

**TO: EXECUTIVE MEMBER FOR CHILDREN, YOUNG PEOPLE & LEARNING**  
**DATE: 27 JULY 2017**

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**BFC PROPOSALS FOR CHANGES TO OPERATIONAL AND ADMINISTRATIVE  
ARRANGEMENTS FOR FREE CHILDCARE PLACES**  
**Director of Children, Young People and Learning**

**1 PURPOSE OF DECISION**

- 1.1 The purpose of this report is to seek agreement from the Executive Member on proposals for changes to the operational and administrative arrangements for free childcare places in Bracknell Forest.

**2 RECOMMENDATION**

**To AGREE:**

- 2.1 **That taking account of the significant support from providers to the proposed Provider Agreement, that with effect from 1 September 2017, the revised agreement, as set out in Annex B is adopted.**

**3 REASONS FOR RECOMMENDATION**

- 3.1 The proposals made are considered to be the best available, taking account of the national and local priorities, provider responses from the consultation and the need to ensure administrative and operational arrangements meet the statutory requirements, address historic inequalities and maximise efficiency of operation.

**4 ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 Alternative options are detailed in the supporting information.

**5 SUPPORTING INFORMATION**

Background

- 5.1 This report presents proposals on the operational and administrative arrangements for free childcare places in Bracknell Forest. The proposals include:
1. Allowing all providers to amend funding claims after headcount day
  2. Requiring all providers of free childcare places to have contracts with parents
  3. Requiring all providers to use parent declaration forms
  4. Funding providers in accordance with contractual notice periods
  5. Introducing annual compliance checks for all providers in receipt of funding for free childcare places

### Changes to Statutory Guidance

- 5.2 The Forum has previously agreed changes to the funding of Free Childcare places for 2017-18, which were required in order to deliver the national policy objective of enabling more families to work by extending the free entitlement to childcare from 15 to 30 hours per week for parents that want to work. During the earlier funding consultation, it was highlighted that further revisions would be required once the Department for Education (DfE) published the complimentary *Statutory Guidance for local authorities: Early Education and Childcare* and that these would be built into an updated Local Conditions of Funding document, for implementation from September 2017.
- 5.3 The Local Conditions of Funding sets out the key terms and conditions that providers must meet in order to receive free entitlement funding. The main changes being proposed from September relate to addressing historical differences that currently exist between the arrangements in place for maintained nursery classes, which have been developed in accordance with the prevailing School and Early Years Funding Regulations and The Private, Voluntary and Independent (PVI) sector providers which have been led by the Statutory Guidance for the Free Entitlement. As a consequence, over time different funding arrangements have evolved for each sector, but the DfE is now making clear that all providers should be treated on the same basis.
- 5.4 For example, funding of the maintained sector does not allow for amendments to claims for hours of take up after headcount day, while the PVI sector can make amendments until the last 3 weeks before the end of term. PVI providers can amend their claim for new starters, leavers, changes in funded hours or simply to correct errors. This flexibility in funding allows providers to be more creative in how they provide the free entitlement, without adversely impacting income. Moving forwards, changes to how free places can be accessed, including the removal of minimum session lengths and the ability to claim funding over weekends will require greater flexibility from providers, including those in the maintained sector, and the funding system therefore needs to be capable of properly rewarding providers.
- 5.5 Based on the current wording in use by the government from September 2017 the Local Conditions of Funding will be known as the Provider Agreement for Funding for 2, 3 and 4 year olds (Provider Agreement). A copy of the draft Provider Agreement is attached as Annex B.
- 5.6 The government has set out its expectation of what the Local Authority should include in the Provider Agreement in the guidance document '*Model Agreement: Early years provision free of charge and free childcare*' (*Model Agreement*). The Model Agreement builds on the *Early Education and Childcare, Statutory guidance for Local Authorities 2017 (Statutory Guidance 2017)*.
- 5.7 The Model Agreement sets out standard headings and wording to be used in the Provider Agreement and identifies areas where Local Authorities should add details to set out their local level processes.
- 5.8 The Model Agreement does not provide guidance on how providers operate their private business and specifies that Local Authorities should not intervene where parents choose to purchase additional hours of provision or additional services providing that this does not affect the parent's ability to take up their child's free place.

### BF consultation

5.9 In order to gather formal views from providers on the proposed changes to the Provider Agreement, a 3 week consultation was undertaken. This built on previous briefings delivered to Head Teachers and PVI settings and included the following key priorities:

1. Eliminate existing inequalities and inefficiencies in the current arrangements.
2. Maximise the flexibility of provision for working parents, whilst ensuring providers remain sustainable and have time to adapt to children moving between settings
3. Provide clarity to parents with regards to the free hours they can access and the fees and charges that a provider can charge for additional hours and services
4. Enable the council to meet its statutory duty to eliminate duplicate funding, ensure the appropriate use of the free entitlement funding and that children receive the free hours they are entitled to.

Annex A provides a numerical analysis of responses to all the questions, with confidential Annex C detailing the specific comments received.

### Summary outcomes

5.10 16 providers (15%) made a response to the consultation. Annex A shows that of the 6 questions posed, 100% of respondents agreed with 5 of the questions which related to allowing changes to funding claims, requiring contracts with providers and parents, and allocating funding in accordance with notice periods. 1 provider (6%) did not agree with question 6 in respect of the council undertaking compliance checks against all providers.

### Detailed comments from providers

5.11 A number of providers made comments on the proposals and these are set out in full in the confidential Annex C. In summary:

1. 1 provider made a comment in support of the proposed changes to amendments (question 1). All 16 respondents supported the proposal.
2. 2 providers made comments on the introduction of contracts with parents in the maintained sector (question 3). 1 PVI responder supported the proposal and 1 maintained responder requested that Bracknell Forest Council (BFC) provided them with a model contract. BFC has not developed a model contract. However model contracts are available from a number of sources and BFC is able to provide links to these.
3. 3 providers commented on the new Parent Declaration and extending its use to the maintained sector (question 4). 1 comment was supportive of the proposal and 2 comments related to usability issues. The usability issues raised were the ability to identify when a child is accessing the 30 hours extended entitlement and the use of jargon and accessibility of the form for parents with English as a second language. The government included a model parent declaration form in the Model Agreement. BFC has adapted the parent declaration to better suit local arrangements, however there is limited

## Unrestricted

scope to make changes as the government's expectation is that nationally all providers will use similar Parent Declarations.

4. There were 7 other comments from providers about the draft Provider Agreement, which fall outside the scope of the consultation. These included:
  - a. 1 comment on the potential inequality of annual Disability Access Fund (DAF) payments. The terms and conditions relating to the payment of the DAF is set out in the statutory guidance and there is no local discretion to change this.
  - b. 1 comment on the inappropriateness of the use of the term 'free places'. The use of term 'free places' is in line with government guidance.
  - c. 3 comments appear to be due to a misunderstanding of the Provider Agreement. Anonymised comments with responses from BFC will be sent to all providers once the proposed changes have been agreed to clarify these points.
  - d. 2 comments in support of the change to deposits and charging for additional services.

