

Agreement for the funding of free early years provision for two-, three- and four-year-olds (PVI Providers)

**Business Planning and Quality
Improvement Processes**

ANNEX B

May 2024

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1. About this document

This document outlines local processes for providers with relation to the funding of the free entitlement. These processes relate to;

- Early Education and childcare Statutory guidance
- The Childcare Act 2006
- Operational Guidance
- EYFS
- The provider Agreement for funding

The document refers to early years provision free of charge and free childcare for eligible working parents. The guidance applies to;

- The 15 hour entitlement for the most disadvantaged 2 year olds
- The 15 hour entitlement for parents of 3-and 4-year olds (the universal entitlement)
- The working parents entitlements, which include;
 - The 30 hours entitlement for eligible working parents for 3-and 4-year olds
 - The introduction of the new entitlement for eligible working parents;
 - From April 2024, the 15 hour entitlement for children aged 2 years of eligible working parents
 - From September 2024, the 15 hour entitlement for children aged 9 months of eligible working parents; and
 - From September 2025, the 30 hour entitlement for children aged 9 months of eligible working parents

2. Enrolling a Child

When enrolling a child for their free early education entitlement the provider must:

1. Verify the child's date of birth by checking the birth certificate, passport, or health red book.
2. Ensure parents complete a Parent Declaration Form ([Annex A](#)). This must be completed as soon as the child starts with the provider.
3. Explain to parents that by signing a parent declaration form they are committing the funding to be paid to you as their provider and this funding cannot be moved to another provider mid-term unless exceptional circumstances apply. (See section 3 of this document).
4. The provider must ask if a child attends at any other provider, if so, this should be recorded on the parent's declaration form. It must also state which provider is receiving the universal 15 hours and the extended 15 hours if these are being claimed/ how the working parent entitlement is being split between the providers.

If a parent wishes to access the provider part way through a term the mid-term starter process must be followed. (See section 4 of this document).

3. Parent Declaration Form

This form must be completed for **all** children claiming free entitlement funding with the provider. It should be signed and dated by the parent / carer no later than two weeks into the start of any new term, but no earlier than the beginning of the term ([Annex A](#)).

- All the information requested must be recorded.
- A new form must be completed at the start of each term.
- Parents/carers are required to sign both sections of the form.
- The form must state if the child attends any other providers and if so, which Early Years setting they attend.
- In the case of more than one provider being used to claim the entitlements the parent/provider must record how the hours will be split.
- Copies of these forms should be retained on site and will be required at audit.
- Where entitlement is split between a school and a PVI provider, the school will always claim the universal hours for the child.
- A copy may be requested by the Local Authority should any funding queries arise.

Parental declarations are generally binding for a term except in exceptional circumstances (e.g., moving house/area). Where a parent wishes to leave during a term, for reasons other than exceptional circumstances, the funding cannot be transferred to an alternative Provider. The Provider should ensure that parents are aware of this detail when signing the parental declaration.

4. Exceptional Circumstances

Once a parent has signed a parent declaration form, they are committing to access their free entitlement hours with that provider for that term. It is important that providers make parents aware of this. If a parent chooses to leave the provider during the term, then the funding would remain with the original provider, unless it is due to an exceptional circumstance.

Exceptional Circumstances could be:

- If the family moves address and are no longer able to access the original provider.
- If the family's circumstances change, i.e., unemployment.
- If the child has a long-term illness.
- If the parent's working patterns change from the time of the original claim.
- Where there is a change in the child's main carer.

- Changes to a providers Ofsted judgement or where there are deemed to be serious safeguarding concerns.
- Safeguarding – endorsed by Social Care

5. Mid-term starters, leavers, and non-attendance

5.1 Mid-term starter

Before the provider commits to a start date, they must contact the Local Authority Free Entitlement Team who will check if the child has previously been accessing a funded place with another provider.

