6. The General Data Protection Regulation and Data Protection Act 2018 requires local authorities to inform individuals about how their personal data is used. This is provided through a [privacy notice](#) on the Bracknell Forest Council website.
- 3.7. All early years providers are data controllers and data processors in their own right and, as such, they have a duty to inform pupils, staff and parents how they process the data that is within their control. Guidance on data protection is available on the DfE website¹.

4. Key responsibilities

- 4.1. The DfE has set key responsibilities for local authorities and providers in relation to the provision of entitlement places.

Key local authority responsibilities

- 4.2. Local Authorities must secure a place for every eligible child in their area.
- 4.3. The Local Authority should work in partnership with providers to agree how to deliver entitlement places.
- 4.4. 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.
- 4.5. The Local Authority must contribute to the safeguarding and promote the welfare of children and young people in their area.

Key provider responsibilities

- 4.6. The provider must comply with all relevant legislation and take out and maintain adequate levels of insurance.
- 4.7. The provider should deliver the entitlements consistently to all parents, whether in receipt of 15 or 30 hours and regardless of whether they opt to pay for optional

¹ <https://www.gov.uk/government/publications/data-protection-and-privacy-privacy-notice>

services or consumables. This means that the provider should be clear and communicate to parents details about the days and times that they offer entitlement places, along with their services and charges. Those children accessing the entitlements should receive the same quality and access to provision.

- 4.8. The provider must follow the Early Years Foundation Stage (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.
- 4.9. 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.

5. Safeguarding

- 5.1. Bracknell Forest Council has overarching responsibility for safeguarding and promoting the welfare of all children and young people in the Borough. Bracknell Forest Council have a number of statutory functions under the 1989 and 2004 Children Acts which make this clear, and the 'Working Together to Safeguard Children guidance'² sets these out in detail. All procedures can be accessed on the Bracknell Forest Safeguarding Board Website³.
- 5.2. Providers must follow the EYFS Statutory Framework 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' guidance.
- 5.3. The Local Authority Designated Officer (LADO) is a statutory role that is underpinned by The Children Act 2004, The Education Act 2002, and Working Together 2023, all of which place duties on organisations to safeguard and promote the welfare of children. The LADO manages all the allegations that are made against persons working with children, this includes paid and unpaid workers, full time, part time, agency and volunteers.

The LADO allegations procedure applies whenever there is an allegation or concern that a person who works with children has:

- behaved in a way that has harmed a child or may have harmed a child
- possibly committed a criminal offence against or related to a child

² [Working together to safeguard children - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/67222/Working_together_to_safeguard_children_-_2018.pdf)

³ <https://www.proceduresonline.com/berks/bracknell/>

- behaved towards a child or children in a way that indicates he or she may pose a risk of harm to children

If you observe or are made aware of any concerns about a person who is working with young people then you should make your designated safeguarding lead at work aware, and either they (or yourself if they are not available) have a duty to refer these concerns onto the LADO within one working day. Concerns may be around a person's current role, historical allegations that you have become aware of, or something in relation to their personal lives.

The LADO is available to discuss any concerns that you may have and will then assess what the next steps needs to be and provide you with support around any safeguarding actions.

The LADO can be contacted on 01344 351572 or at LADO@bracknell-forest.gov.uk

6. Requirements for receiving the early years entitlements

- 6.1. Providers wanting to offer the early years entitlements in Bracknell Forest must:
 - operate a setting located within Bracknell Forest
 - register with the Bracknell Forest Local Directory
 - keep details on Bracknell Forest Local Directory up to date (termly at a minimum)
 - register with OFSTED (if providing childcare that requires registration) or register with a childminder agency which is itself registered with OFSTED
- 6.2. Providers must actively promote fundamental British values in accordance with the Early Education and Childcare Statutory Guidance for Local Authorities. Fundamental British values are defined as democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and values.
- 6.3. Providers must not promote as evidence-based, views or theories which are contrary to established scientific or historical evidence and explanations.
- 6.4. Providers must confirm compliance with the terms and conditions of this document by completing the online process on the Can-Do website.
- 6.5. Where a childminder is registered with a childminder agency, the agency has signed the Council's Service Level Agreement.
- 6.6. Providers must attend termly provider meetings to ensure they receive local and national updates alongside EYFS and safeguarding requirements.
- 6.7. To enable Bracknell Forest Council to meet its responsibility for safeguarding and promoting the welfare of all children and young people in the Borough, providers must allow the Quality & Improvement team access to their setting.

7. The early years entitlements

7.1. This section refers to the use of the Provider Portal to validate and process entitlement claims. Guidance on signing up to and using the Provider Portal can be found on the Bracknell Forest website⁴.

- 7.2. The entitlements are:
- the 15-hour entitlement for the most disadvantaged 2-year-olds, a total of 570 hours per year (targeted 2-year-old education and childcare funding)
 - the 15-hour entitlement for parents of 3- and 4-year-olds (the universal entitlement), a total of 570 hours per year
 - the eligible working parent entitlements, which include:
 - the 30 hours entitlement for eligible working parents of 3- and 4-year-olds
 - from April 2024, the 15-hour entitlement for children aged 2 years
 - from September 2024, the 15 hours entitlement for children aged under 3
 - from September 2025, the 30 hours entitlement for children aged under 3

Eligibility

7.3. The DfE sets the dates of birth for the start of eligibility for the early years entitlements, as set out in the table below. School term dates are not considered when determining eligibility.

Child’s second (where eligible) or third birthday falls between	entitlement starts
1 April and 31 August	1 September (autumn term)
1 September and 31 December	1 January (spring term)
1 January and 31 March	1 April (summer term)

7.4. The provider should check original copies of documentation to confirm a child has reached the eligible age on initial registration. 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.

7.5. Alongside the eligibility code, which is the child’s unique 11-digit number, and original copies of documentation 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 eligibility code. This is normally received via completion of the parent declaration form.

⁴ <https://www.bracknell-forest.gov.uk/children-and-family-services/childcare/information-early-years-providers/funding-information-early-years-providers/provider-portal>

- 7.6. Children who have been admitted to a full-time place in a state funded school reception class or an independent school reception class that is funded by the local authority are not entitled to the early years entitlements.
- 7.7. A child who takes up their entitlement part way through their funding year (child's funding year starts from the term after their birthday) will be entitled to a pro-rata number of hours adjusted to reflect the portion of their funding year remaining.
- 7.8. A provider may not use a change in the child's age (and the relevant funding rate) as a reason to withdraw a funded place.

