

Agreement for the funding of free early years provision for 2, 3 and 4 year olds (PVI Providers)

**Business Planning and Quality Improvement
Processes**

ANNEX B

Contents

	Page
1. Enrolling a child	3
2. Parent Declaration Form	4
3. Exceptional Circumstances	4
4. Mid-term starters, leavers and non-attendance	5
5. Change of hours mid-term	7
6. Child attendance, absences and vacancies	8
7. The funding process and submitting a claim	9
8. Provider process for checking validity of 30 hours eligibility code	10
9. Ofsted Requires Improvement Protocol	11
10. Ofsted Inadequate Protocol (or two or more Requires Improvement Judgements)	13

1. 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. A paper/digital copy of this must be retained.
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 clearly marked 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.

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).

2. 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 2 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.
- 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 3 & 4 year old funding for up to 30 hours the parent needs to specify which provider will receive the universal 15 hours and which provider will receive the extended hours.
- Copies of these forms should be retained on site and will be required at audit.
- 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.

3. 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 is 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
- Safeguarding – endorsed by Social Care

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

4.1 Mid-term starter

1. 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.
2. 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).
3. If the child has not been accessing a place elsewhere then the Local Authority Free Entitlement Team will issue the provider with a reference number. This number will need to be used when completing the Mid-term Starter Form.

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:

Completing a mid-term starter form – This form will need to be completed and returned to the Local Authority Free Entitlement Team if the deadline for 'input of actuals' has passed. The parental declaration form should also be sent along with mid-term starter form.

Claiming via the Synergy online provider portal – 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.

4.2 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, so long as a Parent Declaration form has been signed by the parent.

The provider must send in a leavers form along with a copy of the signed Parent Declaration form to the Local Authority Free Entitlement Team.

- **If exceptional Circumstances DO apply:**

The funding will follow the child. The provider will need to send a leaver's form along with a copy of the signed Parent Declaration form to the Local Authority Free Entitlement Team. 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 the completed leaver's form accompanied by a copy of the parent declaration form to the Local Authority Free Entitlement Team.

4.3 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.
2. If the child does not attend within a week then the provider should inform the children's centre.
3. If the family no longer wishes to access a funded place then the provider must inform the children's centre.
4. 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.
5. In order that there is a full audit trail, the Provider must submit a *Leaver's form* along with a copy of a signed Parent Declaration form to the Local Authority Free Entitlement Team.

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.

5. 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. For example:

Parent A, has a 4 year old child and they are eligible to receive 30 hours free entitlement but at the start of the term only required 22 hours per week at their provider. However, due to a change in family circumstances 6 weeks into the term the parent would like to take up the full 30 hours entitlement. The Provider can accommodate this so the parent can start accessing the 30 hours as of the following week.

Parent B, has a 2 year old child who is entitled to 15 hours free entitlement but at the start of the term only requires 10 hours per week at their Provider. However, 3 weeks into the term the parents feel that the child will benefit from attending for the full 15 hours per week. The childcare provider can accommodate this and child starts to access the full 15 hours as of the following week.

Parent C, has a 4 year old child who is entitled to 30 hours free entitlement per week and currently takes 30 hours free entitlement per week. However, at week 7 mum is able to collect the child earlier each day and therefore wishes to decrease the amount of free entitlement hours claimed to 25 hours per week. The Provider can accommodate this and the parent reduces their hours as of the following week.

Where a provider can accommodate a parents request to change hour's mid-term a **Mid-term adjustment form** must be completed and sent into the Local Authority Free Entitlement Team along with a copy of the new signed parental declaration form, the Local Authority Free Entitlement Team will then make the adjustment in the provider's headcount.

6. 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.

If a funded two year old is absent for more than two days then the Provider should inform the children's centre.

It is recommended that all Providers download and read the following guidance on attendance and punctuality.

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 and the leaver's procedure should be followed. The leaving date will be judged as the previously agreed return date.

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 two year old vacancy information with their local children's centre when requested.

Records

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

7. 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.