If it is the case that the funding has been paid to another provider, then the Local Authority Free Entitlement Team will determine if exceptional circumstances apply. (See Section 3 of this document).

Depending on where we are in the termly cycle, all child-level detail information may not be known by the Local Authority Free Entitlement Team at that time. This will not be known until the deadline for inputting 'actuals' has passed. Dates are outlined in the provider payment timetable.

It is important that parents are asked if they have previously attended another provider.

- **If Exceptional circumstances apply to the mid-term starter:** In this case the funding will follow the child. The original provider will be able to claim funding for the child up to the date that they left. The new provider will be able to claim from the date the child started accessing a funded place with them, to the end of the term.
- **If Exceptional circumstances do not apply to the mid-term starter:** In this case the new provider will not be able to claim funding for the child until the beginning of the next term. The parent does have the choice to move the child to the new setting and cover the childcare fees themselves.

Claiming for a Mid-term starter

Depending on where we are in the term cycle there are two ways in which the details of a mid-term starter can be claimed for:

- **Claiming via the Synergy online provider portal – Actuals;** This can be done if the child is starting the setting before the 'input of actuals' deadline as specified on the payment timetable. The child can be claimed for along with other children and the provider should just reduce the number of weeks claimed to those that apply.
- **Claiming via the Synergy online provider portal – Adjustments;** This can be

done if the child has started after the input of actuals deadline has passed, providers should claim for the total hours for the term and provide a reason for the adjustment.

5.2 Mid-term leavers

If exceptional Circumstances DO NOT apply:

When a child who has been accessing the free entitlement leaves a provider part way through the term and exceptional circumstances do not apply, the funding will stay with the provider for the remainder of the term, providing a Parent Declaration form has been signed by the parent.

The provider can allow the funding to follow the child even if exceptional circumstances do not apply, and in this case would need to inform the Free Entitlement team that they authorise this transfer of funding.

If exceptional Circumstances DO apply:

The funding will follow the child. The provider will only be able to claim funding for the actual weeks the child has attended the setting.

- If the deadline for 'input of actuals' has not passed the provider must record the details on the Synergy online provider portal for the child, ensuring they input the start and end dates and the number of hours and weeks attended.
- If the deadline for 'input of actuals' has passed the provider will need to submit an adjustment for the child, providing the total amount of hours to be withdrawn and the reason.

5.3 Non-attendance from the start of term

At the start of the term, if a child enrolled with a provider does not attend, the provider must:

1. Contact the family immediately and continue to communicate with the family until the child attends. Also communicate non-attendance with any professional working with the family.
2. If the child's details have been added onto the Synergy funding portal, then these should be removed before the next 'input of actuals' deadline, or via an adjustment.

If a child does not attend the setting, then a claim to the free entitlement funding for that child cannot be made. Parent Declaration forms are only valid from the date the child actually attends their funded sessions.

Free Entitlement Funding is paid based on access and attendance.

6. Change of hours mid-term

Parents are able to increase and decrease their free entitlement hours mid-term, so long as the provider can accommodate the request. Exceptional circumstances do not need to apply for a parent to increase or decrease their hours claimed mid-term, as long as it does not exceed the entitled 15/30 hours per week, and the change is with the existing provider.

Where a provider can accommodate a parents request to change hour's mid-term an adjustment must be provided via the online provider portal.

7. Child attendance, absences, and vacancies

The Provider must make parents aware, before they start accessing the free entitlement, of the importance of good attendance. The provider must have an attendance policy in place.

The attendance policy should include the requirement for parents to inform the Provider before the start of the session of why the child is not attending and the expected return date.

The Provider should immediately contact the parent/carer of any children who have not attended without parental contact and obtain an anticipated return date.

The Provider should follow up immediately if a child does not return on the anticipated date.

The Provider should always inform professionals and other services who are working with the child/family.