### Changes now proposed

- 5.12 Based on the responses to the consultation from providers, where the vast majority indicated support for the proposals, the Forum is recommended to agree implementation of the proposals.

### Next Steps

- 5.13 Following decisions of the Schools Forum, final Provider Agreement document will be sent to all providers so that they can sign up to the new terms and conditions ready for implementation from September 2017.
- 5.14 Anonymised feedback to comments from the consultation will be sent to all providers.

## **6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

### Borough Solicitor

- 6.1 The relevant legal issues are addressed within the main body of the report.

### Borough Finance Officer

- 6.2 The Borough Treasurer is satisfied that no significant financial implications arise from this report.

### Impact Assessment

- 6.3 No Equalities Impact Assessment is required as these changes implement statutory guidance which includes eligibility criteria.

### Strategic Risk Management Issues

- 6.4 Not removing the historic inequalities and maximising efficiency will place additional pressure on the LA to meet its statutory duties

## 7 CONSULTATION

### Principal Groups Consulted

- 7.1 All providers in Bracknell Forest.

### Method of Consultation

- 7.2 Responses to a written consultation document.

### Representations Received

- 7.3 The representations received are summarised in the body of this report and detailed in the annexes.

### **Background Papers**

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/351592/early\\_education\\_and\\_childcare\\_statutory\\_guidance\\_2014.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/351592/early_education_and_childcare_statutory_guidance_2014.pdf)

Early education and childcare statutory guidance for local authorities - September 2014

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/596460/early\\_education\\_and\\_childcare\\_statutory\\_guidance\\_2017.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/596460/early_education_and_childcare_statutory_guidance_2017.pdf)

Early education and childcare statutory guidance for local authorities - March 2017

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/604417/Model\\_Agreement\\_FINAL\\_20170302.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/604417/Model_Agreement_FINAL_20170302.pdf)

Model agreement: early years provision free of charge and free childcare – March 2017

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/610170/Operational\\_guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/610170/Operational_guidance.pdf)

Early years entitlements: operational guidance - For local authorities and providers – April 2017

<http://www.legislation.gov.uk/ukpga/2006/21/contents>

Childcare Act 2006

<http://www.legislation.gov.uk/ukpga/2016/5/contents/enacted>

Childcare Act 2016

### **Contact for further information**

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Approved by Cllr Dr Gareth Barnard  
Executive Member, Children, Young People  
& Learning

Approved by Nikki Edwards  
Director, Children, Young People  
& Learning

Signature.....

Signature.....

Date: 27 July 2017

Date: 27 July 2017

## Provider Comments to the Consultation

QUESTION		Schools	Independent Schools	Pre- schools	Day Nursery	Private Nursery	Child minder	Total	
1	<b><u>In respect of amendments to funding claims:</u></b>								
	Do you agree that all early years providers should be allowed to make amendments to their funding claims after headcount day?								
	Yes	3	1	7	0	3	2	16	100%
	No	0	0	0	0	0	0	0	0%
2	No response / unsure	0	0	0	0	0	0	0	0%
	Do you agree that all providers must amend their funding claim after headcount day to account for new starters, leavers and changes in hours attended per week?								
	Yes	3	1	7	0	3	2	16	100%
	No	0	0	0	0	0	0	0	0%
3	No response / unsure	0	0	0	0	0	0	0	0%
	<b><u>In respect of provider contracts:</u></b>								
	Do you agree that all providers should have a signed contract for each funded child in their setting from September 2017?								
	Yes	3	1	7	0	3	2	16	100%
	No	0	0	0	0	0	0	0	0%
	No response / unsure	0	0	0	0	0	0	0	0%

## Unrestricted

QUESTION		Schools	Independent Schools	Pre- schools	Day Nursery	Private Nursery	Child minder	TOTAL	
4	<b><u>In respect of parent declaration forms:</u></b>								
	Do you agree that all providers must hold a signed parent declaration for each funded child?								
	Yes	3	1	7	0	3	2	16	100%
	No	0	0	0	0	0	0	0	0%
	No response / unsure	0	0	0	0	0	0	0	0%
5	<b><u>In respect of notice periods:</u></b>								
	Do you agree that except in exceptional circumstances, BFC should continue to fund providers in accordance with contractual notice periods?								
	Yes	3	1	7	0	3	2	16	100%
	No	0	0	0	0	0	0	0	0%
	No response / unsure	0	0	0	0	0	0	0	0%
6	<b><u>In respect of compliance checks:</u></b>								
	Do you agree that BFC should conduct annual compliance checks for all providers?								
	Yes	3	1	7	0	3	1	15	94%
	No	0	0	0	0	0	1	1	6%
	No response / unsure	0	0	0	0	0	0	0	0%
Total		3	1	7	0	3	2	16	
Maximum		17			48		42	105	
Response Rate		18%			24%		5%	15%	



## **Provider Agreement for Funding Free Places for 2, 3 and 4 Year Olds**

**Effective from September 2017**

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## Introduction

This document specifies the conditions placed on early years providers who wish to be included in the Bracknell Forest Council Local Directory of Providers as registered to offer the free entitlements. These conditions have been produced with regard to the Department for Education (DfE) Early Education and Childcare Statutory guidance for local authorities (2017).

This document refers to the Early Years Provision Free of Charge (sections 7 and 7A Childcare Act 2006) and Free Childcare (section 2 Childcare Act 2016) as the 'free entitlement(s)', a 'free place' or 'free hours'. It applies to the 15 hours entitlement for the most disadvantaged two year olds, the 15 hour entitlement for parents of three and four year olds (the universal entitlement) and the 30 hours entitlement for working parents of three and four year olds (the extended entitlement).

For the purposes of this document 'provider' means:

- an early years provider other than a childminder registered on the Ofsted Early Years Register;
- a childminder registered on the Ofsted Early Years Register;
- a childminder registered with a childminder agency which is itself registered with Ofsted; or;
- Maintained Schools, Independent Schools and Academies taking children age two and over and which are exempt from registration with Ofsted as an early years provider

Bracknell Forest Council (BFC) is committed to supporting children and young people.

**Creating Opportunities:** A joint strategic plan for children, young people and families in Bracknell Forest 2014-17 states:

***We are proud of our children and young people and believe there is much to celebrate in terms of their achievements, their behaviour and their aspirations. We celebrate these achievements and hope that the examples set by our young people will inspire others along the way.***

<http://www.bracknell-forest.gov.uk/cypp-plan-creating-opportunities-2014-to-2017.pdf>

High quality early years provision is vital to begin this process positively. Recent research proves that high quality early years provision can have a significant positive

impact on children's future outcomes. The Effective Provision of Pre-School Education (EPPE) project, for instance, has shown that high-quality, pre-school provision enhances children's all round cognitive, language and social development.