Targeted 2-year-old education and childcare funding

- 7.9. A child will be entitled to targeted 2-year-old education and childcare funding from the term after both of the following conditions are satisfied:
 - the child has attained the age of 2
 - AND
 - the child or parent meets the eligibility criteria
- 7.10. Non-UK citizens who have no recourse to public funds may still be eligible for Targeted-2-year-old education and childcare. Eligibility criteria for targeted 2-year-old funding is available on the government's website <https://www.gov.uk/help-with-childcare-costs/free-childcare-2-year-olds>
- 7.11. Eligible 2-year-olds are entitled to 570 hours a year over no fewer than 38 weeks of the year. The entitlement may be [stretched](#) over more than 38 weeks (and up to 52 weeks). This means taking fewer hours per week, subject to a maximum of 570 hours a year. Providers are advised to communicate this information in writing to the parents to aid open transparency.
- 7.12. If a child is entitled to Targeted 2-year-old education and childcare funding a code will be issued to the parent which they can share with their chosen childcare provider. Childcare providers should verify the eligibility code before confirming the availability of a funded place and/or the child starts attending. This code will start with 'TYF867'.
- 7.13. Providers should offer places to eligible Targeted 2-year-olds on the understanding that the child remains entitled for funding until they become eligible for the universal entitlement for 3- and 4-year-olds.

Universal entitlement for all 3- and 4-year-olds

- 7.14. A child is eligible for the universal entitlement from the term after their third birthday.
- 7.15. Eligible 3- and 4-year-olds are entitled to 570 hours a year over no fewer than 38 weeks of the year, until the child reaches compulsory school age (the beginning of the term following their fifth birthday). The entitlement may be [stretched](#) over more than 38 weeks (and up to 52 weeks). This means taking fewer hours per week, subject to a maximum of 570 hours a year.

7.16. All 3- and 4-year-olds living in England are entitled to the universal entitlement from the term after their 3rd birthday irrespective of the immigration status of the child or their parent(s).

Eligible Working Parent entitlements

7.17. Eligible 3- and 4-year-olds of working parents will be entitled to an additional 570 hours, making a total of 1,140 hours a year when combined with the universal entitlement, until the child reaches compulsory school age (the beginning of the term following their fifth birthday).

7.18. From the Effective Date, a child aged 9 months to 3 years olds will be entitled to the specified Entitlement Hours set out in the table below from the term after both the following conditions are satisfied:

- the child has attained the Relevant Age
- the child’s parent has a current positive determination of eligibility from HMRC i.e., a valid eligibility code

Effective Date	Relevant Age	Entitlement Hours
1 April 2024	2 years old	570 hours
1 September 2024	9 months to 3 years	570 hours
1 September 2025	9 months to 3 years	1140 hours

7.19. The working parent entitlement may be [stretched](#) over more than 38 weeks (and up to 52 weeks). This means taking fewer hours per week, subject to the maximum entitlement hours a year.

7.20. The child’s parent must apply for the working parent entitlement through the Government’s online service – [Childcare Choices](#). **Eligibility for the extended entitlement is determined by HMRC through this online application.** The only exception to this is children in foster care – See section 9 below.

7.21. The parent must apply for or reconfirm the eligibility code by the deadline as set out below:

- 31 August to claim funding in the autumn term (1 September to 31 December)
- 31 December to claim funding in the spring term (1 January to 1 March)
- 31 March to claim funding in the summer term (1 April to 31 August)

7.22. Where parents have applied for or reconfirmed eligibility by the deadline but do not receive their valid 30 hours code by the deadline, Bracknell Forest Council will agree funding on condition that the code is received by the dates set out below:

- Parent applied/reconfirmed by 31 August – code validity start date between 1st – 14th September
- Parent applied/reconfirmed by 31 December – code validity start date between 1st – 14th January
- Parent applied/reconfirmed by 31 March – code validity start date between 1st – 14th April

Parents must provide evidence showing the application or reconfirmation was completed before the deadline. Providers must submit the evidence to the Early Years Business team who will confirm if the child is eligible for a place. Providers should not confirm a place prior to receipt of confirmation from the Early Years Business team.

- 7.23. Parents who are unable to access the HMRC website or are experiencing difficulties completing the application should call the HMRC Customer Interaction Centre on 0300 123 4097 who will provide support using information supplied by the applicant over the phone.
- 7.24. Parents who disagree with the eligibility outcome as determined by HMRC can appeal the outcome and request a review by contacting the HMRC Customer Interaction Centre on 0300 123 4097.
- 7.25. Prior to checking an eligibility code or completing a funding task on the Provider Portal a provider must have:
- The Working Parent entitlement eligibility code, the child’s unique 11-digit number
 - Written consent from the parent to apply for the funding on behalf of their child
 - Seen original documents which confirm a child has reached the eligible age
- This is provided in the [Parent Declaration Form](#)
- 7.26. Once a provider has received written consent from the parent, they should verify the eligibility code on the Bracknell Forest Council [provider portal](#) which has the Eligibility Checking Service built into it and enables providers to verify the eligibility code swiftly and efficiently.
- 7.27. The provider portal will confirm the validity of eligibility codes and the date from which funding can be claimed to allow providers to offer places for eligible children.
- 7.28. The provider portal reviews the validity of eligibility codes on an ongoing basis and meets the requirement to complete audit checks at 6 fixed points in a year, both at half term and at the end of term across the year (in line with the dates as listed at table A below). The expiration dashboard on the provider portal will notify providers where a parent has fallen out of eligibility and informs them of the grace period end date.

Table A:

Date Parent receives ineligible decision on reconfirmation:	Audit Date	Grace Period End date:
1 Jan – 10 Feb	11 February	31 March
11 Feb – 31 March	1 April	31 August
1 April – 26 May	27 May	31 August

27 May – 31 August	1 September	31 December
1 September – 21 October	22 October	31 December
22 October – 31 December	1 January	31 March

- 7.29. It is the provider's responsibility to check the expiration dashboard regularly and contact parents where the eligibility code is nearing its end date to remind them to renew the eligibility code (reminders will have been sent to parents by the HMRC website). It is a parent's responsibility to renew the eligibility code every three months.

8. Working Parent Entitlement grace period

- 8.1. 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 2022, as determined by HMRC (or where the child is in foster care, the responsible local authority) or a First Tier Tribunal in the case of an appeal.
- 8.2. The grace period end date will automatically be applied to eligibility codes and is displayed in the provider portal expiration dashboard and against individual child records in the provider portal tasks.
- 8.3. Bracknell Forest Council will continue to fund a working parents entitlement place for a child who enters the grace period until the end date of the grace period is reached.
- 8.4. Children will not be able to start a new working parent entitlement place at a provider during the grace period. The scenarios below help explain the impact of the grace period on eligibility to a working parent entitlement place:
- A child may not start claiming the working parent entitlement in the same term as an eligibility code is issued, even if the child has attended the setting the previous term
 - A child may not start a new working parent entitlement place if their eligibility code is in its grace period on the first day of the term
 - A child may continue to access a working parent entitlement place with the same provider if their 30 hours code is in its grace period on the first day of term
 - Changing provider is considered starting a new funded place, a child who changes provider mid-term must have had a valid eligibility code on the first day of the term even if they were claiming the working parent entitlement at their previous provider
- 8.5. The grace period is an opportunity for providers to remind parents to renew their eligibility code or if parents are no longer eligible, to make arrangements for when the additional funding ends. This could be a reduction in attendance or invoicing for the additional hours.

