

**TO: SCHOOLS FORUM
20 JUNE 2019**

**UPDATE TO THE LOCAL FUNDING AGREEMENT FOR EARLY YEARS PROVIDERS
DELIVERING FREE PLACES FOR 2, 3 AND 4 YEAR OLDS
Executive Director of People**

1 PURPOSE OF REPORT

- 1.1 The purpose of this report is to obtain approval from Schools Forum for the proposed changes to the local funding agreement.
- 1.2 The local funding agreement which providers need to comply with to receive funding for delivering free places for 2, 3 and 4 year olds (referred to as the Provider Agreement), is revised annually to ensure that the terms and conditions meet the latest statutory guidance to local authorities and take account of learning from the previous year.
- 1.3 The 2019/20 Provider Agreement has been substantially rewritten to conform to the Department for Education's (DfE) updated format and layout. There are minor changes to the terms and conditions to add clarity, these changes are highlighted in the supporting information.

2 RECOMMENDATION(S)

- 2.1 **That the revised Provider Agreement for Funding Free Places for 2, 3 and 4 Year Olds as attached at Annex A is approved for implementation from September 2019.**

3 REASONS FOR RECOMMENDATION(S)

- 3.1 To ensure that the Provider Agreement meets the required standards and terms are understood by all parties.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The propose changes are required for the Provider Agreement to comply with DfE requirements and changes to statutory guidance. There are no alternate options

5 SUPPORTING INFORMATION

Background

- 5.1 The 'Early education and childcare statutory guidance for local authorities' sets out the framework that Local Authorities must operate within in the delivery of the free entitlement to childcare and early education for 2, 3 and 4 year olds. The Bracknell Forest Provider Agreement sets out the detailed local arrangements which are intended to ensure that eligible children can readily access their entitlement in safe, high quality settings and that providers receive funding in accordance with the local Early Years Funding Formula.

5.2 The DfE published a model agreement on 21 June 2018 which set out the departments expectations on what should be included in agreements between local authorities and early years providers. This model agreement includes standard headings, wording and layout to be used in all provider agreements. Due to the late date of publication it was not possible to include these standards in the 2018/19 Provider Agreement

Changes proposed for September 2019

5.3 Substantial rewriting and reformatting of the Provider Agreement was required to ensure compliance with the DfE's model agreement. The changes proposed in the 2019/20 Provider Agreement include:

- changing the headings for some sections
- re-ordering the sections to conform with the model agreement
- numbering all paragraphs to support better referencing
- changes to formatting and removing unnecessary paragraphs, this has reduced the length of the agreement by 13 pages.
- moving terms and conditions between sections to improve readability and conform with the model agreement
- Sections 5 and 15 are new sections which combine terms and conditions from several sections in the 2018/19 Provider Agreement as required by the model agreement.

5.4 The proposed changes and additions to the terms and conditions in the 2019/20 Provider Agreement are:

- Information about the Local Authority Designated Officer and their role has been added to Section 5: Safeguarding
- The Statutory guidance for local authorities, published in June 2018, set out the eligibility criteria for foster carers to claim 30 hours funding. This guidance was not published in time for inclusion in the 2018/19 provider agreement. This guidance has now been added as Section 9: Foster Carers
- Guidance on what to do when a child's attendance is poor or erratic, or when families take extended holidays has been added in Section 17: Funding.

5.5 A draft Provider Agreement was sent to the Early Years Representative Group to gather their views on the proposed changes. The group includes representatives from maintained schools, academies, group PVI providers and childminders. The revised agreement reflects feedback received.

5.6 Annex A sets out the Provider Agreement, which Schools forum is recommended to agree.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

6.1 The relevant legal issues are addressed within the report.

Director of Finance

6.2 The Director of Finance is satisfied that no significant financial implications arise from this report.

Equalities Impact Assessment

6.3 Not relevant

Strategic Risk Management Issues

6.4

Risk	Level	Comment
Not keeping the Provider Agreement up to date and ensuring terms and conditions are understood by all parties could result in BFC not meeting its statutory duties	Low	Annual updates and regular monitoring ensure this risk remains low

7 CONSULTATION

Principal Groups Consulted

7.1 Early Years representative Group

Method of Consultation

7.2 Draft Provider Agreement emailed to all members of the representative group for comment.

Representations Received

7.3 Comment has been received from five members of the representative group. All responses have agreed with the proposed changes. Two responses included comments that the proposed changes have made the Provider Agreement easier to read and understand.

BACKGROUND PAPERS

<https://www.gov.uk/government/publications/early-education-and-childcare--2>

Early education and childcare: Statutory guidance for local authorities - June 2018

<https://www.gov.uk/government/publications/free-early-years-provision-and-childcare-model-agreement>

Model agreement: early years provision free of charge and free childcare – June 2018

<https://www.gov.uk/government/publications/30-hours-free-childcare-la-and-early-years-provider-guide>

Early years entitlements: operational guidance - For local authorities and providers – June 2018

<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

Cherry Hall, Locality Manager 01344 312811
cherry.hall@bracknell-forest.gov.uk

David Allais, Early Help Officer 01344 351555
EHBS@bracknell-forest.gov.uk

Nicola Fletcher, Early Help Officer 01344 351555
EHBS@bracknell-forest.gov.uk