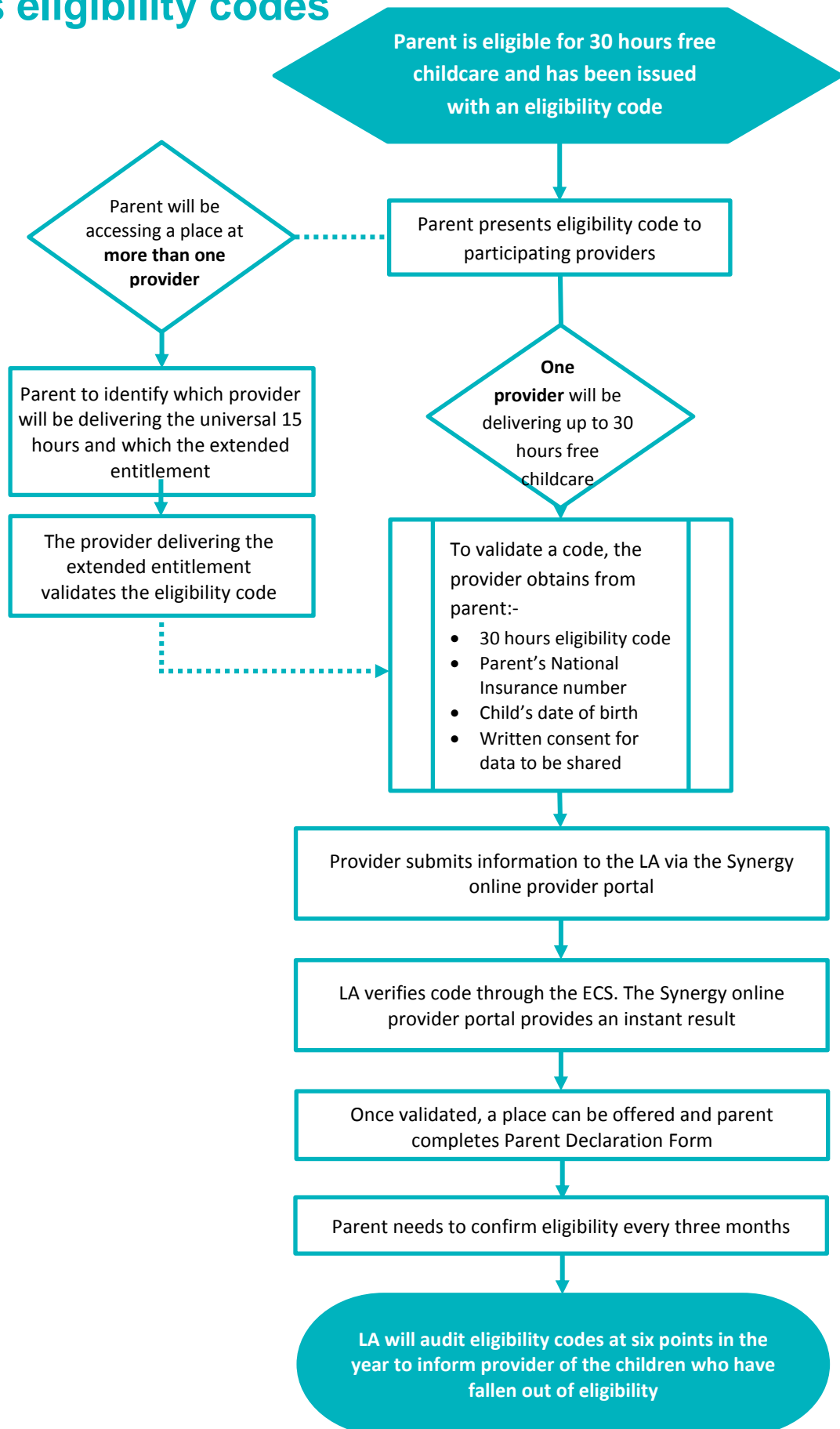
However, the school calendar often equates to 39 weeks of the year which means there will be a week when providers, if they are open, will have to charge parents for the hours they access during that additional week.

The provider payment timetable will set out payment processing dates for input of estimate and actual online pay claim submissions by providers, and payment processing dates.

Estimate and actual payments

Payments for 2, 3 and 4 year old free entitlement will be processed in line with the payment timetable and will be split as specified in 11.4 of the agreement.

8. Provider's process for checking validity of 30 hours eligibility codes



9. 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 council is clear and consistent in its expectations of continuous quality improvement to ensure the Free Early Education Entitlement (FEEE) for 2, 3 and 4 year olds 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.

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

1. Following notification of a '*requires improvement*' judgement by Ofsted at inspection, the Early Years Provider must contact the council to inform them of the outcome of inspection on familyinfo@oldham.gov.uk.
2. At this point the council, or organisation working on its behalf, will discuss the inspection outcome with the owner/manager of the provision and explain the implications for FEEE where there is funding for 2 years olds in place.

In line with statutory guidance¹ Oldham Council will continue to fund existing and new 3 and 4 year olds. However, it will only fund eligible 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 council's Support and Challenge Framework and the *requires improvement prevention programme support package* will be initiated. Engagement in this support package is **mandatory** if the setting has existing 2 year olds and/or wishes to be considered for EEE funding for new 2 year olds.

3. On publication of the report, the Children's Centre Right Start Team will be informed about the requires improvement judgement and that funding will not **automatically** be available for any **new**² 2 year olds at the setting until an improved judgement is received at re inspection by Ofsted.

NB: The Council will take the following into account when looking to fund 2 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 requiring improvement prevention 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 Council 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 1**).

¹ Early Education and Childcare Statutory Guidance for Local Authorities March 2017

² On publication of the report, consideration will be given to families of 2 year old children eligible for EEE, who have already been registered for a place, whose paperwork has been submitted to the council and for whom induction visits have begun. Parents will be informed of the 'requires improvement' judgement, what this means and given the option of retaining their funded place.