- 8.6. Where parents cease to meet the eligibility criteria and the grace period has expired, children aged 3- and 4- years old can continue to take up their universal entitlement, provided they have not exceeded the 570 hours entitlement for the year. Note, if the working parent entitlement had been accessed at more than one provider, universal entitlement funding will continue at the provider of the parent's choice.

9. Children in foster care

- 9.1. Children in foster care will be eligible for the working parent entitlements from the term after they meet the following criteria:
- The child has attained the relevant age and is under compulsory school age
 - The Council is satisfied that the foster parent engaging in paid work other than as a foster parent is consistent with the child's care plan
 - In single foster parent families, the foster parent holds additional paid employment outside of their role as a foster carer
 - In 2 foster parent families, both partners hold additional paid employment outside of their role as a foster carer or one partner is working and the other has a limited capability for work and work-related activity
 - The foster parent does not have to meet the minimum income requirement
- 9.2. Foster parents who wish to apply for the extended entitlement must apply directly to the Local Authority via their social worker.

10. Flexibility

- 10.1. Providers should work with the Local Authority and share information about the times and periods at which they are able to offer entitlements to support the Local Authority to secure sufficient stretched and flexible places to meet parental demand in the Local Authority.
- 10.2. Providers should make information about their offer and admissions criteria available to parents at the point the child first accesses provision at their setting.
- 10.3. Evidence shows that continuous provision is in the best interests of the child. Where it is reasonably practicable providers should ensure that children are able to take up their hours in continuous blocks and avoid artificial breaks being created throughout the day, for example over the lunch period.
- 10.4. Bracknell Forest Council is committed to supporting providers to offer flexible places to meet parental need and will work in partnership with providers to achieve this. Providers are encouraged to offer flexible packages of places, within the following parameters:
- no session longer than 10 hours
 - no minimum session length (subject to the requirements of registration on the Ofsted Early Years Register)
 - not before 6.00am or after 8.00pm
 - a maximum of two sites in a single day

- up to 52 weeks of the year if the parent is stretching their child's entitlement
 - can be outside of maintained school term times
 - can include weekends
- 10.5. Subject to the standards set out in 10.4, there is no requirement for entitlement places to be taken on, or delivered on, particular days of the week or at particular times of the day.
- 10.6. If parents choose to take their entitlement with more than one provider, all parties have a duty to ensure there is a system in place to ensure continuity of care and that regular liaison between providers takes place.
- 10.7. Where a child attends 2 or more settings per week, it is up to the parent to decide the distribution of hours between the settings. The distribution of hours must be recorded on the Parent Declaration Form (PDF). Each provider will claim funding according to the distribution of hours recorded on the PDF.
- 10.8. The situation may arise where a child attends one provider term time only and a second provider on a stretched offer over more than 38 weeks. Providers should check the funded hours claimed across both providers to ensure that the child is receiving a maximum of 15 funded hours a week and a maximum of 570 hours a year (or 1140 hours for children accessing the 30 hours entitlement).
- 10.9. There is no requirement for providers to be open for 38 weeks of the year or to offer all the entitlements to receive funding to deliver entitlement places. However, providers must make it clear to parents, prior to the child taking up their place, where their business model restricts access to the full entitlement.

11. Partnership working

- 11.1. Bracknell Forest Council will support all providers to work in partnership to meet the needs of children and parents in the Local Authority.
- 11.2. Providers should work in partnership with parents, carers and other providers to improve provision and outcomes for children in their setting. An interactive toolkit⁵ 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.
- 11.3. Providers should discuss and work closely with parents to agree how a child's overall care will work in practice when their entitlement is split across different providers, such as at a maintained setting and a childminder, to ensure a smooth transition for the child.

⁵ <http://www.familyandchildcaretrust.org/dfes-30-hour-mixed-model-partnership-toolkit>

12. Special educational needs and disabilities

- 12.1. All providers in the maintained, private, voluntary and independent sectors must have regard to the Special Educational Needs and Disability (SEND) code of practice: 0-25 years ⁶ (January 2015).
- 12.2. 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.
- 12.3. Providers must have a SEND policy that is clear and transparent and sets out the SEND support on offer at their setting. The policy must cover admissions. Providers should update this annually and ensure the link to it on the school's record on the Local Offer is correct, so information is available to parents to enable them to choose the right setting for their child.
- 12.4. Providers should identify children who qualify for the Disability Access Fund (DAF) and promote DAF to parents.
- 12.5. Where children move to another early years provider or transition to school, providers should share current and historic SEND information with the new provider or school.

13. Social mobility and disadvantage

- 13.1. Bracknell Forest Council promotes equality and inclusion, particularly for disadvantaged families, looked after children and children in need by removing barriers of access to places and working with parents to give each child support to fulfil their potential.

Providers should ensure that they have identified the disadvantaged children in their setting as part of the process for checking Early Years Pupil Premium (EYPP) eligibility. Providers will also use EYPP and any locally available funding streams or support to improve outcomes for this group.

14. Quality

- 14.1. 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 and providers registered with an agency which is itself registered with OFSTED. 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.
- 14.2. Ofsted inspection judgements are the sole benchmark of quality for all childcare entitlements. Ofsted and inspectorates of independent schools have regard to the

⁶https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf

EYFS in carrying out inspections and report on the quality and standards of provision.

- 14.3. All providers should notify the Quality & Improvement team as soon as OFSTED inspectors arrive at a setting to undertake an inspection.
- 14.4. 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. Early Years providers in Bracknell Forest are required, at a minimum, to attend provider meetings to ensure they are aware of local and national requirements of the EYFS.
- 14.5. New providers are strongly encouraged to engage with Bracknell Forest Council on the development of their setting and preparing for their first graded OFSTED inspection.
- 14.6. A Targeted 2-year-old can be funded at a provider rated 'good' or 'outstanding' by Ofsted or at any childminder or childcare provider registered with a childminder agency judged 'effective' by Ofsted.
- 14.7. Bracknell Forest Council are not required to fund places for Targeted 2-year-olds at providers rated 'requires improvement' by Ofsted but may choose to do so to ensure sufficiency of places and continuity of care.
- 14.8. A child accessing the universal or working parent entitlements can be funded at a provider rated 'requires improvement' or better by ⁷Ofsted or at any childminder or childcare provider registered with a childminder agency judged 'effective' by Ofsted.
- 14.9. Bracknell Forest Council will fund providers with an Ofsted inspection judgement of 'met' until their Ofsted quality inspection judgement is published. Providers with an Ofsted inspection judgement of 'not met' will not be funded.
- 14.10. Bracknell Forest Council will fund new providers registered with Ofsted until the provider's first full Ofsted inspection judgement is published or childminder or childcare provider registered with a childminder agency until the agency's first full Ofsted inspection judgement is published.
- 14.11. Bracknell Forest Council will not fund childminders or childcare providers registered with a childminder agency where the agency has indicated that the childminder is not of the appropriate quality unless it is necessary to ensure sufficiency of accessible places or support parental choice.
- 14.12. Bracknell Forest Council will not fund providers who do not actively promote fundamental British values or if they promote as evidence-based, views or

⁷ For schools inspected by the Independent Schools Inspectorate the relevant inspection judgement is "sound".

theories which are contrary to established scientific or historical evidence and explanations.