Absences

Absences for illness of up to two weeks will be paid as normal and do not need to be reported to the Local Authority Free Entitlement Team. Any absences that go over two weeks must be recorded by the Provider, along with any actions and reasons given. This will be reviewed at audit.

Holidays

Holidays lasting up to two weeks will be funded as normal.

Holidays lasting up to four weeks will be funded only where the provider has a written statement from the parent/carer confirming their return date.

If the child does not return on this agreed date, then they should be treated as a leaver. The leaving date will be judged as the previously agreed return date. An adjustment should be made for the child via the online provider portal.

If a child goes on holiday for longer than four weeks, or does not give a return date, then they should also be treated as a leaver.

If the child does return during the term and the place has been left open, then a new Parent Declaration Form must be signed to claim their remaining Free Early Education Entitlement funding.

It is the provider's choice whether to keep a place open for any child going on holiday for longer than four weeks or not providing a return date. The parent will then need to apply for funding for the child once they return.

Vacancies

In order to signpost parents to your setting, providers should share their vacancies with the Family Information team. This can be done by using the vacancy form on the provider portal.

Records

The provider must keep a secure record of all funded children's termly attendance. This must be maintained for audit purposes.

The provider must also log actions where attendance is poor.

8. The funding process and submitting information

The Local Authority receives free entitlement funding from government for 38 weeks a year.

The Local Authority will issue a timetable to show the free entitlement hours available each term based on the school calendar year, however this will not always mirror the school calendar as it often equates to 39 weeks of the year, which means there will be a week when providers, if they are open, will have to charge parents for the hours they access during that additional week.

The provider payment timetable will set out the deadline dates for submitting estimates, actuals, and adjustments.

The provider payment timetable will set out payment processing dates for payment of estimate, actuals, and adjustments.

The provider payment timetable will be issued to all funded providers before the start of the new financial year and is also available on the ['Agreement for Funding'](#) pages of the LA website.

The processing w/c is when the Free Entitlement begin to process the claims for payment this is not the date that the provider should expect to receive their funding.

Failure to submit information by the specified deadline will result in a delayed payment and the provider must ensure that they submit the required information by the next due deadline in order to receive payment.

Payment will not be made outside the specified dates shown on the provider timetable.

Free Entitlement funding terms are;

- Summer term – 1 April – 31 Aug
- Autumn term – 1 Sept – 31 Dec
- Spring term – 1 Jan – 31 March

Estimates and actual payments

Payments for all entitlements will be processed in line with the payment timetable and will be split as specified in point 12 of the agreement.

8.1 Early Years Census

The Early years census takes place January each year. The Early Years Census supports payment and delivery of free entitlements. The provider is required to submit information accurately and timely in accordance with the guidelines issued by the LA. Failure to provide the information requested may result in a delay in any payments due.

8.2 Full Time Equivalent data (FTE)

The termly occupancy data is collected in January, May, and October. The collection of this data is a requirement under this agreement. The LA has a statutory duty to ensure that there is sufficient childcare to meet parental demand. This data is important to the LA to build a picture of childcare provision across the borough.

9. Free Entitlement Audit

The Free Entitlement team will carry out random audits on providers to ensure that the free entitlement funding is being delivered and administered in accordance with statutory guidance and the Provider agreement for funding. Where a provider is selected for audit the provider will be given adequate notice to ensure that all relevant documentation is available.

10. Oldham Local Offer

All childcare providers within Oldham are encouraged to sign up to the 'local offer'. This promotes the LA's vision to make Oldham a place where children and young people can thrive. This will be demonstrated by children and young people with SEND achieving well in their early years' education. More information on the local offer can be found using this link; [Your Local Offer](#)

11. Working Families entitlement

In line with the childcare reforms announced in Spring 2023 Many working parents will be eligible to receive free childcare. This entitlement is intended to support working parents with the cost of childcare and enable parents, where they wish, to return to work or work additional hours.

