

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

Effective from September 2018

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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 early years free entitlements for 2, 3 and 4 year olds. 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 of the 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 (CMA) 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 introduced the extended entitlement to 30 hours free provision for working parents of 3 and 4 years olds, an additional 570 hours per annum or 15 hours a week for 38 weeks, making a total of 1140 hours per annum or 30 hours a week over 38 weeks for eligible 3 and 4 year olds. Eligibility for the additional hours is 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 (20178); 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

Statutory Framework for the Early Years Foundation Stage 2017
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/596629/EY_FS_STATUTORY_FRAMEWORK_2017.pdf

The Childcare (Early Years Provision free of Charge) (Extended Entitlement) Regulations 2016
http://www.legislation.gov.uk/ukxi/2016/1257/pdfs/ukxi_20161257_en.pdf

The Local Authority (Duty to Secure Early Years Provision Free of Charge) Regulations 2014
http://www.legislation.gov.uk/ukxi/2014/2147/pdfs/ukxi_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

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

Data Protection Act 1998

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

General data Protection Regulation (GDPR)

[https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/Guide to the General Data Protection Regulation \(GDPR\) | ICO](https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/Guide%20to%20the%20General%20Data%20Protection%20Regulation%20(GDPR)%20|%20ICO)

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 [equity and diversity guidance](#) 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

'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

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 C) 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

From September 2018 providers will be required to provide the following information at least termly on the Self Update module of the BFC Provider Portal

- Update capacity and vacancy data
- Update settings details

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.

Annex A

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
- Current terms and conditions and published fee structure that will be required on an annual basis.

Free Entitlement Framework

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 behavioral 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.

Table A shows the relevant dates for determining when a child will become eligible.

Table A

Child’s 2 nd (where eligible) or 3 rd 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)

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 available on the [BFC website](#) and the suggested Privacy Notice wording.

Two year olds

A child will be entitled to the free hours when both of the following conditions are satisfied:

Annex A

- the child has attained the age of two (see Table A above)
- the child or parent meets the eligibility criteria

Eligible two 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 eligibility criteria are set out on our [website](#). A child remains eligible for two year old funding even where the child or parent ceases to meet these criteria at a later date)

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 until the point when the child becomes eligible for the universal entitlement 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).

Where a two year old becomes eligible for funding after the start of the term, funding will start from the date they became eligible. Eligible two year old who move to Bracknell Forest after the start of the term and takes up a funded place, will receive funding from the date the place is taken up.

All three and four year old (15 hours Universal Entitlement)

From the term after their third birthday (see table A above) all three and 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 continues until the child reaches compulsory school age (the 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.

All three and four year olds living in England are entitled to the universal entitlement irrespective of the immigration status of the child or their parent(s)

Three and four year olds of working parents (30 hours Extended Entitlement)

A child will be entitled to the additional free hours from the term after both of the following criteria are satisfied:

- the child has attained the age of three (see table A above)
- the child's parent has a current positive determination of eligibility from HMRC

A child's parent must apply for the additional free hours through the Government's online Childcare Service www.childcarechoices.gov.uk. Eligibility for the additional free hours is determined by HMRC through this online application. Eligible three and four year old will be entitled to an additional 570 hours a year over no fewer than 38 weeks and up to 52 weeks of the year.

Eligible parents will receive a 30 hours extended entitlement eligibility code from HMRC, which must be presented to their childcare provider in order to access the extended entitlement.

Alongside the 30 hours 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 30 hours eligibility code. The provider should use the [parental declaration for the free entitlements](#) which asks the parent for the necessary information and consents.

Once a provider has received written consent from the parent, they must verify the 30 hours eligibility code on the BFC Provider Portal which has the Eligibility Checking Service built into it and enables providers to verify the 30 hours eligibility code swiftly and efficiently.

The BFC Provider Portal will confirm the validity of 30 hours eligibility codes to allow providers to offer 30 hours places for eligible three and four year olds.

NOTE: Providers should confirm the validity of eligibility codes and the date from which funding can be claimed before offering a 30 hours funded place. See the section '30 Hours Eligibility Explained' for further guidance.

Annex A

The expiration dashboard of the provider portal enables providers to monitor the eligibility dates of all 30 codes for children attending their setting. The dashboard notifies providers where a parent has fallen out of eligibility and informs them of the grace period end date. The provider portal reviews the validity of eligibility codes on an ongoing basis and meets the requirement for eligibility codes to be reviewed at least 6 times a year, in line with the dates listed at table B below.

Table B

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

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.

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.

The grace period end date will automatically be applied to eligibility codes and is displayed in the BFC Provider Portal expiration dashboard and against individual child records in the BFC Provider Portal tasks.

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).

The grace period is an opportunity for providers to remind parents to renew the 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.

Where parents cease to meet eligibility criteria and the grace period has expired, the child can continue to take up their universal entitlement, provided they have not exceeded the 570 hours entitlement for the year.

30 Hours Eligibility Explained

A child can start in their 30 hours childcare place the term after they turn 3 years old and have received a valid 30 hours code, **whichever is later**.