- 14.13. Providers are required to undertake any training or quality improvement programme identified as necessary to address concerns raised in the Ofsted inspection report and the provider has been judged less than 'good' by Ofsted.

15. Business planning

- 15.1. Providers should ensure they submit timely and accurate information, including, but not limited to, headcount data, census data, parental declarations and invoices. Failure to do so may result in inaccurate, delayed, or suspended funding.
- 15.2. Providers should maintain accurate financial and non-financial records relating to entitlement places and should give the Local Authority access on reasonable notice to all financial and non-financial records relating to entitlement places funded under the provider agreement, subject to confidentiality restrictions.

Provider portal

- 15.3. Providers must complete and submit headcount and other necessary data returns via the [provider portal](#). Providers may only claim for the care they provide (or intend to provide when completing the forecast task).
- 15.4. Each provider must register one or more staff members to use the provider portal by completing and returning a [Provider Portal Access Form](#) for each user. Users must activate their account once it has been registered as most communications regarding the entitlements are sent via the provider portal.
- 15.5. A [Provider Portal User Guide](#) is available on the Bracknell Forest Council website.
- 15.6. Login details must not be shared between users, and it is the user's responsibility to keep their login details secure.
- 15.7. Autocomplete options that remember passwords can cause issues when changing passwords and should not be used.
- 15.8. If a provider portal user leaves the setting or changes roles, the setting must contact the Early Years Team to remove the user's access from the system.
- 15.9. If the device you use to access the portal (laptop, tablet, mobile phone etc.) is lost or stolen you must contact the Early Years Team immediately so that your password can be reset. See page 30 for contact details.
- 15.10. Bracknell Forest Council will publish a funding timetable ([schedule of dates](#)) in the spring term of each year setting out when tasks on the portal will open and close and the date payments will be processed.
- 15.11. Providers should use the Self Update section of the provider portal to keep their setting details up to date. Providers' details must be up to date on headcount day of the Spring term, as these details will be used in the annual Early Years Census.

Early years census

- 15.12. The Early Years Census takes place each January. Bracknell Forest Council provides data to the DfE on all children in receipt of the entitlements and the number of funded hours claimed. This data is used by the DfE to calculate the amount of early years funding Bracknell Forest Council receives, and it is therefore essential that submitted data is accurate.
- 15.13. Completing and submitting the EY (Early Years) Census return within the required deadline is compulsory for all private, voluntary and independent providers, including governor run preschools and funded childminders claiming the entitlements in the spring term.
- 15.14. Bracknell Forest Council reserves the right to withdraw funding from any provider failing to submit the census return.

Administration fees

- 15.15. It is a provider's responsibility to submit funding claims via the provider portal tasks within the published deadlines and to ensure that the funding claim is complete and accurate. As a child could be claiming funding across multiple settings, missed deadlines, or submitting inaccurate and incomplete funding claims result in additional administration and can impact the payment to other providers.
- 15.16. Where additional administration resource is required due to:
- a provider missing the submission deadline for a funding claim
 - a submission containing substantial omissions
 - a submission containing substantial errors
- Bracknell Forest Council reserves the right to charge an administration fee.
- 15.17. This fee is not a penalty, it is charged to cover additional costs incurred by the Council. The fee is based on an hourly rate and is published on the Bracknell Forest Council website. The number of hours charge depends on the type and timing of the additional administration, as set out below:
- Resolving a submission with substantial omissions or errors prior to the scheduled payment date – 1 hour charge
 - Per additional portal task, up to 1 week before the scheduled payment date for that task – 1 hour
 - Per additional portal task, within 1 week of the scheduled payment date – 2 hours
 - Per additional portal task, after the scheduled payment date and before the next portal task opens – 2 hours
 - Per additional portal task after the next portal task has opened – 3 hours.
- 15.18. Providers who withdraw from providing the entitlements and then request to re-sign up to the Provider Agreement outside of the annual renewal window will be charged a 2 hour administration fee.

16. Charging

- 16.1 Early years entitlement places must be delivered 'free of charge'. Providers must not:
- Charge parents "top up fees" (charge a fee for the difference between funding received and standard hourly rates)
 - Use the entitlements to 'discount' fees. (funding received from the Council is deducted from the standard hourly rate)
 - Require parents to pay a registration fee as a condition of accessing an entitlement only place
- 16.2 Providers must not attach conditions to accessing the entitlements. For example, compulsory additional hours, compulsory additional sessions, or compulsory additional services.
- 16.3 Bracknell Forest Council will not intervene where parents choose to purchase additional hours of provision or additional services, providing this does not affect the parent's ability to take up their child's entitlement place.
- 16.4 The entitlements are for hours of childcare. The entitlements do not have a monetary value for parents and must not be represented to parents as a monetary subsidy. Parents do not need to know, or have a right to know, the funding rate providers receive from the Council.
- 16.5 Government funding is intended to deliver 15 or 30 hours a week of high quality, flexible childcare. It is not intended to cover the cost of meals, consumables, additional hours, or additional services.
- 16.6 Providers can charge for meals and snacks as part of providing the entitlements and they can also charge for consumables such as nappies or sun cream, and for services such as trips and specialist tuition. Parents should therefore expect to pay for these additional charges.
- 16.7 Providers may charge parents for administration costs incurred to open portal tasks, outside of the scheduled dates, however providers must ensure parents are aware of this cost before the task is opened.
- 16.8 Providers offering the entitlements are responsible for setting a policy providing parents with options for alternatives to additional charges including waiving or reducing the cost of meals and snacks or allowing parents to supply their own meals or nappies. Providers should be particularly mindful of the impact of additional charges on the most disadvantaged parents.
- 16.9 Providers should deliver the entitlements consistently so all children accessing the entitlements will receive the same quality and access to provision, regardless of whether they opt to pay for optional hours, services, meals, or consumables.
- 16.10 Providers must be completely transparent about additional charges when a parent first takes up their child's entitlement place, for example, for those parents opting to purchase additional hours or additional services.
- 16.11 To give providers certainty that a parent will take up a place, providers can charge parents a deposit to secure their child's entitlement place, but should consider if

this will prevent take up, especially for disadvantaged families. Where a child is accessing an entitlement only place, providers must refund the deposit in full to parents within 6 weeks of the child's start date. If a parent fails to take up their place the provider is not obliged to refund the deposit.