<http://www.ucl.ac.uk/ioe/research/featured-research/effective-pre-school-primary-secondary-education-project>

Legislation for early years has been strengthened during the last 10 years. There has been a drive for high quality experiences for children and a commitment to continuous professional development leading to a higher qualified workforce.

The Foundation Years: preventing poor children becoming poor adults (Field, 2010) states:

'It is in the early years that the socio-economic gaps in outcomes appear. Already by age three, there are large and systematic differences between children from lower and higher income families and these gaps persist throughout childhood, as later attainment tends to be heavily influenced by early development.'

The Government currently offers a universal entitlement of 570 hours per annum to all 3 and 4 year olds and an entitlement of 570 hours per annum to the 40% most disadvantaged 2 year olds. This is equivalent to a maximum of 15 hours a week over 38 weeks. These initiatives help support those children from lower income families access early education at an earlier point therefore supporting their development and helping to improve life chances.

From September 2017, the Government is introducing the extended entitlement to 30 hours free provision for working parents of 3 and 4 years olds. Eligibility for the additional hours will be determined by HMRC. For more information regarding eligibility please see the links below.

<https://www.gov.uk/government/publications/30-hours-free-childcare-eligibility>

<https://www.childcarechoices.gov.uk/>

BFC is committed to working in partnership with local early years providers to ensure that there is sufficient capacity for parents to access early education and childcare and that the quality of provision continually improves.

This Provider Agreement builds on the Early Education and Childcare Statutory guidance for local authorities (2017); it defines the roles of both provider and the local authority in meeting the duty.

## Review Date

The information included in this document is correct at the time of publication, but is subject to Government policy and therefore may change in the future. This guidance will be kept under review and updated as necessary.

It is important that providers are aware that the Provider Agreement may contain significant changes year on year and they should fully read and understand the document before signing.

## Legislative Context

This policy is underpinned by other statutory frameworks. The list below is not an exhaustive list.

BFC reserves the right to unilaterally vary the Provider Agreement to reflect changes in legislation and departmental advice. References to legislation will be to that legislation as amended from time to time, without express change to the Provider Agreement. All providers are required to keep up-to-date with and comply with relevant legislation.

Early Education and Childcare Statutory guidance for local authorities 2017  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/596460/early\\_education\\_and\\_childcare\\_statutory\\_guidance\\_2017.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/596460/early_education_and_childcare_statutory_guidance_2017.pdf)

Statutory Framework for the Early Years Foundation Stage 2017  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/596629/EYFS\\_STATUTORY\\_FRAMEWORK\\_2017.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/596629/EYFS_STATUTORY_FRAMEWORK_2017.pdf)

The Childcare (Early Years Provision free of Charge) (Extended Entitlement) Regulations 2016  
[http://www.legislation.gov.uk/uksi/2016/1257/pdfs/uksi\\_20161257\\_en.pdf](http://www.legislation.gov.uk/uksi/2016/1257/pdfs/uksi_20161257_en.pdf)

The Local Authority (Duty to Secure Early Years Provision Free of Charge) Regulations 2014  
[http://www.legislation.gov.uk/uksi/2014/2147/pdfs/uksi\\_20142147\\_en.pdf](http://www.legislation.gov.uk/uksi/2014/2147/pdfs/uksi_20142147_en.pdf)

Equality Act 2010  
<https://www.gov.uk/equality-act-2010-guidance>

The School Admission Code (Appointed Day) Order 2014  
[http://www.legislation.gov.uk/uksi/2014/3321/pdfs/uksi\\_20143321\\_en.pdf](http://www.legislation.gov.uk/uksi/2014/3321/pdfs/uksi_20143321_en.pdf)

Children Act 2004  
<http://www.legislation.gov.uk/ukpga/2004/31/contents>

Childcare Act 2006

<http://www.education.gov.uk/childrenandyoungpeople/earlylearningandchildcare/delivery/a0071032/childcare-act-2006>

Childcare Act 2016

<http://www.legislation.gov.uk/ukpga/2016/5/enacted>

Education Act 2011

<http://www.legislation.gov.uk/ukpga/2011/21/contents/enacted>

Children and Families Act 2014

<http://www.legislation.gov.uk/ukpga/2014/6/contents/enacted>

Special Educational Needs and Disability Act 2001

<http://www.legislation.gov.uk/ukpga/2001/10/contents>

The statutory Special educational needs and disability code of practice: 0 to 25 years  
January 2015

<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

Safeguarding Vulnerable Groups Act 2006

<http://www.legislation.gov.uk/ukpga/2006/47/contents>

Working Together to Safeguard Children 2015

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/419595/Working\\_Together\\_to\\_Safeguard\\_Children.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/419595/Working_Together_to_Safeguard_Children.pdf)

Data Protection Act 1998

<http://www.legislation.gov.uk/ukpga/1998/29/contents>

## **Equality Statement**

BFC only commits to policies and practices that eradicate discrimination and promote equality for all, regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. BFC expects stakeholders to meet the duties of the Equality Act 2010.

For further guidance, please see the [equality and diversity](#) on the BFC website.

## **Freedom of Information**

BFC obliged to collect and handle information about individuals in accordance with the Data Protection Act 1998. The act also provides individuals with the right to request copies of their personal information.

For more information, please see the [data protection page](#) on the BFC website.

## **Safeguarding**

BFC is committed to and has overarching responsibility for safeguarding and promoting the welfare of all children and young people in the Borough. BFC has a number of statutory functions under the 1989 and 2004 Children Acts which make this clear, and the 'Working Together to Safeguard Children' 2015 guidance sets these out in detail.

Providers must follow the EYFS and have clear safeguarding policies and procedures in place that are in line with local guidance and procedures for responding to and reporting suspected or actual abuse and neglect. A lead practitioner must take responsibility for safeguarding and all staff must have training to identify signs of abuse and neglect.

All agencies in Bracknell Forest (BF) who provide services to children and young people or their families are required to comply with recommendations issued by:

Berkshire Local Safeguarding Children Boards' Child Protection Procedures including the approved completion of Section 11 toolkit return

<http://www.proceduresonline.com/berks/bracknell/>

and the Government publications:

'Working together to safeguard children (2015)'

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/592101/Working\\_Together\\_to\\_Safeguard\\_Children\\_20170213.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/592101/Working_Together_to_Safeguard_Children_20170213.pdf)

'What to do if you're worried a child is being abused (2015)'

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/419604/What\\_to\\_do\\_if\\_you\\_re\\_worried\\_a\\_child\\_is\\_being\\_abused.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/419604/What_to_do_if_you_re_worried_a_child_is_being_abused.pdf)

## **Freedom of Information**

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 BFC website.