All 30 hours codes have 3 dates

- Eligible From Date
- Eligible To Date
- Grace Period End Date

A 30 hours code is valid from the 'Eligible From' date to the 'Eligible to' date, however due to how local authorities are funded by the DfE, funding can only be claimed from the term after the 30 hours code is first issued. The first day of the term is set by the DfE and these are currently 1 January, 1 April and 1 September of each year.

Prior to confirming the availability of a 30 hours place, providers must ensure the child meets the age criteria and has a valid 30 hours code on the first day of the term in which 30 hours funding starts.

These criteria impose the following limits on eligibility for the 30 hours free entitlement

- A child may not start claiming 30 hours funding in the same term as an eligibility code is issued, even if the child has attended the setting in previous terms.
- A child may not start a new 30 hours place if their 30 hours code is in its grace period on the first day of the term
- A child may continue to receive funding with the same provider if their 30 hours code is in its grace period on the first day of term.

Annex A

- Changing provider is considered starting a new 30 hours place, so a child who changes provider mid term must have had a valid 30 hours code on the first day of the term even if they were claiming funding in their grace period at their previous provider.

Practical examples of these limits are provided below

1. A child applying in March for a 30 hours place starting in the summer term must have their third birthday before 1 April and a valid 30 hours code, not in its grace period, issued before the 31 March.
2. A child applying in April for a 30 hours place starting in the summer term must have had their third birthday before 1 April and a valid 30 hours code, not in its grace period, issued before the 31 March.
3. A child who enters their grace period in August may not start a 30 hours funded place in September
4. A child claiming 30 hours funding with provider A in the spring term with an eligibility code in the grace period on 1 April will continue to be funded at provider A until the end of the grace period.
5. If the child in example 4 above moved to provider B in mid April they could not claim 30 hours funding as the 30 hours eligibility code was in its grace period on 1 April.

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 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
- can be outside of maintained school term times
- can include weekends

For providers offering a stretched offer, where fewer funded hours per week are delivered across more than 38 weeks of the year, the total annual allocation of 570 hours (universal) or 1140 (extended) is divided by the providers operating weeks.

Stretched offers must be published and accessible to parents. Please see our website for more advice and guidance on calculating a [stretched offer](#)

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. 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 free entitlement.

Parent Declaration Forms

Providers must ensure they hold a fully completed, signed [Parent Declaration for the free entitlements](#) 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. BFC reserves the right to clawback funding where providers do not hold a completed, signed Parent Declaration for the funding claimed.

The Parent Declaration does not replace the contract between the provider and the parent/carer and providers are strongly advised to have signed contracts with all parents. 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 via the Provider Portal by the agreed date to support BFC to make payment. Providers may only claim for the care they provide (or intend to provide when completing the forecast task).

Closures

While there is no requirement for providers to be open for 38 weeks of the year, planned closures such as staff training, holidays (including bank holidays) or any other non emergency reasons which limit access to the free entitlement to fewer than 190 days (or less than 570 hours) a year may not be included in the providers free entitlement claim. Emergencies and unforeseen circumstances closures such as broken heating, disruption due to snow, sickness bug outbreak etc. may be included in the providers free entitlement claim. Providers are not required to compensate parents for closures due to emergencies or unforeseen circumstances unless stated otherwise in their agreement with parents.

Part Weeks

From September 2018 providers will be able to claim funding in part weeks. Note that part weeks must be claimed in decimal format where 1 day = 0.2, 2 days = 0.4, 3 days = 0.6 and 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

Funding rates to providers are calculated via the Early Years Funding Formula (EYFF). The current EYFF was agreed in January 2018 following consultation with all providers and is available on the [BFC website](#). Of note are the following changes from the previous formula:

- the deprivation supplement will be fixed for the entire year and not recalculated on a termly basis
- providers must notify BFC of changes to the qualification level of the staff member leading the Early Years Foundation Stage.
 - A change resulting in a provider becoming entitled to the quality supplement will result in a change to the settings funding rate from the start of the next term.
 - A change resulting in a provider losing its entitlement to the quality supplement will result in a change to the settings funding rate from the end of the next term
 - Eligibility for the quality supplement will be audited as part of the Early Years Census process in the spring term. BFC reserves the right to clawback funding where a setting has lost its entitlement to the quality supplement but not notified BFC of the change.

BFC will publish a funding timetable ([schedule of dates](#)) in the spring term of each year.

Provider portal

Funding claims will be processed via the [provider portal](#). Each provider will register one or more staff members to use the provider portal by completing and returning a [Provider Portal Access Form](#) for each user. Login details should not be shared between users and it is the user's responsibility to keep their login details secure. Autocomplete options that remember passwords should not be used. If a provider portal user leaves the setting or changes roles, you must contact the Early Help Team to remove the user's access from the system. If the device you use to access the portal (laptop, tablet, mobile phone etc.) is lost or stolen you must contact the Early Help Team immediately so that you password can be reset.

Tasks & Payments

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 (PVI) and Childminders will be set 3 tasks per term on the Provider Portal and will receive 3 payments based on these tasks.

- 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

Maintained and academy settings have an initial budget calculated based on the actual funded hours for the each of the previous three terms, acting as a proxy for the following financial year.