- 16.12 Providers must publish their admissions criteria and any fees for consumables, additional hours and services and make these easily available to parents to enable parents to make an informed choice of provider.
- 16.13 Providers must ensure parents understand which hours/sessions can be taken as part of the entitlement provision and where additional charges will apply. 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 patterns of hours are convenient for parent's working hours.
- 16.14 Providers must issue parents with invoices and receipts which are clear, transparent, and itemised, allowing parents to see that they have received their entitlements completely free of charge, and understand fees charged for additional hours or services. Receipts and invoices must contain the provider's full details and be dated so that they can be identified as coming from a specific provider and covering a specific period. Invoices should be addressed to the parent(s) and not the child(ren).

17. Funding

Tasks & payments

- 17.1 As per the [schedule of dates](#), Bracknell Forest Council will set 'tasks' for providers to complete on the [provider portal](#) which will require providers to update personal and attendance data for the children they are claiming funding for. Each task will have a deadline for submission. Failure to meet the deadline may delay the funding payment for that provider. Guidance on the use of the provider portal is available on the [Bracknell Forest Council website](#).

Private, Voluntary and Independent Providers (PVI's)

- 17.2 PVI's will be set 3 tasks on the provider portal per term and will receive 3 payments based on these tasks. A fourth task (a second amendment) can be set on request. The payments are:
- Forecast payment - 60% of the total forecast funding for the term
 - Actual payment – balance of funding for the term calculated on headcount
 - Amendment payment – corrections and additions to the headcount
 - Second amendment payment – by request, corrections and additions to the headcount

Providers will receive reports after each payment. Timing of the tasks and payments are set out in the [Schedule of Dates](#)⁸ published on the Council website

- 17.3 Where changes in funded hours claimed results in a provider being overpaid for the term, Bracknell Forest Council will clawback the overpayment by reducing a future payment or issuing an invoice, whichever is appropriate.
- 17.4 Providers should pay invoices in a timely manner. Bracknell Forest Council reserves the right to deduct the balance of outstanding invoices from future payments where invoices remain unpaid.

Childminders

17.5 Prior to the start of the financial year childminders may choose between the termly payment model set out in 17.2 above or the monthly payment process as set out in 17.6 below. This choice will apply for the entire financial year (1 April to 31 March)

17.6 The monthly process for childminders is as follows:

- Childminders will be set 3 tasks on the provider portal per term. A fourth task (a second amendment) can be set on request. Timing of the tasks are set out in the [Schedule of Dates](#)⁹ published on the Council website
- Forecast participation data submitted in the forecast task will be used to calculate the childminder’s forecast total termly funding
- A monthly payment will be calculated by dividing the forecast total termly funding by the number of months in the term, resulting in 12 monthly payments a year. Term dates and months per term are set out in the table below.

Term	Term start & end dates	Month in term
Summer	1 April and 31 August	5
Autumn	1 September and 31 December	4
Spring	1 January and 31 March	3

- Monthly payments will be paid in advance on the last Thursday of the preceding month
- The childminder’s actual funding for the term will be calculated following submission of the actual task:
 - If actual termly funding is **higher** than the forecast termly funding the remaining monthly payments for the term will be recalculated
 - If actual termly funding is **lower** than the estimated termly funding the

⁸ <https://www.bracknell-forest.gov.uk/children-and-family-services/childcare/information-early-years-providers/funding-information-early-years-providers/schedule-dates>

⁹ <https://www.bracknell-forest.gov.uk/children-and-family-services/childcare/information-early-years-providers/funding-information-early-years-providers/schedule-dates>

remaining monthly payments will remain unchanged. This will result in an overpayment to the provider for the term

- Overpayments will be recovered by deducting the overpayment from the next term's forecast termly funding before calculating the monthly payment amount. If the next term's forecast termly funding amount is less than the value of the overpayment an invoice will be issued
- Amendment tasks will follow the same process as set out for the actual task

Maintained and Academy Schools

- 17.7 Maintained and Academy schools have an initial budget calculated for the financial year based on actual funded hours for the previous three terms. Schools will be set the same tasks as set out in 17.2 above.
- 17.8 Budgets will be recalculated at the end of each term based on the participation data provided in these tasks.
- 17.9 Early Years Pupil Premium and Special Educational Needs Inclusion Fund payments will be paid at the end of each term.

Stretched Offers

- 17.10 The entitlement may be [stretched](#) over more than 38 weeks (and up to 52 weeks). This means taking fewer hours per week, subject to a maximum of 570 hours a year. Providers must include details of any stretched offer in the information provided to parents.
- 17.11 Stretched offers should only be started, stopped, or changed at the start of the financial year (1 April) so that funding is provided on a consistent basis across the year and to ensure children are able to access their full entitlements.

Parent declaration forms

- 17.12 Providers must ensure they hold a fully completed [Parent Declaration Form](#) (PDF) for each child they are claiming entitlement funding for. The PDF must be signed by the parent and the provider.
- 17.13 The PDF serves as an agreement between the parent and the provider, and as evidence of the funding claim. The PDF must be retained for seven years for audit purposes.
- 17.14 The signed PDF meets the provider's obligations under the General Data Protection Regulation and Data Protection Act 2018, authorising the provider to share the parent and child data with the Local Authority and the DfE to validate eligibility and claim funding.
- 17.15 Where a child accesses their entitlements across two or more providers, the PDF will be used to resolve any disputes regarding the distribution of funding. Bracknell Forest Council reserves the right to clawback funding where providers do not hold a completed, signed PDF or where the funding claimed by a provider does not match the completed PDF.

- 17.16 The PDF does not replace the contract between the provider and the parent/carer and providers are strongly advised to have signed contracts with all parents.
- 17.17 A new PDF must be completed and signed for each change in hours claimed and attached to the superseded declaration. This provides a full audit trail of entitlement hours claimed for each child. It is not acceptable to cross out/change hours and initial declarations.
- 17.18 Providers do not need a new PDF each term if the child and/or parent details and the entitlements remain unchanged from the previous term.

Closures

- 17.19 While there is no requirement for providers to be open for 38 weeks of the year (see 10.8), planned closures such as staff training, holidays (including bank holidays) or any other non-emergency reasons which limit access to the entitlement to fewer than 190 days (or less than 570 hours) a year may not be included in the provider's entitlement claim.
- 17.20 Closures due to emergencies and unforeseen circumstances such as broken heating, inclement weather, sickness outbreak, elections etc. may be included in the provider's entitlement claim. Providers do not need to compensate parents for entitlement hours during these unforeseen emergency closures.
- 17.21 Providers' contracts with parents should include arrangements for chargeable hours during closures.