## **Key Responsibilities**

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

### **Key Local Authority Responsibilities**

Local Authorities must secure a free entitlement place for every eligible child in their area.

The Local Authority should work in partnership with providers to agree how to deliver free entitlement places.

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.

The Local Authority must contribute to the safeguarding and promote the welfare of children and young people in their area.

### **Key Provider Responsibilities**

The provider must comply with all relevant legislation and take out and maintain adequate levels of insurance.

The provider should deliver the free entitlements consistently to all parents, whether in receipt of 15 or 30 hours and regardless of whether they opt to pay for optional services or consumables. This means that the provider should be clear and communicate details to parents about the days and times that they offer free places, along with their services and charges. Those children accessing the free entitlements should receive the same quality and access to provision.

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.

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.

## **Conditions of Receiving the Free Entitlements**

Providers wanting to offer the free entitlements must:

- operate a setting located in Bracknell Forest
- be registered with BFC to deliver the EYFS
- be included on the Bracknell Forest Local Directory
- comply with the conditions of this Provider Agreement and
- establish and maintain registration with OFSTED (if providing childcare that requires registration)

Providers must sign and return the Provider Agreement (Appendix D) to confirm they will comply with the conditions of funding as set out in this document. The document will be kept under review and updated as necessary. Providers must sign and return the declaration for each revision of the Provider Agreement.

All providers are required to provide the following information at least termly on the [Bracknell Forest Local Directory](#):

- update vacancy rates
- Ofsted registration status
- Ofsted inspection judgements

All providers are required to provide developmental data for all children in receipt of two year old funding and Early Years Pupil Premium (EYPP) to the Quality and Development Team.

Providers must actively promote fundamental British values and must not promote views or theories as facts which are contrary to established scientific or historic evidence and explanations. Fundamental British values are defined as democracy, the rule of law, individual liberty, mutual respect and tolerance of those of other faiths and beliefs.

An annual conversation will take place between providers and BFC Officers to agree compliance and continue registration in the Bracknell Forest Local Directory.

A Quality and Development officer will make contact with providers at least termly to offer advice, support, guidance and challenge regarding the early education provision being offered.



If you are a new provider you will need to contact the Quality Development Team to arrange a consultation visit. During the visit, the Local Authority Officer will go through the application process for inclusion on the Bracknell Forest Local Directory. You will also need to provide copies of the following documentation:

- The registration document from Ofsted if registered from September 2008 registered under the Children Act 2006 or evidence of registration with a childminding agency, if applicable
- If an independent school, then a copy of the letter from the DfE confirming final registration as an independent school
- A current prospectus and published fee structure that will be required on an annual basis

# Free Entitlement Framework

## Universal Entitlement

Some two year olds and all three year olds (from the term after their third birthday) and all four year olds are entitled to 570 hours per year of free early education over no fewer than 38 weeks of the year and up to 52 weeks of the year. The entitlement starts from the term following a child's second birthday (for eligible two year olds) and for all other children from the term following a child's third birthday until they reach compulsory school age (beginning of the term following their fifth birthday).

Children who have been admitted to primary school and are attending a state- funded school reception class are not entitled to any additional free hours outside their school reception class place.

The following table shows when a child will become eligible.

Child's 2 <sup>nd</sup> (where eligible) or 3 <sup>rd</sup> birthday falls between	Free entitlement starts
1 April and 31 August	Autumn Term (September)
1 September and 31 December	Spring Term (January)
1 January and 31 March	Summer Term (April)

## Extended Entitlement

Where a three or four year old accesses the universal 15 hours and the child's parents/carers meet the eligibility criteria, the child will be entitled to the additional free entitlement of 570 hours a year over no fewer than 38 weeks and up to 52 weeks of the year. Eligibility for the additional free hours is determined by HMRC through an online application.

[www.childcarechoices.gov.uk](http://www.childcarechoices.gov.uk)

## Eligibility

Section A1 of the Early Education and Childcare Statutory guidance for local authorities (2017) details the eligibility criteria for the free entitlements, it states:

**Outcome:** all children who meet the prescribed criteria are able to take up a free place benefiting their social, physical and cognitive development and outcomes and helping to prepare them for school. Evidence shows that attending high quality early education has a lasting impact on social and behavioural outcomes. The entitlements make childcare more affordable for parents and enables parents to work or increase their working hours if they wish to do so.

The provider must check original copies of documentation to confirm a child has reached the eligible age on initial registration for all free entitlements. The provider can retain paper or digital copies of documentation to enable the Local Authority to carry out audits and fraud investigations. Where a provider retains a copy of documentation this must be stored securely and deleted when there is no longer a good reason to keep the data. Please refer to the data privacy guidance set out in Annex C (Parent Declaration for the free entitlements, part 7).

The provider should offer places to eligible two year olds on the understanding that the child remains eligible until they become eligible for the universal entitlement for three and four year olds.

Apart from exceptional circumstances, if delivering a free place for an eligible two year old, the expectation is that this place will continue to be available once the child turns three or until such time that the parent chooses to change provider. Should you have any concerns regarding this you should contact the Two Year Old Team (see Annex B).

Alongside the 30 hours eligibility code, which is the child's unique 11-digit number, and original copies of documentation (see 2.14), a provider must acquire written consent from, or on behalf of, the parent to be able to receive confirmation and future notifications from the Local Authority of the validity of the parent's 30 hours eligibility code. The provider should use the parental declaration for the free entitlements (Annex C) which asks the parent for the necessary information and consents.

Once a provider has received written consent from the parent, they should verify the 30 hours eligibility code with the Local Authority.

The Local Authority will confirm the validity of 30 hours eligibility codes to allow providers to offer 30 hours places for eligible three and four year olds. The Eligibility Checking Service (ECS) is built into the provider portal which enables providers to verify the 30 hours eligibility code swiftly and efficiently.

BFC will complete audit checks to review the validity of eligibility codes for children who qualify for 30 hours free childcare at 6 fixed points in the 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). It is BFC's responsibility to notify a provider where a parent has fallen out of eligibility and inform them of the grace period end date.

**Table A**

Date Parent receives ineligible decision on reconfirmation:	LA 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

### **The Grace Period**

A child will enter the grace period when the child's parents cease to meet the eligibility criteria set out in the Childcare (Early Years Provision Free of Charge) (Extended Entitlement) Regulations 2016, as determined by HMRC or a First Tier Tribunal in the case of an appeal.

BFC 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.

BFC will 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 (2017). BFC will inform providers via the provider portal of children who no longer meet the eligibility criteria and their grace periods.