For the autumn term 2018/19 maintained and academy settings will be set 2 tasks as set out below and their budgets will be recalculated based on the data provided in these tasks.

- Actual payment – this task coincides with the termly census
- Amendment payment – corrections and additions to the headcount

From the spring term 2018/19, starting with the forecast task on 30/11/2018, maintained and academy nursery settings will move to 3 tasks per term. This change will harmonise the administration of the free entitlement across all providers and facilitate more effective and efficient administration of 30 hours eligibility codes and Early Years Pupil Premium applications. The maintained and academy budgets will be recalculated after the actual and amendment payments.

Changing childcare provider

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. BFC must balance the business needs of providers with the need for parents to be able to access flexibility childcare that meets their needs. To this end if there is a signed provider/parent contract which includes a notice period, BFC will not move funding to a new provider for up to six weeks (including holidays) from the date notice is received. This does not prohibit providers from including holidays in their notice periods or from

having notice periods of longer than six weeks; however it will be up to providers to enforce the contractual notice period outside of the six weeks set out above.

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.

Penalty Fees

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.

Where additional administration resource is required due to:

- a provider missing the submission deadline for a funding claim
- a submission contains substantial omissions
- a submission contains substantial errors

BFC reserves the right to charge an administration fee of £16.50 per hour.

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 must not 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 must not 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, which takes place each January, 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.

From 2019 the Early Years Census will be completed on the Self Update Portal, which will be added to the Provider Portal functionality in September 2018.

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 £1.54 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 or a stand alone EYPP application form. The parent/carer details must then be entered on the child records on the provider portal when the next task is completed. BFC will check eligibility for the EYPP before processing the task and payment for children eligible for EYPP will be included in the funding payment.

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.

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Disability Access Fund

The Government has introduced 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. DAF must not be used for childcare costs.

The DAF is not based on an hourly rate and will be paid as a one-off payment of £615 per 12 month period 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

Three and four year olds (term after 3rd 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 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.

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

Providers will claim the DAF through the DAF module of the Provider portal. The Provider must hold a completed and signed parent declaration form (PDF) for the child. If the child attends more than one setting the PDF must be completed to confirm that your setting

has been nominated by the child's parents for receipt of the DAF. Providers must supply a copy of the parent declaration form 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.

DAF payments

We aim to process online DAF applications weekly with payments for approved applications processed the following week. Providers should receive payment within approximately 14 Days of application. Where evidence has been submitted by post the payment process will be delayed while we await receipt of the documentation. DAF funding is in addition to the free 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. Academies will receive a lump sum payment in the next funding payment from education finance.

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.

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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

Annex A

staff teams and mentoring support with an emphasis placed on developing leadership and management.

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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

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

Write to:

Bracknell Forest Council
Early Help Team
2nd 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.

Annex A: Summary of Conditions

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

6.	<p>Compliance</p> <ul style="list-style-type: none"> • Submit to compliance checks by the Early Help Team and any other auditors operating on behalf of the Council. • 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.
7.	<p>Early Years Census</p> <ul style="list-style-type: none"> • Complete the Early Years census or schools census as appropriate
8.	<p>Early Years Pupil Premium</p> <ul style="list-style-type: none"> • Hold a EYPP application form signed by the parent/guardian for all EYPP claims submitted
9.	<p>Disability Access Fund</p> <ul style="list-style-type: none"> • Complete the nominated section of the DAF form • Hold a copy of the DLA entitlement letter and make a copy available to BFC on request
10.	<p>SEND</p> <ul style="list-style-type: none"> • Providers must have regard to the Special Educational Needs (SEN) Code of Practice; • Providers must have an 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"> • When delivering 3 & 4 year old free places, achieve an overall judgement of ‘satisfactory’ (prior to 2014) or ‘requires improvement’ or better under the Ofsted inspection framework. • When delivering 2 year old free 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</p> <ul style="list-style-type: none"> • Suspension of registration by Ofsted • Breach of statutory requirements • Safeguarding issues • Fraudulent actions, accusations of and convictions for fraud • Ofsted re-inspection of inadequate provider results in another inadequate judgement • Failure to comply with the terms and conditions of the Provider Agreement
13.	<p>Complaints</p> <ul style="list-style-type: none"> • Providers must have a complaints procedure which is published and accessible to parents • Providers must co-operate with BFC in the investigation of a complaint against them by any party

Annex B: Useful Contacts

	Email	Telephone
Group Provision	QD.Team@bracknell-forest.gov.uk	01344 312812
Childminders	QD.Team@bracknell-forest.gov.uk	01344 312851
Funding and Business Support	EHBS@Bracknell-Forest.gov.uk	01344 351555
Funded Two Year Olds	Early.Education@bracknell-forest.gov.uk	01344 354452

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Annex C: 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 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)	
Universal and Extended entitlements for 3 and 4 year olds (30 hours)	

I have read the local conditions of funding September 2018 and agree to comply with them.

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

Return completed forms to ehbs@bracknell-forest.gov.uk or Bracknell Forest Council, Early Help Team, Time Square, Market Street, Bracknell, RG12 1JD