Part weeks

- 17.22 Providers may claim funding in part weeks. Note that part weeks are claimed in decimal format where:
- 1 day = 0.2
 - 2 days = 0.4
 - 3 days = 0.6
 - 4 days = 0.8

As an example, to claim 11 weeks and 3 days a provider would input 11.6 weeks in the provider portal.

Funding rates

- 17.23 Funding rates to providers are calculated via the Early Years Funding Formula (EYFF). The current EYFF is available on the [Bracknell Forest Council website](#).

Attending multiple providers

- 17.24 Where a child is claiming entitlement hours at more than one provider, the parent must complete a PDF with each provider. All PDFs must include the details of all providers attended and the hours and weeks claimed at each.
- 17.25 It is the parent's choice how entitlement hours are split between multiple providers. Where 3- and 4-year-olds are accessing the working parent

entitlement, the parent must indicate on the PDF which provider is claiming the universal hours and which provider is claiming the working parent entitlement.

- 17.26 If a child changes provider, or is attending more than one provider, and the entitlements are accessed over more than 38 weeks at any setting; providers should contact the Early Years team before submitting a funding task to confirm the available entitlement hours remaining for the child.

Changing childcare provider

- 17.27 Children eligible for the entitlements who move into Bracknell Forest part way through a term can claim the entitlements at a registered provider in Bracknell Forest, regardless of when during the term this is. These children should be included in the next funding task. The number of weeks claimed must be based on the number of weeks remaining in the term from the child's first day of attendance.
- 17.28 Providers' contracts with parents should include arrangements for notice periods. Bracknell Forest Council will not intervene in these contractual arrangements.
- 17.29 Where contracts include a notice period, providers will be entitled to claim funding for the contractual notice period, up to a maximum of 6 weeks.
- 17.30 Providers will not be funded for those weeks in the notice period for which they are not normally entitled to funding, such as holidays or planned closures for staff training.
- 17.31 Note that the limits in points 17.29 and 17.30 do not prohibit providers from including holidays in their contractual notice periods or from having notice periods of longer than six weeks; however, it will be up to providers to enforce the terms and conditions of their contract with parents.
- 17.32 Providers are requested to consider exceptional circumstances which result in parents not being able to give the contractually agreed notice period.
- 17.33 Providers should consider waiving notice periods for Targeted 2-year-olds who leave the setting without serving the full notice period.
- 17.34 A child who changes provider within Bracknell Forest while their working parent entitlement eligibility code is in a grace period will not be able to claim working parent entitlement funding from the new provider, please see point 8.1.4 for details.

Participation

- 17.35 As per regulation 23(4) and (5) of [The Schools and Early Years Finance \(England\) Regulations 2023](#) (SEYFRs), early years funding must be based on actual hours of attendance. To meet this requirement, actual and amendment tasks submitted by providers must reflect actual hours of attendance for each child. This requirement does not apply to the forecast task, which should be based on the number of hours and weeks of attendance on the parent declaration form.
- 17.36 The following should be counted as part of the actual hours of attendance:

- Non-attendance due to illness or holidays (see 17.39)
 - Unplanned/emergency setting closure
- 17.37 Where a child is not attending the hours agreed in the parent declaration form, and considering 17.34, the provider must adjust their funding claim to reflect:
- Actual total number of hours of attendance for the term
- OR
- a predicted total number of hours for the term based on the average hours of attendance in three consecutive weeks in that term
- 17.38 If a provider places limits or restrictions on a child's attendance which limit a child's ability to access the agreed entitlement hours, the provider may only claim for the actual hours attended. This includes:
- Suspension
 - Enforced late drop off or early collection.
 - Staggered starts
 - Restricted hours

Non-attendance

- 17.39 Good attendance patterns promote good outcomes for children and starting this as soon as a child starts accessing early years is important. Regular attendance will promote good habits, secure relationships, self-esteem and support learning and development opportunities. Regular attendance also enables practitioners to monitor children's welfare and enable action should any safeguarding concerns be identified. Attendance guidance for the early years foundation stage is available on the Bracknell Forest Council website <https://www.bracknell-forest.gov.uk/children-and-family-services/childcare/information-early-years-providers/resources-early-years-providers>
- 17.40 If a child's attendance pattern changes from the agreed attendance as per the parent declaration form e.g., unexplained breaks in attendance, a child is not attending the agreed hours, or attendance is irregular, providers **must** notify the Quality and Improvement team by emailing QD.Team@bracknell-forest.gov.uk. An assessment will be made regarding the continued funding of the place, with the primary consideration being what is in the best interest of the child. The team can support the setting to work with parents to improve attendance.
- 17.41 Providers may claim for short term absences of children for example, sickness, arriving late or leaving early, family emergency or holidays.
- 17.42 For longer absences such as a long-term illness or family holidays providers may continue to claim funding for periods of up to 6 weeks to ensure the availability of a funded place on the child's return. However, where an absence is for longer than 3 weeks, providers must notify the Early Years Team by email ehbs@bracknell-forest.gov.uk
- 17.43 Bracknell Forest Council will not provide funding for absences beyond 6 weeks. Providers should advise parents of this limit as soon as possible if a period of absence will or may extend beyond 6 weeks.

Early years pupil premium

- 17.44 Early Years Pupil Premium (EYPP) is additional funding for early years settings to support disadvantaged children accessing an entitlement place. Children must be accessing the entitlements to attract EYPP funding but do not have to take up their full entitlement.
- 17.45 All children in receipt of EYPP will receive an additional deprivation supplement to their hourly funded rate. The funding rates for EYPP and the EYPP deprivation supplement are available on the [Bracknell Forest Council website](#). Note that for 3- and 4-year-olds EYPP applies to universal hours only.
- 17.46 The current eligibility criteria for EYPP are detailed in the DfE [Operational guide](#).
- 17.47 Providers are ultimately responsible for identifying eligible children and are encouraged to speak to parents to find out who is eligible for EYPP funding. In particular, providers should speak to the parents of children who took up the entitlement for Targeted 2-year-olds, as some of these children will attract EYPP the term after their third birthday.
- 17.48 To claim EYPP funding for a child, a provider must have signed permission from the child's parent/carer to check their eligibility. This permission is provided on the [Parent Declaration Form](#). The parent/carer details must be entered on the child records on the provider portal when the next task is completed. Bracknell Forest Council will check eligibility for EYPP before processing the task and payment for children eligible for EYPP will be included in the funding payment.
- 17.49 EYPP funding will follow the eligible child. Therefore, if a child moves to a different provider part way through the year, an adjustment will be calculated to ensure the existing and the new provider each receive the correct allocation of EYPP funding for the term, taking notice periods into account as set out in paragraphs 17.27 to 17.32.