The free childcare is not intended to cover the costs of meals, other consumables, additional hours, or additional activities. Providers may charge a fee for these, and this will be an agreement between the provider and the parent/carer, however, providers cannot make the fees a condition of taking up a place, and an alternative no cost option must be offered.

11.1 Working Families application process.

Parents must apply via the digital childcare service, eligibility codes are issued by the digital childcare service in line with eligibility criteria and the LA is unable to determine if a family would be eligible for the working parents entitlement. The LA does not issue the working parents entitlement codes.

Every three months parents will need to reconfirm that the details they entered on their application are still accurate. This is to check that they are still eligible. They will be prompted, via email by HMRC, four weeks before their reconfirmation deadline and again two weeks before the deadline if they still have not reconfirmed. This prompt will tell them that they need to reconfirm. If their circumstances have changed, they will log into their childcare account, amend, and then resubmit their details. If their circumstances have not changed, they only need to confirm that their details have not changed. Parents that completed their original application over the phone will need to phone the childcare service helpline to reconfirm their eligibility. Temporary codes beginning '11' expire and so parents will need to 'reconfirm' by completing a new childcare service application online. Parents will need to reconfirm regardless of whether their child has started to access a place. If parents miss the reconfirmation deadline or their circumstances change, they will receive an email telling them that their eligibility has lapsed and they are no longer entitled to the working families entitlement, they may be able to retain their childcare place for a short period; this is known as a grace period. Families of 2 year-old children should be encouraged to carry out a disadvantaged eligibility check via the LA website, children on the 3 and 4 -year-old entitlement will still be entitled to the universal 15 hours.

A provider can check a parents eligibility code by using the eligibility checker available on the provider portal, also when the working families entitlement claim is made by the provider for a child then the eligibility code details appear next to the child's name, you may also see a yellow triangle with an '!' mark inside, alerting you that the child is in their grace period.

The LA conducts eligibility code Audits on all codes within the provider portal at six points within the year, in line with the [Early Years operational guidance June 2018](#).

- The start of term audits –
 - identifies children whom have fallen out of eligibility. These children cannot take up a place.

- The mid-term audit –
 - identifies children with an eligibility code who are now ineligible and will not be funded beyond the end of the current term.

Parents must be encouraged to complete an application the term before they wish to take up their working parents entitlement.

The cut off dates for the terms are as follows;

Term	Code must have a start date of:
Summer	31 March or before
Autumn	31 August or before
Spring	31 December or before

The grace period enables parents to retain their childcare place for a short period if they become ineligible or do not reconfirm. The statutory guidance outlines the specific grace period cut off dates.

A parent should not start a new 30-hour place in their grace period. This includes in the following scenarios:

- Where a parent falls into their grace period before the child has started a 30-hour place
- Where a parent falls into their grace period whilst their child is in a 30-hour place, and the parent attempts to move the child to a different setting.

12. Eligibility for working parent entitlements for children in foster care.

A child in foster care is entitled to free early years provision once the child has reached the relevant age, is under statutory school age and the criteria below is met;

- The LA are satisfied that the foster parent is engaging in paid work other than as a foster parent and is consistent with the child's care plan.
- In single foster parent families, the foster parent holds additional paid employment outside of their foster role.
- In two foster parent families, both partners hold additional paid employment outside of their role as a foster carer or one partner is working and the other has a limited capability for work and work related activity.

12.1 The Application Process

The application form will be completed by the foster parent and be counter-signed by a designated person determined by the responsible local authority to confirm eligibility. Foster parents will be required to reconfirm their eligibility every three months to mirror the existing process and support the work enabling objectives of the working families entitlement. Agreement that the foster parents can take up the extended hours should be recorded and the care plan for the child should be updated as appropriate. This application is downloadable via the [council website](#).

Applications will be assessed within two weeks from receipt. The Free Entitlement Team will generate an eligibility code for the family, and they will be notified of this code. They should then share this code with their chosen childcare provider. This can also include childcare providers outside of the issuing LA.

Working Families eligibility codes will need reconfirming every three months and foster parents will need to reconfirm with the local authority.

12.2 How to claim.

The childcare provider will make a claim for the child in the usual way in line with the submission deadlines highlighted in the provider payment timetable.

13. Disability Access Fund (DAF)

The Disability Access Fund is payable as a lump sum once a year per eligible child.

It aids access to early years places by, for example, supporting providers in making reasonable adjustments to their setting and/or helping building capacity (be that for the child in question, or for the benefit of the children, attending the setting).

If an eligible child is splitting their free entitlement across two or more providers, the parent will need to nominate the main setting where the local authority should make the DAF payment.

All eligible children receiving their free entitlement will be eligible for the DAF if they are attending an early years setting that provides the free early education, and meets the following criteria;

- The child is in receipt of child disability living allowance and;
- The child receives free early education.

If the child claiming DAF moves from one setting to another within the year of the claim for DAF being made, the new setting is not eligible to receive DAF as DAF is non-transferable.

13.1 How to claim

To claim DAF, The provider should select that the child is eligible for DAF when making a claim via the provider portal and upload a copy of the most recent DLA award letter. Payments are made as adjustments and processed at the next payment point as outlined in the provider payment timetable.

DAF will not be paid where evidence of eligibility is not submitted.

14. Early Years Pupil Premium (EYPP)

All children who are claiming Free Entitlement and who meet certain eligibility criteria could be eligible to receive Early Years Pupil Premium (EYPP). The aim of this funding is to improve outcomes for children by improving the learning experiences which benefit the development of the child.

EYPP is only paid on the following hours;

- Universal 15 hours entitlement for 3 and 4-year-olds
- 15 hours entitlement for disadvantaged 2-year-olds
- 15 hours entitlement for children aged 2 years of working parents
- 15 hours entitlement for children aged 9 months to 2-years-old or working parents.

Eligibility Criteria can be found at [Early Years Pupil Premium \(EYPP\)](#) :

14.1 How to claim

EYPP is paid directly to the childcare provider.

Providers will be able to check and claim EYPP when they submit a claim for a child via the online provider portal, they will need to provide the parents surname, national insurance number/NASS number and date of birth, they will also need to consent to a check being carried out.

If a child falls eligible under one of the looked After criteria, then the provider will need to upload and submit this evidence along with the child claim so EYPP can be applied by the free entitlement team.

On submission of a claim the LA will run an EYPP check and if the child is eligible then EYPP will appear at the side of the child's name.

15. Childminders, Nannies and home-based carers

Early Years Provision is defined in section 20 of the Childcare Act 2006 as the provision of childcare. 'Childcare', as defined in section 18 of the 2006 Act, specifically excludes care provided by a parent, step-parent, foster parent (or other relative) or by a person who fosters the child privately or has parental responsibility. Early Years provision by a childminder (registered independently with Ofsted or a childminder agency) for a related child does not count as childcare in legal terms.

Therefore, early education funding cannot be claimed by, or spent on, childminders providing;

- Childcare for their own child
- Childcare for a related child
- Childcare for a child being fostered by the childminder

Nannies and home based carers are exempt from the requirement to register as a childminder under The Childcare Order 2008. They are currently not permitted to register on the Early Years Register and therefore cannot receive early education funding.

16. Ofsted Requires Improvement Protocol

Oldham wants to create a 0 -19 Education and skills system that is underpinned by a collective vision for the borough of high-quality teaching, a dynamic and relevant curriculum and outstanding leadership. The LA is clear and consistent in its expectations of continuous quality improvement to ensure the Free Early Education Entitlement (FEEE) for all funded children has maximum impact. We will continue to concentrate free education funding wherever possible on those providers judged by Ofsted to be delivering the highest quality provision whilst prioritising support to others.