## **Flexibility**

Provision must be offered within the national parameters on flexibility as set out in Section A2 of Early Education and Childcare Statutory guidance for local authorities (2017) which states:

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

The provider should work with the Local Authority and share information about the times and periods at which they are able to offer free entitlements to support the Local Authority to secure sufficient stretched and flexible places to meet parental demand in the Local Authority. The provider should also make information about their offer and admissions criteria available to parents at the point the child first accesses provision at their setting.

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 free hours in continuous blocks and avoid artificial breaks being created throughout the day, for example over the lunch period.

BFC is committed to supporting providers to offer flexible places to meet parental need and will therefore work in partnership with providers to achieve this. Providers are encouraged to offer flexible packages of free places, within the following parameters:

- no session to be 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
- outside of maintained school term times
- at weekends

Where providers opt to 'stretch' funded hours across more than 38 weeks, the total annual allocation of 570 hours (universal) or 1140 (extended) is stretched over the operating weeks (weeks settings are closed cannot be used for calculating stretched free early education offer), e.g.

If the number of operating weeks = 50

Stretched universal offer would be  $570 \div 50 = 11.4\text{hrs}$  per week (11 hours 24 minutes)

Stretched extended offer would be  $1140 \div 50 = 22.8\text{hrs}$  per week (22 hours 48 minutes)

Stretched offers must be published and accessible to parents.

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. Where a child attends 2 or more settings per week, it is up to the parent to decide the distribution of free hours between the settings.

There is no requirement for providers to be open for 38 weeks of the year or that providers offer 30 hours in order to receive funding to deliver free places.

### **Parent Declaration Forms**

Providers must ensure they hold a fully completed, signed Parent Declaration for the free entitlements (Annex C) for each child they are claiming for. This is an agreement between the parent and the provider detailing what free entitlement funding the provider will claim on behalf of the child. Where the distribution of funded hours is in dispute between providers, BFC will base any funding decisions on the Parent Declaration form.

A new Parent Declaration form must be completed and signed for each change in hours claimed and attached to the superseded declaration. This provides a full audit trail of free hours claimed for each child. It is not acceptable to cross out/change hours and initial declarations.

# Funding

Section A4 of Early Education and Childcare Statutory guidance for local authorities (2017) sets out the Government's aims in funding the free entitlements, it states:

**Outcome:** fair and transparent funding which supports a diverse range of providers to deliver free places on a sustainable basis and encourages existing providers to expand and new providers to enter the childcare market. This diversity enables parents to choose a provider that best meets the needs of their child and family.

The provider must accurately complete and submit headcount and other necessary data returns by the agreed date to support BFC to make payment. Failure to do so may result in inaccurate, delayed or suspended funding. BFC reserves the right charge providers a £25 administration fee, where headcount submissions are late or incomplete.

Providers will be sent a funding timetable (schedule of dates) in the spring term of each year and will submit funding claims via the provider portal. Each provider will register one or more staff members to use the provider portal. Login details should not be shared between users and it is the user's responsibility to keep their login details secure. If a provider portal user leaves the setting, you must contact the Early Help Team so the user's access is removed from the system.

As per the schedule of dates, BFC will set 'tasks' for providers to complete on the provider portal. These tasks 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. Providers will receive reports after each payment. The reports will include information such as payment amounts, funded hours, funded weeks and EYPP per child.

Private, Voluntary and Independent Providers (PVIs) and Childminders will be set 3 tasks per term on the Provider Portal and will receive 3 payments based on these tasks

- Interim payment - 60% of the forecast headcount
- Actual payment – balance of terms funding calculated on headcount
- Amendment payment – corrections and additions to the headcount

Maintained nurseries will initially have their budget calculated based on the actual funded hours for each of the previous three terms, acting as a proxy for the following financial year. A termly task will be set on the provider portal to coincide with the termly census date (as per the published schedule of dates). Budgets will be recalculated based on the data provided in these tasks.

BFC has a duty to ensure providers of early education places receive funding for an eligible child as soon as the child takes up their funded place in the Local Authority area, regardless of when during the term this is. BFC believes that funding should be flexible to allow providers to offer free places that meet the needs of working parents and therefore when a child moves from one provider to another mid-term the funding will follow the child. However, parents do have an obligation to commit to providers and this is reflected in any signed contract between parents and their childcare provider. Therefore, BFC will only move funding to a new provider after any notice period signed by parents (provider/parent contract) has been honoured. It is important to note that BFC will honour contracts to terminate a funded childcare place up to a maximum period of six weeks from the date notice is received and parents should not be obligated to give any longer period of notice than this.

BFC is unable to 'double fund' a free place and providers are requested to give consideration to exceptional circumstances in which parents may not be able to give contracted notice.

## **Charging**

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

The provider can charge for meals and snacks as part of a free entitlement place and they can also charge for consumables such as nappies or sun cream and for extra chargeable activities, e.g. trips and yoga. These charges must be voluntary for the parent. Where parents are unable or unwilling to pay for meals and consumables, providers who choose to offer the free entitlements are responsible for setting their own policy on how to respond, with options including waiving or reducing the cost of meals and snacks or allowing parents to supply their own meals. Basic necessities for everyday high quality early years provision may not be charged for, e.g. toilet paper, soap, hand towels, tissues, and cleaning materials.



The provider should deliver the free entitlements consistently so that all children accessing any of the free entitlements will receive the same quality and access to provision, regardless of whether they opt to pay for optional hours, services, meals or consumables.

Changing the hourly rate from the standard published rate for a child accessing the free entitlements is not allowed, i.e.

- If a child claims the free entitlements, the rate charged for the additional hours of attendance must be the published standard rate.
- Changing the rate is considered to be penalising parents for claiming the free entitlements
- Wrap around care which differs from standard, published hourly rate is considered to be hidden 'top-up' rate to offset the cost of delivering the free entitlements
- Discounts, where offered, should be made available to all children

BFC will not intervene where parents choose to purchase additional hours of provision or additional services, providing that this does not affect the parent's ability to take up their child's free place. The purchase of additional hours must not be compulsory or a condition of accessing the free entitlements.

Providers must publish their fees, charges and admissions criteria and ensure parents understand which hours/sessions can be taken as free 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 parents' working hours.

To give providers certainty that a parent will take up a place for a 3 or 4 year old, providers can charge parents a refundable deposit to secure their child's free place but 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. Deposits must not be charged for funded 2 year old places.

Providers cannot charge parents "top-up" fees (the difference between a provider's usual fee and the funding they receive from the Local Authority to deliver free places).

Providers cannot require parents to pay a registration fee as a condition of taking up their child's free place.

Providers must ensure their invoices and receipts are clear, transparent and itemised, allowing parents to see that they have received their free entitlements completely free of charge and understand fees charged for additional hours. Providers must also ensure that receipts/invoices contain their full details so that they can be identified as coming from a specific provider.