18. Disability access fund

- 18.1. The Disability Access Fund (DAF) supports registered early years settings to make initial reasonable adjustments and to build the capacity of their setting to support disabled children. DAF must not be used for childcare costs.
- 18.2. DAF is not based on an hourly rate and will be paid as one lump sum payment per 12-month period for each eligible child. The current funding rate for DAF is available on the [Bracknell Forest website](#)
- 18.3. Children do not have to take up the full 570 hours of entitlement funding to receive the DAF. Children in receipt of DAF will be eligible where they take-up any period of entitlement.

Eligibility

- 18.4. A child 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 receives entitlement funding

- 18.5. If a child eligible for the DAF is splitting their entitlement place across two or more settings, parents must nominate the setting to whom they wish the DAF payment to be made.
- 18.6. If a child receiving DAF moves from one setting to another within a calendar year, the new setting is not eligible to receive DAF funding for this child until after the anniversary of the previous payment. DAF funding received by the original setting will not be recouped.
- 18.7. In cases where a child lives in one authority and attends a setting in a different local authority, the setting's local authority is responsible for funding the DAF for the child and checking eligibility.

Claiming DAF

- 18.8. Providers claim the DAF on the [provider portal](#). Providers must hold a completed and signed PDF for the child. If the child attends more than one setting the PDF must be completed to confirm which setting has been nominated by the child's parents for receipt of the DAF. Providers must supply a copy of the PDF and the DLA entitlement letter as part of the DAF application process. Providers will have the option to supply the required documents electronically or by post.
- 18.9. Bracknell Forest Council aims to process DAF applications weekly with payments for approved applications being processed the following week. Providers (including Academies) should receive payment within approximately 14 days of application. Where evidence has been submitted by post the payment process will be delayed until receipt of the documentation. DAF funding is in addition to the entitlement funding and as such is not included in the forecast budget for maintained settings and Academies. DAF payments will be transferred to maintained settings via journal transfer as a lump sum payment.

19. Restrictions

- 19.1. Under the Childcare Act (2006), childminding a relative does not constitute 'childcare'. Under section 18 (4) the 'Meaning of childcare', the Act states that: Childcare does not include care provided for a child by:
 - (a) a parent or stepparent of the child
 - (b) a person with parental responsibility for the child
 - (c) a relative of the child
 - (d) foster parent or by a person who fosters the child privately
- 19.2. Paragraph 8 (c) defines that a 'relative, in relation to a child, means a grandparent, aunt, uncle, brother or sister, whether of the full blood or half blood or by marriage or civil partnership'.
- 19.3. It is important to note that childminders will not be able to claim early education funding for any child in the categories set out in 19.1 and 19.2.
- 19.4. Nannies and home carers are currently not permitted to register on the Early Years Register and cannot therefore receive early education funding.

20. Compliance

- 20.1. Providers must maintain accurate financial and non-financial records relating to entitlement places and must, with reasonable notice, give Bracknell Forest Council or its nominated auditors access to all financial and non-financial records (subject to confidentiality restrictions) relating to entitlement places funded under the provider agreement.
- 20.2. Bracknell Forest Council will perform compliance checks on providers to ensure they are meeting the requirements for delivering the entitlements. Providers must submit to these compliance checks which may be undertaken by the Early Years Team or auditors operating on behalf of the Council.
- 20.3. Compliance checks will be undertaken annually on a random selection of providers and could be undertaken remotely or on site.
- 20.4. Providers will be required to supply supporting documentation and information for a selection of children attending their setting and in receipt of the entitlements. This will include:
- Copy invoices and parent declaration forms
 - Terms and conditions
 - Published fees and charges
 - Attendance register
- 20.5. Documentation will be reviewed for compliance with the local conditions of funding and relevant legislation.

If, following a remote compliance check, it is deemed necessary, a more in-depth onsite check may be arranged.

- 20.6. Providers will receive a report detailing the outcome of the compliance check. Possible outcomes of a compliance check are:
- **Fully compliant** – no further action required
 - **Compliant with recommendations** - A provider could be compliant with the requirements for delivery of the entitlements but have areas where they could benefit from best practice
 - **Action required** - A small number of minor issues have been identified that require remedial action to bring the provision of the entitlements in line with the statutory requirements. The Council will conduct follow up checks to ensure required actions are implemented
 - **Intervention required** – many minor issues or one or more major issues have been identified and the provider is in breach of the statutory requirements. Remedial action is urgently required. Intervention could include withdrawal of funding or compulsory training on the provision of the entitlements

Where remedial actions are required, Bracknell Forest Council will work with the provider to implement the changes.

21. Withdrawal of funding

- 21.1. A provider's registration for the entitlements will be withdrawn for the following reasons:
- Suspension of registration by Ofsted
 - Breach of the early years entitlement statutory requirements.
 - Safeguarding
 - The provider acts in a fraudulent manner, has an action for fraud brought against their business or is convicted of fraud by a recognised court of law
- 21.2. Where withdrawal of funding is being considered, Bracknell Forest Council will look at each case individually and will consider the reason the withdrawal is required, the needs of funded children and whether the provider is actively working with the Council to resolve the issue.
- 21.3. Bracknell Forest Council will not withdraw funding from providers or childminders registered with childminder agencies until the provider's or childminder agency's Ofsted inspection report has been published.
- 21.4. Bracknell Forest Council will endeavour to secure alternate provision and withdraw funding from a provider (other than a local authority-maintained school), as soon as practicable, when Ofsted publish an inspection judgement of a provider of 'inadequate'.
- 21.5. Bracknell Forest Council will endeavour to secure alternate provision and withdraw funding from childminders or childcare providers registered with a childminder agency when Ofsted publish a second consecutive inspection judgement of 'ineffective', unless:
- Ofsted has not identified any concerns about the childminder agency's assessment arrangements
- AND
- the childminder agency has assessed a childminder or childcare provider as being of acceptable quality
- 21.6. Bracknell Forest Council will seek to secure alternate provision and withdraw funding from childminders or childcare providers registered with a childminder agency when:
- A compliance check identifies that a provider is in breach of the statutory requirements
- AND
- The remedial actions identified in the compliance check are not implemented within the required timeframe
- 21.7. Bracknell Forest Council will consider the continuity of care for children who are already receiving their entitlement hours at a provider or childminder and the sufficiency of entitlement places when withdrawing funding and will determine an appropriate timeframe for withdrawing funding on a case-by-case basis.

- 21.8. Bracknell Forest Council does not waive the right to act if we do not act immediately, a slower evidence-based approach may be required on occasion.
- 21.9. Providers will be notified in writing of the reasons for the withdrawal of funding and the requirements for funding to be re-instated.
- 21.10. Where withdrawal of funding is required, Bracknell Forest Council will work with providers to contact the parents of funded children, explaining the reason for withdrawing funding and the available options. Where appropriate Bracknell Forest Council will work with parents to arrange alternate provision for funded children.
- 21.11. A provider may appeal the decision to withdraw funding as per Section 22 below.