5. The manager/owner of the setting submits the completed FIP to the council within 10 working days of the initial discussion/meeting. The council 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 council and provider e.g. 4 x 2 hour visits, and dates for formal progress review meetings agreed (1) **(Stage 2)**.
6. 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 Oldham Council. Monitoring reports will be completed and progress reported to the Schools and Learning Settings Performance Advisor **(Stage 3)**.
7. Assessment of progress will be measured through: Visit reports; FIP's; attendance at learning networks and any identified training. After a period of 6 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 FEEE funded places for 2 year olds. Funding will not be paid for any 2 year old child registered from the date the setting receives notification of termination of contract.
8. 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 council for evidence of improvement **(Stage 4)** to enable funding to continue on current basis.
9. Following the publication of the Ofsted re inspection report the council will take the following actions:
 - **'Good and outstanding'** – Process for the automatic reinstatement of FEEE funding for 2 year olds initiated. The setting will be placed in Category A of the Support and Challenge Framework
 - **Second 'Requires improvement'** – The setting is placed in Category C of the Support and Challenge Framework and the owner/manager of the setting must formally sign up to take part in the council's Intervention Process prior to continuation of FEEE funding for existing and new 2 year olds
 - **Inadequate'** – The setting is placed in Category C of the Support and Challenge Framework and the owner/manager must formally sign up to taking part in the council's Intervention Process.

NB: Where there are deemed to be serious safeguarding concerns i.e. Ofsted suspension of registration, the safeguarding /welfare of children is put at risk, FEEE funding for all children may be withdrawn with immediate effect.

10. 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 council is clear and consistent in its expectations of continuous quality improvement to ensure the Free Early Education Entitlement (FEEE) for 2, 3 and 4 year olds 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.

This protocol outlines the actions that will be taken by Oldham Council where a setting receives an Ofsted grade of *inadequate* or two consecutive grades of *requires improvement*.

The protocol applies to full daycare provision, pre-schools, childminders and out of school (OOS) settings.

Following notification of an inadequate judgement by Ofsted at inspection the Early Years Provider must contact the council to inform them of the outcome of inspection on

schoolsandsettingsworktray@oldham.gov.uk

1. Settings receiving a second consecutive '*requires improvement*' judgement will be contacted by the Council to inform them they now fall into category C of Oldham's quality improvement programme.
2. At this point the Council 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 not be available for any **new**¹ 2, 3 and 4 year olds at the provision until the setting receives an improved judgement at re inspection by Ofsted.
 - **Second Requires Improvement** - Funding will not be available for any new 2 year old children at the provision until they receive a 'good' or better judgement at re inspection by Ofsted.
3. Once the inspection report is published by Ofsted the setting will fall into **Category C** in the Council's Support and Challenge Framework and the Intervention Programme support package is initiated. A setting with an inadequate Ofsted judgement no longer meets the criteria to be an approved provider on Oldham Council'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.
4. The Head of Schools and Learning will be informed of the inspection outcome and that the category C protocol has been initiated.
5. Following the publication of the Ofsted report, a *Focused Intervention Meeting (FIM)* will take place between the owner/manager of the setting and the council to discuss implications of the inadequate or two RI Ofsted judgements on FEEE funding 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 1**).

6. At this point the council will initiate plans to:
 - **Inadequate judgement** - withdraw funding for those existing 2, 3 and 4 year olds at the end of the next funding block or three month transition phase. The council may continue to fund those existing 2, 3 and 4 year olds 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 Council to improve the quality of provision by addressing the Ofsted actions within timescales set out in the FIP.
 - **Second Requires Improvement** - withdraw funding for those existing 2 year olds at the end of the next funding block or 3 month transition phase. The council may continue to fund those existing 2 year olds at the end of this period if there is clear evidence the provider is actively engaging with the Council to improve the quality of provision by addressing the Ofsted actions within the timescales set out in the FIP
7. During this period of improvement, information, advice and guidance will be available through the councils *universal* early years offer.
8. The council 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 3)**.
9. 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 Council for evidence of improvement **(Stage 4)**.
10. Following the publication of the Ofsted re inspection report the following actions will be taken by the Council:
 - **'Good'** – Process for the reinstatement of FEEE funding initiated. The setting will be placed in Category A of the Support and Challenge Framework
 - **'Requires improvement'** – A previously inadequate setting is placed in Category B of the Support and Challenge Framework and the owner/manager of the setting must formally sign up to take part in the council's Prevention Process prior to re instatement of FEEE funding for 3 and 4 year olds

A setting receiving a third, consecutive 'RI' judgement will remain in category C

- **Second 'Inadequate'** – The settings remains in Category C of the Support and Challenge Framework and the owner/committee and manager must formally sign up to taking part in the council's Intervention Process.

NB: Where there are deemed to be serious safeguarding concerns i.e. Ofsted suspension of registration, the safeguarding /welfare of children is put at risk, FEEE funding for all children may be withdrawn with immediate effect.

ⁱ On publication of the report, consideration will be given to families of children eligible for EEE, who have already been registered for a place, whose paperwork has been submitted to the council and for whom induction visits have begun. Parents will be informed of the 'inadequate or consecutive 'requires improvement' judgements, what this means and that if no progress has been made within three months or the start of the next funding block, they will no longer be able to access a funded place at that provision. They will also be advised of good or outstanding provision and what to look for when visiting potential early year's settings for their child.