## **Restrictions**

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 step-parent of the child;
- (b) a person with parental responsibility for the child;
- (c) a relative of the child;
- (d) a person who is a Local Authority foster parent in relation to the child;
- (e) a person who is a foster parent with whom the child has been placed by a voluntary organisation;
- (f) a person who fosters the child privately.

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.

Therefore, it is important to note that childminders will be unable to claim early education funding for any child in their care who has a relationship with them as described above.

## **Compliance**

BFC will carry out checks on providers to ensure compliance with the requirements of delivering the free entitlements. Providers must submit to these compliance checks which may be undertaken by the Early Help Team or auditors operating on behalf of the Council. No prior warning of compliance checks will be given.

Providers must maintain accurate financial and non-financial records relating to free entitlement places and must give BFC or its nominated auditors access on reasonable notice to all financial and non-financial records (subject to confidentiality restrictions) relating to free entitlement places funded under the provider agreement.

Compliance checks will be undertaken annually and providers will be asked to supply the following information for a random selection of children claiming free entitlements:

- Copies of invoices and parent declaration forms
- Copies of terms and conditions and published fees and charges

The documentation provided will be reviewed for compliance with the signed local conditions of funding. Where weaknesses are identified, BFC will contact the provider asking for changes to be made. If deemed necessary a site visit may be requested to carry out a more in depth compliance check. For maintained providers, identified weaknesses may be referred to audit. Prior notice will be given for on site visits.

## **Early Years Census**

The Early Years Census must be completed by private, voluntary and independent providers, including governor run preschools and funded childminders. BFC is required to make census returns to the DfE. These returns are used to calculate the amount of funding that is given to BFC for the following year. It is important that BFC has information on additional hours; please ensure this is fully completed when making this return.

The census takes place on the January headcount date.

Maintained nursery classes must complete the schools census.

## Early Years Pupil Premium

Early Years Pupil Premium (EYPP) is additional funding for early years settings to improve the education they provide for disadvantaged 3 and 4 year olds. Children must receive free early education in order to attract EYPP funding but do not have to take up their full entitlement in order to get EYPP.

BFC will pay providers EYPP for eligible 3 and 4 year olds. At the time of publication of this document, the national hourly rate for EYPP is £0.53. Note that children in receipt of EYPP will also attract an additional £0.77 per hour through the single funding formula deprivation supplement.

### Identifying eligible children

The current eligibility criteria for EYPP is detailed on the DfE website:

<https://www.gov.uk/guidance/early-years-pupil-premium-guide-for-local-authorities>

Providers are ultimately responsible for identifying eligible children. Providers 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 early education entitlement for two year olds, as some of these children will attract EYPP the term after their third birthday.

To claim EYPP funding for a child, a provider must have signed permission from the child parent/carer to check their eligibility. This permission can be provided on a Parent Declaration for the free entitlements form (Annex C) or a stand alone EYPP application form. The parent/carer details must then be entered on the child records on the provider portal.

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. Relevant notice periods will apply as per the funding for free places.

**What must providers use EYPP funding for**

National data and research identifies that children who meet the eligibility criteria for EYPP tend to do less well. EYPP funding aims to support providers to close this gap.

Providers are able to decide how to use this funding, but it must be used to improve the quality of early years education. This could include additional training for staff or supporting staff to work in specialised areas such as speech and language. The funding for several children can be combined to further support their learning and development within settings. Providers must document how EYPP funds have been used and the impact on the children.

## **Disability Access Fund**

The Government has introduced a new targeted fund called the Disability Access Fund (DAF), to support registered early years settings to make initial reasonable adjustments and to build the capacity of their setting to support disabled children.

The DAF is not based on an hourly rate and will be paid as a one-off payment of £615 per financial year for each eligible child.

Children do not have to take up the full 570 hours of early education 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.

### **Eligibility**

From 1 April 2017, three and four year olds (term after 3<sup>rd</sup> birthday) 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 free early education

If a child eligible for the DAF is splitting their free place across two or more settings, parents will need to nominate the setting to whom they wish the DAF payment to be made.

If a child receiving DAF moves from one setting to another within a financial year, the new setting is not eligible to receive DAF funding for this child within the same financial year (1 April to 31 March). DAF funding received by the original setting will not be recouped.

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 the DAF**

Parents of children in receipt of the DLA should complete and sign a DAF application. The Provider must complete the 'Nominated Setting' section on the DAF application form and keep the application form and a copy of the DLA entitlement letter on file in accordance with Data Protection policies. A copy of the DLA entitlement letter should be provided to the Local Authority on request.

## **Special Educational Needs and Disabilities**

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 (January 2015) and the Equality Act 2010.

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 must complete their Local Offer on the Bracknell Forest Local Offer website and updated it annually so information is available to parents to enable them to choose the right setting for their child.

## **Social Mobility and Disadvantage**

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

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.

## **Partnership Working**

BFC will support providers to work in partnership to meet the needs of children and parents in the Local Authority.

Providers should work in partnership with parents, carers and other providers to improve provision and outcomes for children in their setting. An interactive toolkit 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.

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

Providers 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 a childminder, to ensure a smooth transition for the child.

## Quality

Provision must be offered in accordance with the national parameters on quality as set out in Section A3 of Early Education and Childcare Statutory guidance for local authorities (2017) and the EYFS statutory framework, which states:

**Outcome:** all children are able to take up their free hours in a high quality setting. Evidence shows that higher quality provision has greater developmental benefits for children, particularly for the most disadvantaged children leading to better outcomes. The evidence also shows that high quality provision at age two brings benefits to children's development. This guidance reflects the Government's intention that, as far as possible, free places are delivered by providers who have achieved an overall rating of 'outstanding' or 'good' in their most recent Ofsted inspection report.

The Early Years Foundation Stage (EYFS) statutory framework is mandatory for all schools that provide early years provision and Ofsted-registered early years providers in England. The EYFS sets the standards that all early years providers must meet to ensure that children learn and develop well and are kept healthy and safe.

Ofsted are the sole arbiter of quality for all free entitlements. Ofsted and inspectorates of independent schools have regard to the EYFS in carrying out inspections and report on the quality and standards of provision.

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.

A child aged two, three or four years old can be funded at a provider who has been rated 'good' or 'outstanding' by Ofsted. Three and four year old children can access the free entitlement with any provider rated 'requires improvement'. Children aged two years should only be funded in 'requires improvement' settings where there is not sufficient 'good' or 'outstanding' provision in the area. Childminders registered with a high quality CMA can draw down funding under the same criteria as childminders who are individually registered, subject to confirmation of quality standards from the CMA.



For settings in receipt of two year old funding who receive a 'requires improvement' Ofsted rating or settings in receipt of three and four year old funding only who on inspection receive an 'inadequate' rating, the Local Authority reserves the right to withdraw funding as soon as is practicable. However, should the provider sign up to an agreement to work in partnership with the Local Authority to improve provision, funding may continue.