Statutory guidance states that the LA;

- Fund places for children eligible for the universal or working parents entitlements at providers judged 'requires improvement' or better or at any childminder or childcare provider registered with a childminder agency judged as 'effective by Ofsted.

This protocol outlines the actions that will be taken by LA where a setting receives a first overall Ofsted grade of 'requires improvement'. The protocol applies to full day-care provision, pre-schools, childminders registered independently with Ofsted and out of school (OOS) settings.

1. Following notification of a 'requires improvement' judgement by Ofsted or at inspection, the Early Years Provider must contact the LA to inform them of the outcome of the inspection by email to early.years@oldham.gov.uk

2. At this point the LA, or organisation working on its behalf, will discuss the inspection outcome with the owner/manager of the provision. The LA will also make the provider aware of the impacts on their free entitlement funding.

In line with statutory guidance¹ the LA will continue to fund existing and new children eligible for the universal and working families parent entitlements. It will only fund new disadvantaged 2-year-olds in requires improvement provision where there is not sufficient accessible Ofsted good or outstanding provision.

The owner/manager will be informed that the setting will be placed into 'Category B' in the LA's Quality Improvement Support and Intervention Framework and the 'Requires Improvement Protocol' will be initiated. Engagement in this support package is mandatory if the setting has existing disadvantaged two-year-olds.

3. On publication of the report, A funding letter will be issued to the provider informing them of the above and that funding will not automatically be available for any new² disadvantaged two-year-olds at the setting until an improved judgement is received at re inspection by Ofsted.

NB: The LA will take the following into account when looking to fund disadvantaged two-year-olds at an early years setting with a 'requires improvement' Ofsted judgement:

- Is there a sufficiency need? (Evidence to be provided)?
 - Is the setting actively engaged in the Requires Improvement Programme?
 - Is there evidence of rapid and sustained improvement?
 - Is a robust FIP in place?
 - Are there any exceptional circumstances identified and endorsed by a social worker? e.g., placement as part of a CIN plan
4. Dialogue will take place with the LA or organisation acting on its behalf and the owner and or manager of the setting following the publication of the report, to discuss the report and the requirement to submit a 'focused improvement plan (FIP)' The plan must clearly demonstrate how the owner/manager will address the actions and recommendations of the Ofsted inspection (including timelines and strategies for sustaining improvements) (Stage One).

The manager/owner of the setting submits the completed FIP to the LA within 10 working days of the initial discussion/meeting. The LA or the organisation acting on its behalf will review the FIP and confirm with the setting that the FIP addresses the actions and recommendations identified in their Ofsted inspection report. At this stage a programme of bespoke, time limited focused intervention is agreed between the LA or organisation acting on its behalf and provider e.g., four x two-hour visits, and dates for formal progress review meetings agreed (Stage Two).

5. Monitoring visits will be undertaken during the 12-month period until re-inspection by Ofsted. These visits may be undertaken by specialist early years consultants commissioned by LA. Monitoring reports will be completed, and progress reported to the relevant LA Early Years Officer (Stage Three).
6. Assessment of progress will be measured through: Visit reports; FIP's; attendance

at learning networks and any identified training. After a period of six months a setting that has not been able to demonstrate rapid improvements are being made to secure an improved outcome at re-inspection will be given notice of termination of their contract to deliver funded places for disadvantaged two-year-olds. Funding will not be paid for any disadvantaged two-year old child registered from the date the setting receives notification of termination of contract.

7. Once all actions on the FIP are completed, with clear evidence of how the improvements will be monitored and sustained, the setting submits the FIP to the LA for evidence of improvement (Stage Four) to enable funding to continue on the current basis.

Following an Ofsted re-inspection and the publication of the Ofsted report, the LA will take the following actions:

- 'Good and outstanding' – Process for the automatic reinstatement of funding for disadvantaged two-year-olds. The setting will be placed in Category A of the Quality Improvement Support and Intervention Framework
- Second 'Requires improvement' – The setting is placed in Category C of the Quality Improvement Support and Intervention Framework and the owner/manager of the setting must formally sign up to take part in the LA's Quality Improvement Support and Intervention process prior to continuation of funding for existing disadvantaged two-year olds
- 'Inadequate' – The setting is placed in Category C of the Quality Improvement Support and Intervention Framework and the owner/manager must formally sign up to taking part in the LA's Quality Improvement Support and Intervention process.

Ofsted is the sole arbiter of quality. Providers must continue to meet Ofsted Requirements and compliance with the EYFS

- Where a provider fails to meet the Ofsted requirements of the EYFS, including serious safeguarding/welfare concerns; regulatory and compliance action, the provider must notify early.years@oldham.gov.uk and funding may be suspended/ withdrawn until the point Ofsted deem all requirements to be met. This is in line with the following guidance;
- <https://www.gov.uk/government/publications/early-years-and-childcare-ofsted-enforcement-policy>,
- [Working together to safeguard children - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/working-together-to-safeguard-children)
- [Early years foundation stage \(EYFS\) statutory framework - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/early-years-foundation-stage-eyfs-statutory-framework)

On publication of the report, consideration will be given to families of two-year old children eligible for FEEE, who have already been registered for a place, and for whom induction visits have commenced. Parents will be informed of the 'requires improvement' judgement, and what this means with regards to their funding.

¹ Early Education and Childcare Statutory Guidance for Local Authorities 2024

17. Ofsted Inadequate protocol (or two or more requires improvement judgements)

Oldham wants to create a 0 -19 Education and skills system that is underpinned by a collective vision for the borough of high-quality teaching, a dynamic and relevant curriculum and outstanding leadership. The LA is clear and consistent in its expectations of continuous quality improvement to ensure the Free Early Education Entitlement (FEEE) for all funded children has maximum impact. We will continue to concentrate free education funding wherever possible on those providers judged by Ofsted to be delivering the highest quality provision whilst prioritising support to others.

Statutory guidance states the LA should;

- Secure alternative provision and withdraw funding from a provider as soon as practicable, when Ofsted publish an inspection judgement of the provider of 'inadequate' or when Ofsted publish a second consecutive 'ineffective' inspection judgement of a childminder agency.

This protocol outlines the actions that will be taken by the LA where a setting receives an Ofsted grade of 'inadequate' or two consecutive grades of 'requires improvement' or the childminding agency received a second consecutive 'ineffective' inspection judgement.

The protocol applies to full day-care provision, pre-schools, childminders registered independently with Ofsted or those registered with a childminding agency and out of school (OOS) settings.

1. Following notification of an 'inadequate' judgement by Ofsted at inspection, the Early Years Provider must contact the LA to inform them of the outcome of inspection to early.years@oldham.gov.uk
2. Settings receiving a second consecutive 'requires improvement' judgement will be contacted by the LA to inform them they now fall into category C of Oldham's Quality Improvement Support and Intervention programme.
3. At this point the LA will discuss the inspection outcome with the manager/owner of the provision and explain the process of the Category C Protocol and that on publication of the report will be informed:
 - 'Inadequate' judgement - Funding will be removed for all eligible children at the provision until the setting receives an improved judgement at re-inspection by Ofsted
 - 2nd 'Requires Improvement' - Funding will not be available for any new eligible children at the provision until they receive a 'good' or better judgement at re-inspection by Ofsted