22. Provider complaints and appeals

- 22.1. Wherever possible, the Early Years Team aims to resolve issues as soon as possible and before a formal complaint is made. If you have any questions or concerns about any matter relating to the entitlements, please contact the Early Years Team in the first instance.

Telephone: Early Years Team 01344 351555

Email: EHBS@bracknell-forest.gov.uk

Write to:

Bracknell Forest Council
Early Years Team
Time Square
Market Street
Bracknell
RG12 1JD

- 22.2. If the Early Years Team are unable to satisfactorily resolve your concerns and you still wish to make a complaint, use the [complaints page](#) of the Bracknell Forest Website to submit a complaint.
- 22.3. A provider may be denied approval to offer the entitlements or have their funding withdrawn as set out in Section 20 above. If a provider wished to appeal a decision to withdraw funding made by the Early Years Team, they should use the [complaints page](#) of the Bracknell Forest Website to submit a complaint.

23. Parental Complaints

- 23.1. Where parents have issues or concerns about accessing the entitlements or the quality of care, they should discuss their concerns with the provider in the first instance.
- 23.2. If parent's concerns are not resolved informally, or they feel the provider did not respond adequately they should follow the providers complaints procedure.

Providers should ensure they have a complaints procedure in place that is published and accessible for parents.

- 23.3. After exhausting the providers complaints procedure, if parents are not satisfied with the response, they should contact OFSTED or the Council, depending on the nature of their concerns.
- 23.4. Where their concerns are about the quality of care, they should contact OFSTED via their [website](#). For concerns about accessing the entitlements, Bracknell Forest Council has a [complaints procedure and complaints form](#) to enable parents to raise their concerns with the Council.
- 23.5. 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 Government Ombudsman \(LGO\)](#). The LGO will only consider complaints when the provider and Local Authority complaints procedures have been exhausted.
- 23.6. If a parent or provider is concerned about how personal data is being processed, held, or stored in regard to the General Data Protection Regulation and the Data Protection Act 2018 they can make a complaint to the Information Commissioner's Office <https://ico.org.uk/make-a-complaint/>

Annex A: Summary of Conditions

1.	<p>Legal Framework</p> <ul style="list-style-type: none"> • Comply with all relevant legislation • Meet the duties of the Equality Act 2010 • Have clear safeguarding policies & procedures
2.	<p>Requirements for receiving the entitlements</p> <ul style="list-style-type: none"> • Operate a setting located in Bracknell Forest • Register on the Bracknell Forest Local Directory • Register with Ofsted or with an OFSTED registered agency (if providing childcare that requires registration) • Actively promote fundamental British Values • Comply with the terms and conditions of the Provider Agreement
3.	<p>Entitlements</p> <ul style="list-style-type: none"> • Deliver the free entitlements in accordance with the conditions set out in sections 7 and 8 of the Provider Agreement • Check original copies of documentation to confirm a child has reached the eligible age for all entitlements • Offer entitlement places within the national parameters on flexibility • Hold completed, signed Parent Declarations for each funded child
4.	<p>Funding</p> <ul style="list-style-type: none"> • Submit accurate headcount and data returns within the published deadlines via the Provider Portal • Register one or more users on the provider portal and activate the account • Only claim entitlements as detailed in the signed Parent Declaration Form
5.	<p>Charging</p> <ul style="list-style-type: none"> • Parents must not be charged for any part of the entitlements, including top up fees and discounts • Providers may charge additional fees for hours, services and resources not covered by the entitlements • Providers must have a policy for parents providing options for alternatives to additional charges • Providers must publish their admission criteria & which hours/sessions are part of the entitlement. • All fees and charges must be clear, transparent and published • Invoices must be clear, transparent, itemised, include providers full details and addressed to the parent • Deposits charged for entitlement only places must be refunded with 6 weeks of child's start date

6.	<p>Compliance</p> <ul style="list-style-type: none"> • Submit to compliance checks by the Early Years Team and any other auditors operating on behalf of the Council. • Maintain accurate financial and non-financial records relating to entitlement places and make these records available to the Council or its auditors on request. • Comply with responsibilities regarding the General Data Protection Regulation and Data Protection Act 2018 e.g., Privacy Notice
7.	<p>Early Years Census</p> <ul style="list-style-type: none"> • Complete the Early Years census or schools census as appropriate • Keep the Self Update section of the provider portal up to date
8.	<p>Early Years Pupil Premium</p> <ul style="list-style-type: none"> • Identify children who may be eligible for EYPP • Complete the EYPP section of the PDF • Only provide carer information on the provider portal if consent has been given in the EYPP section of the PDF
9.	<p>Disability Access Fund</p> <ul style="list-style-type: none"> • Identify children who may be eligible for DAF • Complete the DAF section of the PDF • Submit a copy of the DLA entitlement letter and completed PDF with the application on the provider portal
10.	<p>SEND</p> <ul style="list-style-type: none"> • Providers must have regard to the Special Educational Needs (SEN) Code of Practice and have a SEN Policy or Inclusion Policy which promotes inclusion for all children (including those with SEN) and covers admissions
11.	<p>Quality</p> <ul style="list-style-type: none"> • Meet the requirements of the Early Years Foundation Stage • When delivering working parent entitlements, achieve an overall judgement of 'satisfactory' (prior to 2014) or 'requires improvement' or better under the Ofsted inspection framework. • When delivering Targeted 2-year-old places, achieve an overall judgement of good or better under the Ofsted inspection framework. • For childminders registered with a CMA, the agency must be judged 'effective' by Ofsted • Where judged less than good by Ofsted, take measures identified by Ofsted to improve the overall effectiveness of the provision
12.	<p>Termination/Withdrawal of funding may result from the following reasons</p> <ul style="list-style-type: none"> • Suspension of registration by Ofsted or Ofsted inspection of inadequate • Breach of statutory requirements or terms and conditions of the Provider Agreement

	<ul style="list-style-type: none">• Safeguarding issues• Fraudulent actions, accusations of and convictions for fraud
13.	Complaints <ul style="list-style-type: none">• Providers must have a complaints procedure which is published and accessible to parents• Providers must co-operate with Bracknell Forest Council in the investigation of a complaint against them by any party

Annex B: Useful Contacts and links

	Email	Telephone
Group Provision & Childminders	QD.Team@bracknell-forest.gov.uk	01344 312851
Funding and Business Support	EHBS@Bracknell-Forest.gov.uk	01344 351555
Funded 2Year Olds	Early.Education@bracknell-forest.gov.uk	01344 354450
Family Information Service & Local Offer	Family.Information@bracknell-forest.gov.uk	01344 353133