Where a Provider has been rated as less than good by Ofsted, the Provider must take any measures identified in the report from Ofsted to improve the overall effectiveness of the provision

Funding will be approved for new providers registered with Ofsted until the provider's first full Ofsted inspection judgement is published. In the case of a childminder registered with an agency, funding will be approved when the agency's first full Ofsted inspection judgement is published. This is on the basis that the providers or CMA have contact with BFC Quality and Development Officers at least half termly. This could be via telephone, email, training or meetings etc. A termly visit to the provision or agency will also be required.

A Quality and Development Officer will be available to attend Ofsted feedback sessions, providers wishing to access this free support service should contact the Quality and Development Team as soon as Inspectors arrive on site. Following receipt of the Ofsted report officers will work with providers on their action plans.

Quality and Development officers are trained to undertake audits of provision using the following rating scales:

- Infant and Toddler Environment Rating Scale (ITERS) for children under three years
- Early Childhood Rating Scale- (ECERs) for children three - five years
- Sustained shared thinking and emotional wellbeing – (SSTEW) for children three to five years

As part of the quality improvement process and to support Ofsted actions, the Local Authority will work in partnership with providers to help identify strengths and areas for development. This may involve making joint visits to other local settings where the practice has been graded by Ofsted as Good or Outstanding, in-house training for whole staff teams and mentoring support with an emphasis placed on developing leadership and management.

## Termination and Withdrawal of Funding

Termination of registration to the Bracknell Forest Local Directory and withdrawal of funding may result for the following reasons:

- Suspension of registration by Ofsted or a breach of statutory requirements or safeguarding issues
- 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
- A provider judged as inadequate by OFSTED is still judged as inadequate when re-inspected
- A provider fails to comply with the terms and conditions of the Provider Agreement (Annex D)

## Provider Complaints and Appeals Process

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

Wherever possible, the Early Help 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 free entitlement, please contact the Early Help Team in the first instance.

**Telephone:** Early Help Team 01344 351555

**Email:** [EHBS@bracknell-forest.gov.uk](mailto:EHBS@bracknell-forest.gov.uk)

**Write to:**

Bracknell Forest Council  
Early Help Team  
2<sup>nd</sup> Floor North  
Time Square  
Market Street  
Bracknell  
RG12 1JD

If the Early Help Team are unable to satisfactorily resolve your concerns and you still wish to make a complaint about or appeal a decision made by the Early Help Team, please follow the link below for more information on how to escalate the matter:

<http://www.bracknell-forest.gov.uk/comments-compliments-and-complaints-booklet.pdf>

## Parental Complaints

Parents with queries or concerns about accessing their free entitlements or quality of care are encouraged to discuss their concerns with their provider in the first instance.

If, after speaking to their childcare provider, parents still feel their child has been unable to access their free entitlements or are concerned about the quality of care, BFC has a complaints procedure and complaints form to enable parents to raise their concerns.

<http://www.bracknell-forest.gov.uk/freeentitlementtoearlyeducation>

The Provider must ensure they have a complaints procedure in place. This procedure must be published and accessible for parents, should they be concerned their child has not received their free entitlements in the correct way, as set out in this agreement and in Early Education and Childcare Statutory guidance for local authorities (2017). Providers must co-operate with BFC in the investigation of a complaint against them by any party.

If a parent or provider is not satisfied with the way in which their complaint has been dealt with by the Local Authority or believes the Local Authority has acted unreasonably, they can make a complaint to the Local Authority Ombudsman. Such complaints will only be considered when the local complaints procedures have been exhausted.

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## Annex A: Summary of Conditions

No.	Conditions
1.	<b>Legislative Context</b> <ul style="list-style-type: none"> <li>• comply with all relevant legislation</li> <li>• meet the duties of the Equality Act 2010</li> <li>• follow the EYFS and have clear safeguarding policies &amp; procedure</li> </ul>
2.	<b>Conditions</b> <ul style="list-style-type: none"> <li>• Register on the Bracknell Forest Local Directory</li> <li>• Comply with the condition of the Provider Agreement</li> <li>• Establish and maintain registration with Ofsted (if providing childcare that requires registration)</li> <li>• Sign and return a copy of the Provider Agreement, including all revisions</li> <li>• Update the BFC Local directory at least termly with vacancy rates, Ofsted status &amp; Ofsted inspection judgements</li> <li>• Return developmental data on a termly basis for children in receipt of 2 year old funding and EYPP</li> <li>• Actively promote fundamental British Values</li> </ul>
3.	<b>Free Entitlement Framework</b> <ul style="list-style-type: none"> <li>• Deliver the free entitlements in accordance with the Free Entitlement Framework (see pages 11-15 of this Provider Agreement)</li> <li>• Check original copies of documentation to confirm a child has reached the eligible age for all free entitlements</li> <li>• Offer free places within the national parameters on flexibility</li> <li>• Publish a stretched offer (if available)</li> <li>• Hold completed, signed Parent Declarations for each funded children</li> </ul>
4.	<b>Funding</b> <ul style="list-style-type: none"> <li>• Submit accurate headcount and data returns within the published deadlines</li> </ul>
5.	<b>Charging</b> <ul style="list-style-type: none"> <li>• Parents must not charged for any part of the free entitlements, either directly or indirectly</li> <li>• Charges for additional hours and services must be optional</li> <li>• Fees and charges must be clear, transparent and published</li> <li>• Deposits where charged are refunded with 6 weeks if child start date</li> <li>• Invoices must be clear, transparent, itemised and include providers full details</li> </ul>