4. Once the inspection report is published by Ofsted the setting will fall into Category C in the LA's Quality Improvement Support and Intervention Framework and subsequent support package is initiated. A setting with an 'inadequate' Ofsted judgement no longer meets the criteria to be an approved provider on LA's Directory of Providers for receiving the FEEE funding and will therefore be removed from the list of approved providers. Parents/carers MUST be informed formally by the provider of the 'inadequate' judgement and the inspection report made available.
5. The Head of Schools and Learning will be informed of the inspection outcome and that the category C protocol has been initiated.
6. Following the publication of the Ofsted report, a 'Focused Intervention Meeting (FIM)' will take place between the owner/manager of the setting and the LA, or organisation acting on its behalf, to discuss implications of the 'inadequate' or two 'Requires Improvement' Ofsted judgements and the requirement to submit a 'Focused Improvement Plan (FIP)'. The plan must clearly demonstrate how the owner/manager will address the actions and recommendations of the Ofsted inspection (including timelines and strategies for sustaining improvements) (Stage One). The LA will also inform the provider of the impact on their entitlement funding for eligible children.
7. At this point the LA will initiate plans to:
 - 'Inadequate judgement' - withdraw funding for all funded children at the end of the next funding block or three-month transition phase. The LA may continue to fund any children eligible for funding at the end of this period if there is clear evidence from Ofsted monitoring visit reports showing good progress/improvement and/or the provider is actively engaging with the LA to improve the quality of provision by addressing the Ofsted actions within timescales set out in the FIP.
 - Second 'Requires Improvement' - withdraw funding for all funded children at the end of the next funding block or three-month transition phase. The LA may continue to fund any children eligible for funding at the end of this period if there is clear evidence the provider is actively engaging with the LA to improve the quality of provision by addressing the Ofsted actions within the timescales set out in the FIP
8. During this period of improvement, information, advice, and guidance will be available through the LA's universal early years offer.
9. The LA or organisation acting on its behalf will undertake two formal progress review meetings during the 6 - 12-month period until re-inspection by Ofsted. Monitoring reports will be completed, and progress reported to the Head of Schools and Learning and the Early Years and Childcare Board (Stage Three).
10. Once all actions on the FIP are completed, with clear evidence of how the

improvements will be monitored and sustained, the setting submits the FIP to the LA or organisation acting on its behalf for evidence of improvement (Stage Four).

11. Following the publication of the Ofsted inspection report the following actions will be taken by the LA:

- ‘Good’ – Process for the reinstatement of funding for all eligible children. The setting will be placed in Category A of the Quality Improvement Support and Intervention Framework
- ‘Requires improvement’ – A previously inadequate setting is placed in Category B of the Quality Improvement Support and Intervention Framework and the owner/committee/ manager of the setting must formally sign up to take part in the LA’s Quality Improvement Support and Intervention Process prior to re instatement of the working families entitlement and the universal funding. A setting receiving a third, consecutive ‘Requires Improvement’ judgement, is likely to be ‘Inadequate’ and will remain in category C
- Second ‘Inadequate’ – The setting remains in Category C of the Quality Improvement Support and Intervention Framework and the owner/committee/ manager must formally sign up to taking part in the LA’s Quality Improvement Support and Intervention Process. Funding for all children entitled will remain ceased.

On publication of the report, consideration will be given to families of two-year old children eligible for FEEE, who have already been registered for a place, and for whom induction visits have commenced. Parents will be informed of the ‘requires improvement’ judgement, and what this means with regards to their funding.

Ofsted is the sole arbiter of quality. Providers must continue to meet Ofsted Requirements and compliance with the EYFS

- Where a provider fails to meet the Ofsted requirements of the EYFS, including serious safeguarding/welfare concerns; regulatory and compliance action, the provider must notify early.years@oldham.gov.uk and funding may be suspended/ withdrawn until the point Ofsted deem all requirements to be met. This is in line with the following guidance;
- <https://www.gov.uk/government/publications/early-years-and-childcare-ofsteds-enforcement-policy>,
- [Working together to safeguard children - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/working-together-to-safeguard-children)
- [Early years foundation stage \(EYFS\) statutory framework - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/early-years-foundation-stage-eyfs-statutory-framework)

¹ Early Education and Childcare Statutory Guidance for Local Authorities 2024