6.	<b>Compliance</b> <ul style="list-style-type: none"> <li>• Submit to compliance checks by the Early Help Team and any other auditors operating on behalf of the Council.</li> <li>• Maintain accurate financial and non-financial records relating to free entitlement places and make these records available to the Council or its auditors on request.</li> </ul>
7.	<b>Early Years Census</b> <ul style="list-style-type: none"> <li>• Complete the Early Years census or schools census as appropriate</li> </ul>
8.	<b>Early Years Pupil Premium</b> <ul style="list-style-type: none"> <li>• Hold a EYPP application form signed by the parent/guardian for all EYPP claims submitted</li> </ul>
9.	<b>Disability Access Fund</b> <ul style="list-style-type: none"> <li>• Complete the nominated section of the DAF form</li> <li>• Hold a copy of the DLA entitlement letter and make a copy available to BFC on request</li> </ul>
10.	<b>SEND</b> <ul style="list-style-type: none"> <li>• Providers must have regard to the Special Educational Needs (SEN) Code of Practice;</li> <li>• Providers must have an SEN Policy or Inclusion Policy which promotes inclusion for all children (including those with SEN) and covers admissions</li> </ul>
11.	<b>Quality</b> <ul style="list-style-type: none"> <li>• When delivering 3 &amp; 4 year old free places, achieve an overall judgement of 'satisfactory' (prior to 2014) or 'requires improvement' or better under the Ofsted inspection framework.</li> <li>• When delivering 2 year old free places, achieve an overall judgement of good or better under the Ofsted inspection framework.</li> <li>• For childminders registered with a childminder agency, the agency must be judged 'effective' by Ofsted</li> <li>• Where judged less than good by Ofsted, take measures identified by Ofsted to improve the overall effectiveness of the provision</li> </ul>
12.	<b>Termination/Withdrawal of funding</b> <ul style="list-style-type: none"> <li>• Suspension of registration by Ofsted</li> <li>• Breach of statutory requirements</li> <li>• Safeguarding issues</li> <li>• Fraudulent actions, accusations of and convictions for fraud</li> <li>• Ofsted re-inspection of inadequate provider results in another inadequate judgement</li> <li>• Failure to comply with the terms and conditions of the Provider Agreement</li> </ul>
13.	<b>Complaints</b> <ul style="list-style-type: none"> <li>• Providers must have a complaints procedure which is published and accessible to parents</li> <li>• Providers must co-operate with BFC in the investigation of a complaint against them by any party</li> </ul>

## Annex B: Useful Contacts

	Email	Telephone
Group Provision	<a href="mailto:QD.Team@bracknell-forest.gov.uk">QD.Team@bracknell-forest.gov.uk</a>	01344 312812
Childminders	<a href="mailto:QD.Team@bracknell-forest.gov.uk">QD.Team@bracknell-forest.gov.uk</a>	01344 312851
Funding and Business Support	<a href="mailto:EHBS@Bracknell-Forest.gov.uk">EHBS@Bracknell-Forest.gov.uk</a>	01344 351555
Funded Two Year Olds	<a href="mailto:Early.Education@bracknell-forest.gov.uk">Early.Education@bracknell-forest.gov.uk</a>	01344 354452

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## Annex C: Parent Declaration for the Free Entitlements

Please complete using BLOCK CAPITALS

### 1. Child's details

Child's Legal Family Name:		Child's Legal Forename(s):	
Name by which the child is known (if different from above):			
Date of Birth:		Male/Female:	
Ethnicity:		First Language:	
Full Address: (Including postcode)			
Proof of DoB Type : (e.g. Birth Certificate, Passport)		Document recorded by: (name of staff member)	Date document recorded:

### 2. Additional details for children claiming 30 hours Extended Entitlement

Parent/carer National Insurance Number		30 hours eligibility code: e.g. 12345678912	
--	--	--	--

### 3. Setting and attendance details for Universal and Extended Entitlements

- Parent/Carers must complete this Declaration Form with each setting their child attends for their early education entitlement.
- Your child can attend a maximum of two sites in a single day and if your child attends more than 1 setting you must specify where the funding is paid.
- If your child qualifies for the extended 30 hours entitlement and your child attends more than 1 setting you must indicate at which setting(s) you are claiming the extended entitlement in the relevant column below.

**I am claiming free entitlement hours for my child at the following settings:**

Setting Name(s)		Please enter free entitlement hours attended per day					30 hours funding Y/N	Total number of hours per week	Number of weeks per year (e.g. 38, 45, 51)
		Mon	Tue	Wed	Thu	Fri			
A									
B									
C									

Total Daily Free Hours Attended								
------------------------------------	--	--	--	--	--	--	--	--

#### 4. Early Years Pupil Premium (EYPP) Registration Form

The Early Years Pupil Premium (EYPP) is an additional sum of money paid to childcare providers for children of families in receipt of certain benefits. This funding will be used to enhance the quality of their early years experience by improving the teaching and learning and facilities and resources, with the aim of impacting positively on your child's progress and development.

For more information please speak to your childcare provider or go to the government website:  
<https://www.gov.uk/guidance/early-years-pupil-premium-guide-for-local-authorities>

If you believe that your child may qualify for the EYPP please provide the following information for the **main benefit holder** to enable the Local Authority to confirm eligibility:

Parent/carer First Name		Parent/carer Last Name	
Parent/carer Date of Birth		Parent/carer National Insurance number or NASS number	
Parent/carer Signature			

#### 5. Disability Access Fund Declaration

Three- and four-year old children who are in receipt of child Disability Living Allowance and are receiving the free entitlement are eligible for the Disability Access Fund (DAF). DAF is paid to the child's early years setting as a fixed annual rate of £615 per eligible child.

More information about the Disability Living Allowance can be found on the government website  
<https://www.gov.uk/disability-living-allowance-children/overview>

Is your child eligible and in receipt of Disability Living Allowance (DLA)?

Yes	
No	

If your child is splitting their free entitlement across two or more providers please nominate the main setting where the Local Authority should pay the DAF:

--

## 6. Parent/Carer/Guardian with legal responsibility declaration

I (Name) .....

of (Address) .....

confirm that the information I have provided above is accurate and true. I understand and agree to the conditions set out in this document and I authorise (Name of Provider)

..... to claim free entitlement funding as agreed above on behalf of my child.

In addition, I also agree that the information I have provided can be shared with the Local Authority and Department for Education, who will access information from other government departments to confirm my child's eligibility and enable this provider to claim Early Years Pupil Premium (EYPP) or Disability Access Fund (DAF) on behalf of my child.

Parent/Carer/Guardian with legal responsibility		Childcare Provider	
Signed		Signed	
Print name		Print name	
Date		Date	

## 7. Data privacy

The information provided within this form is subject to the Data Protection Act 1998. The information you have provided will be used for the purpose of administering and paying the free entitlements. It will be shared with relevant departments in Bracknell Forest Council and may be shared with other early years providers and government agencies where necessary as part of the process of funding the free entitlements.

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## Annex D: Provider Agreement for Funding Free Places

Section 9 of the Childcare Act 2006 gives Local Authorities the power to place conditions of funding on providers and requires Local Authorities to exercise their powers to ensure that any providers with whom they enter into a financial agreement meet the requirements imposed on them.

Name of provision (As displayed on Ofsted registration documentation)	
Ofsted URN	
Premises Address	
Contact Name for funding queries  Tel:	

Please indicate which free entitlement(s) you are agreeing to provide by placing a entering yes or no in the table below

Eligible 2 year olds and universal entitlement for 3 and 4 year olds (15 Hours)	
Universal entitlement for 3 and 4 year olds (15 hours)	
Extended entitlement for 3 and 4 year olds (30 hours)	

I have read the local conditions of funding September 2017 and agree to comply with them.

Signed:  (Committee Officer, Business Owner, Director, Maintained School designated contact)
Name:
Position:
Date: