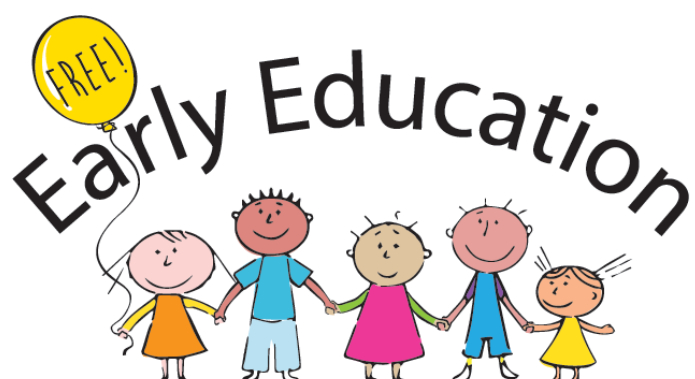


# Barnet Council handbook for Free Early Education and childcare for two, three and four year olds

September 2017



[www.barnet.gov.uk/free-childcare](http://www.barnet.gov.uk/free-childcare)

|                  |   |
|------------------|---|
| <b>Author:</b>   | <b>Lyn Gallacher</b>  |
| <b>Audience:</b> | <b>Early years providers who deliver the full early years foundation stage (EYFS) and are either registered with Ofsted as early years providers, or are schools taking children aged two and over and are exempt from registration with Ofsted as early years provider or a childminder registered with a childminder agency which is itself registered with Ofsted on the early years register.</b> |
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## 1. Introduction

This handbook is a working document that specifies how Barnet funds Free Early Education for all eligible two, three and four year olds (FEE2,3,4), in the maintained, private, voluntary and independent (PVI) sectors and children's centres.

This handbook builds on the Department for Education (DfE), **Early education and childcare Statutory guidance for local authorities** (March 2017). Copies of the statutory guidance are currently available to download from the DfE website at:

[www.education.gov.uk/government/publications](http://www.education.gov.uk/government/publications)

The Free Early Education provider agreement forms a binding contract between childcare providers and Barnet Council. The provider agreement states that providers delivering the FEE and childcare must abide by the conditions and requirements of the **Early education and childcare: Statutory guidance for local authorities** (March 2017) and the '**Barnet Council handbook for free early education and childcare**' (September 2017). By signing and dating the provider agreement, the provider acknowledges that they understand the above mentioned documents and will meet the requirements therein. Free Early Education is at the heart of the Government's vision for all children to have access to high quality early years education. Evidence shows that attending high quality early education has a lasting impact on social and behavioural outcomes. The entitlements make childcare more affordable for parents and enables parents to work or increase their working hours if they wish to do so.

The funding of the free early education for two three and four year olds can only be made to providers who are:

- registered on the Ofsted Early Years Register
- registered with a childminding agency which is registered with Ofsted
- schools taking children aged two and over which are exempt from registration with Ofsted as early years providers

### **Free places for two, three and four year olds**

There is an eligibility criteria for the Free Early Education for two year olds (FEE2).

The universal entitlement of Free Early Education for three and four year olds (FEE 3 and 4) is free provision for every child from the term following their third birthday up until they reach compulsory school age.

There is an eligibility criteria for the extended entitlement (additional 15 hours) for three and four year olds

This handbook explains:

- when children become eligible for FEE at aged two, three and four year olds (FEE2, 3 and 4)
- the process for claiming the funding for two three and four year olds (FEE2,3,4)
- what happens if providers are graded 'requires improvement' or 'inadequate' at their Ofsted inspection
- how Barnet Council can help providers to deliver quality care and support providers for continuous improvement.

Barnet Council is committed to working in close partnership with providers across all sectors in order to achieve flexible, high quality provision which meets the needs of children and promotes parental choice, but balances this with supporting provider sustainability and a thriving childcare market.

Barnet Council reserves the right to unilaterally vary the agreement to reflect changes in legislation and departmental guidelines. References to legislation in this regard will be to legislation as amended from time to time, without express change in the Barnet Council Provider Agreement

Barnet Council will have due regard to the Data Protection Act 1998 and confidentiality and will comply with its obligations under the Freedom of Information Act.

**This document does not provide guidance on how providers operate their private businesses, including charges for provision over and above a child's free hours. Barnet Council 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 following frameworks and legislation underpin this Provider Agreement:

- Early Education and childcare Statutory guidance for local authorities 2017
- Childcare Act 2006
- Childcare Act 2016
- Equality Act 2010
- School Admissions code 2014
- Statutory framework for the early years foundation stage 2017
- The Data Protection Act 1998
- Special Educational Needs and Disability Code of Practice 2015

## **Barnet Council responsibilities**

Barnet Council must secure a free entitlement place for every eligible child in their area.

Barnet Council shall work in partnership with providers to agree how to deliver free entitlement places.

Barnet Council shall 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.

Barnet Council must contribute to safeguarding and promote the welfare of children and young people in their area.

### **Key provider responsibilities**

Providers must comply with all relevant legislation and insurance requirements and have the appropriate public liability insurance

Providers should deliver the free entitlement 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 providers should be clear and communicate to parents details 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 as those whose parents choose to pay for additional services.

Providers should ensure they have a complaints procedure in place that is published and accessible for parents who are not satisfied their child has received their free entitlement in the correct way.

Providers must follow the Early Years Foundation Stage (EYFS) and have clear safeguarding policies and procedures in place 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.

### **Safeguarding**

Barnet Council has an overarching responsibility for safeguarding and promoting the welfare of all children and young people in accordance with the 1989 and 2004 Children Acts and 'Working Together to Safeguard Children' 2015 guidance.

Providers must follow the EYFS and have clear safeguarding policies and procedures in place that are in line with local guidance .A lead practitioner must take responsibility for

safeguarding and all staff have up to date knowledge of safeguarding issues. Providers must enable staff to identify signs of possible abuse and neglect at the earliest opportunity.

Providers must have regard to 'Working Together to Safeguard Children' 2015 guidance.

### **1.1 Information to childcare providers**

The availability of information, advice and training is focused on childcare providers identified as needing to improve the quality of their provision and should promote high quality provision. Local authorities have a power to impose reasonable charges when providing information, advice and training.

Local authorities may provide information, advice and training if this is requested by the provider. Local authorities are able to offer support to settings rated good or outstanding if there is evidence of need but cannot require this support is taken up

### **1.2 Free Early Education (FEE) funding for a related child**

The Childcare Act 2006 defines the meaning of 'early years provision' as the 'provision of childcare for a young child'. Childcare does not include care provided for a child by a parent, step-parent or relative of the child or a person with parental responsibility.

The Childcare Act 2006 defines a relative in relation to the child as a grandparent, aunt, uncle, brother or sister of a child (half-brother or sister) or someone they are related to through marriage or civil partnership.

Childminders are not able to claim the FEE funding for a child they are related to.

### **1.3 Childminder Agencies**

Barnet Council will agree locally with childminder agencies and each childminder registered with the agency whether FEE funding is paid directly to the childminder or is routed to the childminder through the agency. If funding is routed via the childminder agency to the childminder, the local authority can place requirements on the childminder agency.

### **1.4 Promotion of British values**

Local authorities cannot fund early education providers where the local authority has reasonable ground to believe the provider:

- is not meeting the independent school standard in relation to the spiritual, moral, social and cultural development of pupils
- is not actively promoting fundamental British values of democracy, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs

- is promoting as fact views or theories as evidence based which are contrary to established scientific or historical evidence and explanations.

(Fundamental British values first set out in the Government's *Prevent strategy* June 2011)

**Disclaimer:** Whilst every care has been taken to ensure that the information contained within this handbook is correct at the time of publication, Barnet Council cannot be held liable for any loss, damage or expense incurred as a result of information contained in this handbook.

## 2. Free Early Education for two, three and four year olds (FEE2, 3, 4)

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

### 2.1 Two year olds

To be eligible for a two year old place, families must meet any one of the following from either Criteria A or B

#### Criteria A

- Income Support
- Income-based Jobseekers Allowance (JSA)
- Income-related Employment and Support Allowance
- support under Part VI of the Immigration and Asylum Act 1999
- the 'Guaranteed' element of State Pension Credit
- Child Tax Credit or Working Tax Credit provided they do not have an annual gross income of more than £16,190 (as assessed by Her Majesty's Revenue and Customs)

#### Criteria B

- children in receipt Disability Living Allowance (DLA)
- children who are looked after by the local authority
- children who have left care through special Guardianship or through an Adoption or Residence Order
- children with current statement of Special Educational Needs, or an Education Health and Care Plan

### 2.2 How to apply for a FEE2 place

Applications can be made by a parent/carer alternatively an application can be made on behalf of the child/family by an early years practitioner or one of the agencies below:



- children's centres
- health visitors or other health professionals
- social workers
- Jobcentre Plus advisors
- London Borough of Barnet (LBB) Children's Service practitioners
- Barnet Mencap
- Home-Start Barnet
- Barnet Pre-school Learning Alliance (BPSLA)
- managers from participating childcare settings
- other voluntary or community organisations or support services that work with families in Barnet.

Applications can be made online by a referrer or parent at [Application Form](#) further information can be found at [Free Childcare](#).

Once an application is submitted and approved the parent/carer will be notified and advised and supported to find a place for their child in a participating childcare setting. Funded places are subject to availability at the time of receiving an application.

A child will be entitled to the free hours from the term after their second birthday, the relevant dates are below:

| A child born in the period | Will become eligible for a free place                              |
|----------------------------|--|
| 1 April to 31 August       | 1 September following a child's second birthday (claim period two) |
| 1 September to 31 December | 1 January following a child's second birthday (claim period three) |
| 1 January to 31 March      | 1 April following a child's second birthday (claim period one)     |

Providers must ensure that parents are aware that once they have taken up a place. Eligible two year olds remain entitled to this place until the three year old funding starts even if their circumstances change

## 2.3 Eligibility for three and four year olds (universal entitlement)

All children become eligible in the term after their third birthday, see table below

| A child born in the period | Will become eligible for a free place                             |
|----------------------------|---|
| 1 April to 31 August       | 1 September following a child's third birthday (claim period two) |
| 1 September to 31 December | 1 January following a child's third birthday (claim period three) |
| 1 January to 31 March      | 1 April following a child's third birthday (claim period one)     |

### The entitlement for children aged two three and four years

A child will be entitled to 570 free hours a year over no fewer than 38 weeks<sup>1</sup> of the year and up to 52 weeks of the year

The extended entitlement provides an additional 570 free hours a year (1140 hours in total) over no fewer than 38 weeks of the year and up to 52 weeks of the year<sup>2,3</sup>. Providers must check if a child eligible for the extended hours will be attending a reception class. A child will not be able to claim the 30 hours if they have a full time reception place.

**Providers will not be able to claim for any part of the extended hours where a child has a staggered entry date to a reception class**

### The Extended Entitlement

Parents must apply for the additional free hours through the Government's online childcare service. **Eligibility for the additional hours is determined by Her Majesty's Revenue and Customs (HMRC)**

<sup>1</sup> This equates to 15 hours a week for 38 weeks of the year, children may stretch their entitlement over more than 38 weeks (and up to 52 weeks). This means taking fewer hours per week, subject to a maximum of 570 hours per year

<sup>2</sup> This equates to 30 hours a week for 38 weeks of the year. Children may stretch their entitlement and take fewer hours per week up to 52 weeks of the year, subject to a maximum of 1140 hours per year

<sup>3</sup> 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 of their school reception class as local authorities can meet their duty to secure the extended entitlement through the reception class.

From September 2017 eligible 3 and 4 year olds will be entitled to 30 hours of free childcare. This is made up of 15 free hours of the universal entitlement and an additional 15 hours. Providers are advised not to sign a contract/agreement with parents until the child's date of birth and the 11 digit code is verified.

If you are offering the 30 hours of free childcare, you must:

- have written consent from the parent to verify the code
- ask the parent for the 11 digit eligibility code for their child
- ask the parent for their National Insurance number and
- ask for proof of the child's date of birth (birth certificate, passport)
- log into the provider portal to validate the 11 digit code

After the code has been validated you should:

- inform the parent their code is valid
- complete a parental declaration for the free entitlement (Annex A)
- remind parents that they need to reconfirm the eligibility code when prompted by HMRC

## **Eligibility code and validations**

If a parent has a child who will be three before the next term but forgets to apply, they will have to wait until the following term to claim a place for their child

All codes must be validated before the beginning of the funding term, providers who do not validate the code will not receive the extended entitlement funding and the parent will have to wait until the following term to claim their place.

## **How often must parent reconfirm their eligibility?**

Parents reconfirm their eligibility around every three months depending on when they first applied for 30 hours. There will be three dates attached to each code (only the local authority and the provider sees these dates)

The '**validity start date**' is the date on which the parent has applied and been issued a code. The '**validity end date**' is the parent's deadline for reconfirming. The '**grace period**'<sup>4</sup> date is the last date on which they should receive their 30 hours place.

## **The Grace Period (see table)**

Parents who cease to meet the eligibility criteria will continue to be funded for a period of

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<sup>4</sup> A grace period date will not continue beyond the age that a child has achieved compulsory school age (the term after their fifth birthday).

time this is known as a 'Grace Period':

- A child who becomes ineligible during the first half of a funding term should be funded until the end of that funding block (31 March, 31 August, 31 December) or for as long as they remain under Compulsory School Age, whichever is the shorter
- A child who becomes ineligible in the latter half of the funding term should be funded until the end of the following funding term or for as long as they remain under Compulsory School Age, whichever is shorter.

Local authorities should complete an audit of eligibility codes at a maximum of six fixed points in the year. (see table below)

| Date parent receives ineligible decision on reconfirmation | LA audit date | Grace Period End date |
|--|---------------|-----------------------|
| 1 January – 10 February                                    | 11 February   | 31 March              |
| 11 February – 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              |

### 3. Flexibility

**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.

Barnet Council will encourage strong partnership working between providers from all sectors to ensure the market offers maximum flexibility for parents to access free hours to meet their needs and the needs of their child.

Evidence shows that continuous provision is in the best interests of the child. Where it is reasonably practicable Barnet Council will work with providers to 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

Parents can split their free entitlement between multiple providers however continuity of care is important for the child. Providers should be mindful of the impact that multiple providers may have on a child's learning, development and wellbeing. Barnet Council will monitor the impact of this throughout the duration of the Provider Agreement with a view to limiting the number of providers in any one week.

|                            |   |
|----------------------------|---|
| <b>The offer</b>           | up to 15 hours a week and up to 30 hours per week for the extended entitlement                                  |
| <b>Length of offer**</b>   | 38 weeks (as a minimum) <sup>5</sup> a total of 570 hours per annum and 1140 hours for the extended entitlement |
| <b>Min hours per day</b>   | No minimum session length (subject to the requirements on the Ofsted Early Years Register) <sup>6</sup>         |
| <b>Max hours per day</b>   | 10 hours  |
| <b>Number of providers</b> | a maximum of two sites in a single day  |
| <b>Times</b>               | not before 6am or after 8pm   |

**\*\* Providers must ensure their termly claims reach the 38 week total annual limit (particularly when allowing for the shorter spring term), as no adjustments can be made where providers have under claimed. The financial claim period is 1 April to 31 March.**

### 3.1 Providers not delivering the full entitlement to early education

Some providers are not able to open for 15 hours a week or the full 38 weeks of the year. Parents may choose to access this provision but must be told that Barnet Council is under no obligation to offer the remainder of the of the child's FEE at a different provider. A provider who is receiving funding to deliver a reduced entitlement cannot charge parents for additional hours of provision.

### 3.2 A parental declaration

All providers **must** complete a parental declaration with all parents in order to claim the FEE funding. The parental declaration is retained by the provider and must be made available to officers from the Early Years Team as part of the audit checks. An example of a parental declaration is set out in Annex A. The headings and wording in this document **must always** be included in every parental declaration that is signed by parents. The parental declaration

<sup>5</sup> A provider who is not open for 38 weeks must let parents know that they will not receive the full entitlement.

<sup>6</sup> Anyone who cares for children under the age of eight for more than two hours a day in England must register with Ofsted unless they are exempt.

is produced as a word document and providers can add their setting's logo or other information that may be helpful for parents.

In addition to the parental declaration providers may also use their own contract with parents. It is advised that a provider makes it clear to parents of their contract termination policy and any required notice period, as the FEE funding cannot be used to cover a notice period if a child leaves the setting without giving notice

### **3.3 Flexibility for two, three and four year olds**

Flexibility is not about just offering longer hours, but also about offering different patterns or models of flexibility at the provision. A flexible offer should be meaningful and useful for parents, promotes child development to improve the wellbeing of young children and is workable for providers.

Providers delivering the FEE flexibly must ensure that the entitlement is offered to parents in a way which meets their needs and gives them real choices about how they access a free place and are more responsive to parental demand

Evidence shows that continuous provision is in the best interest of the child, where it is reasonably practicable providers should ensure that children access their free entitlement in continuous blocks and avoid artificial breaks being created throughout the day for example over the lunch period.

### **3.4 Definition of flexibility for two, three and four year olds**

There is no requirement that the free entitlement must be taken on or delivered on particular days of the week or at particular time of the day. A free place does not offer a guarantee of a place at any one provider or a particular pattern of provision

Barnet Council will encourage providers to offer flexible packages of free hours to ensure the childcare market offers maximum flexibility for parents to access free hours to meet their needs and the needs of their child.

- no session to be longer than 10 hours
- no minimum session length (subject to the requirement of registration on the Ofsted Early Years Register)
- not before 6.00am or after 8.00pm
- a maximum of two sites per day
- no artificial breaks

### **3.5 A stretched free entitlement**

Providers who are open for more than 38 weeks of the year may choose to 'stretch' the free entitlement by claiming fewer hours per week over more weeks of the year. Providers must

demonstrate to Barnet Council how the free hours will be stretched to ensure that each child receives the full free entitlement, this includes FEE2, the universal free entitlement and the additional fifteen hours (30 hours in total for eligible children). The parental declaration must include the hours per week and number of weeks a child will be attending.

### **3.6 Charging**

The funding that Barnet Council receives from the Government is intended to deliver 15 or 30 hours per week of free, high quality flexible childcare. It is not intended to cover the costs of meals, other consumables, additional hours or additional services

A free place must be delivered completely free of charge, Providers cannot:

- charge parents a 'top up' fee (the difference between a provider's usual fee and the funding they receive from Barnet Council)
- require parents to pay a registration fee as a condition of taking up their child's free place
- require a parent accessing a FEE2 place to pay a deposit to secure their child's free place

### **Fees and charges**

Providers can charge for meals and snacks as part of a free entitlement place, they can also charge for consumables such as nappies or sun cream and for services such as trips.

The charge must be voluntary for the parent. Where parents are unable or unwilling to pay for meals or consumables providers who offer the free entitlement are responsible for setting their own policy on how to respond, this may include for example:

- waiving or reducing the cost
- allowing parents to supply a packed lunch and snacks.

Providers must deliver the free entitlement consistently so that all children accessing a free place receive the same quality and access to provision regardless of the parent's ability to pay.

Providers can charge parents accessing a FEE3, 4 place a deposit to secure their child's free place, the deposit must be refunded to parents in full within a reasonable time. Barnet Council strongly recommends that the deposit is returned to parents by the end of the first half term or within six weeks whichever is sooner.

Providers must ensure their invoice and receipts are clear, transparent and itemised allowing parents to see that they have received their child's free entitlement completely free of charge and understand fees paid for additional services. There should be no monetary value

assigned to the free hours. Invoices and receipts should include the provider's full details so that they can be identified as coming from a particular provider.

The rates which a provider charges for additional hours and services outside of a child's free place are a private matter between the provider and the parent, Barnet Council cannot intervene in a providers' private business outside of a child's free place

Parents only accessing a free place (15 or 30 hours) need not be provided with an invoice, providers must demonstrate at an audit visit how parents are informed that a claim for the free entitlement has been made on their behalf and parents have not been charged for the free place

#### **4. Special Educational Needs and Disabilities (SEND)**

The Government is committed to promoting equality and inclusion for children with Special Educational Needs and Disabilities (SEND) by removing barriers which prevent children from accessing free places and working with parents to give each child support to fulfil their potential.

All providers in the maintained and private, voluntary and independent sectors must be aware of the requirement to have regard to the Special Educational Needs and Disability (SEND) Code of Practice 0-25 (2015)

Barnet Council expects that all providers delivering a free place will ensure that they have arrangements for reviewing monitoring and evaluating the effectiveness of inclusive practices that promote and value diversity and difference. The Early Years Teams in Barnet will work with all early years providers to identify children who qualify for the Early Years Pupil Premium (EYPP) and the Disability Access Fund (DAF).

The DAF is paid to the child's early years setting as a fixed annual rate of £615 per eligible child. This funding can only be paid to one provider it cannot be divided or transferred to another setting if the child leaves. Providers must ask for proof of eligibility from the parent.

#### **5. Social Mobility and disadvantage**

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

Providers should ensure they have identified the disadvantaged children in their setting as part of their process for checking EYPP eligibility. They will also use EYPP and any locally



available funding streams or support to improve outcomes for this group.

## 6. Quality

**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. It is 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 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 and inspectorates of independent schools have regard to the EYFS in carrying out inspections and report on the quality and standards of provision.

Barnet Council will

- fund places for children at any provider judged 'good' or 'outstanding' by Ofsted or at any childminder registered with a childminder agency judged 'effective' by Ofsted if a parent wants their child to take up their free place at that provider
- fund places for children at new provider registered with Ofsted until the provider's first full inspection Ofsted inspection judgement is published
- rely solely on the Ofsted inspection judgement of the provider or the childminder agency as the benchmark of quality
- consider any information published by Ofsted about a provider or childminder agency including the recent history about childcare provision by a particular provider or agency or childcare provision at a particular address. This may include where Barnet Council has concerns that a provider judged 'inadequate' by Ofsted may have re-registered their setting with Ofsted to avoid making the quality improvements identified by Ofsted
- secure alternative provision and withdraw funding from a provider (other than a Barnet maintained school) as soon as is practicable when Ofsted publish an inspection judgement of the provider of 'inadequate' or an inspection judgment of a childminder agency of 'not effective'
- when withdrawing funding take into account the continuity of care for children who are already receiving their free hours at a provider or agency.

Barnet Council will not:

- fund places for two year old children in provision graded ‘satisfactory’ or ‘requires improvement’ unless there is not sufficient, accessible ‘good’ or ‘outstanding’ provision
- fund providers who do not actively promote fundamental British values or if they promote view or theories as fact which are contrary to established scientific or historical evidence or explanation
- fund providers who have an Ofsted inspection judgment of ‘inadequate’

## 7. Partnership working

Barnet Council will support in principle partnerships between:

- Barnet Council and providers
- providers and parents
- Barnet Council and parents
- providers working with other providers, including childminders, schools and organisations through local delivery partnerships and system leadership in collaborations

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

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 childminder, to ensure a smooth transition for the child.

## 8. Funding

**Outcome:** fair and transparent funding which supports a diverse range of providers to deliver free places on a sustainable basis and encourages existing provider 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.

### 8.1 Funding the Free Early Education for two three and four years (universal and extended entitlement)

Barnet Council uses the Early Years Single Funding Formula (EYSFF) to pay all providers who claim the FEE funding for all eligible children.

For information on headcount and payment dates, please refer to [www.barnet.gov.uk/wwcib](http://www.barnet.gov.uk/wwcib)

Payments will only be made electronically by Bankers Automated Clearing Services (BACS). The bank account must be in the name of the childcare setting. Funding for the FEE will not be paid to an individual's bank account unless you are a childminder

Changes to the bank account details must be made in writing either on a company letterhead or by email with an approved signatory and sent to Lyn Gallacher. A completed BACS form for a change of bank account submitted through the provider portal will not be processed without the additional approved signatory on a company letterhead or email.

## **8.2 Payment rate for children aged two, three and four years**

Funding rates are reviewed annually at the start of each financial year.

Funding for each child will be calculated in hours, up to the maximum entitlement of 570 hours for the universal entitlement and an additional 570 hours for parents accessing the extended entitlement

- FEE2 provider will receive an hourly rate of £6.00 (rate correct April 2017) per hour per child
- FEE3,4, providers will receive an hourly rate of £5.17 (rate correct April 2017) per hour per child

The financial year operates from 1 April to 31 March

## **8.3 Claiming the free entitlement**

Barnet Council uses an Early Years Provider Portal; this allows early years providers to access a secure website and submit funding claims as well as update the local authority with details about their provision.

Providers must ensure that children are in attendance during the designated headcount week unless they are known to be ill. Children must be recorded in the daily attendance register and accessing their free entitlement,

Provider Portal user access

- each childcare setting can only have 1 user to access the portal
- the Family Services, Systems and Data Team will set up new users with access to the secure weblink
- the Early Years Central Team will set up new users with access to the Early Years Provider Portal

- log in details will be sent by email to users with 'A guide to submit free early education claims'

#### **8.4 Key dates for submitting claims for two, three and four year olds through the Provider Portal**

Each term providers will be sent an email from the Early Years Funding Team, the email will include important dates for submission of:

- estimates, these must be submitted termly and are used to calculate your advanced funding payments
- headcount date, the date to submit information about children attending your setting, this is submitted termly

The provider portal will allow you to:

- submit and changes
- view your termly summary (funding breakdown)
- submit and view adjustments
- check and validate 30 hours eligibility code

The number of weeks that can be claimed for each term are fixed:

- summer term claim period 1 = 14 weeks
- autumn term claim period 2 = 13 weeks
- spring term claim period 3 = 11 weeks

Providers who wish to change the fixed weeks must contact the Early Years Funding Team for advice.

#### **8.5 Information sharing and data security for two three and four year olds**

Barnet Council has a responsibility to ensure that all personal data is transferred securely. Any personal data sent to Barnet Council outside of provider portal will be deleted immediately by the recipient; the sender will be notified that this action has been taken. Providers must be aware of the Data Protection Act 1998 and their responsibility for the information they hold. It is important to ensure that the information being shared on the claim form is transported securely by taking all practical safety measures available.

#### **8.6 Checking claim forms for two three and four year olds**

Barnet Council enters all the claims from the providers into a single database. Checks are carried out to ensure that no child claims more than 570 hours or 1140 hours per annum of

FEE at one or more providers. If duplicate claims are found, Barnet Council will contact the providers in question and make a decision based on the information received as to which provider will receive the FEE funding. Barnet Council cross references all claims made in respect of the FEE.

## **8.7 Change of ownership of the childcare business**

All providers receiving FEE funding must contact Lyn Gallacher if they are planning to sell their childcare business. The new owner will not automatically receive FEE funding. A new provider agreement will need to be completed with the new owner. Please note that an early years provider cannot sell the setting's Ofsted registration, the potential new owner will need to apply to Ofsted to be registered

## **8.8 Birth certificate and confirmation of home address**

Providers must have sight of every child's birth certificate and record that this has been seen to verify the child's age and is eligible to claim the FEE for children aged two, three or four years old (as good practice providers should ask parents if a copy can be taken and held by the provision).

Providers must also ask for confirmation of each child's home address, for example a utility bill (these should not be older than three months.) Where a provider conducts home visits, additional proof of the child's home address is not required.

## **8.9 Attendance and Absences**

Providers must keep a daily record of children's arrival and leaving times for auditing purposes and to meet the Safeguarding and Welfare requirements (EYFS 2017)

Barnet Council will fund the FEE for up to a maximum of two weeks absence per term, for example if a child is sick and is unable to attend the provision. Providers must make parents aware that absences will not automatically be funded.

Providers will not be penalised for short-term absences through the withdrawal of funding. Where there is any type of absence, for any length of period, providers must discuss the absence with the child's parents/carers. The information gathered from these discussions will be used to consider if the FEE2 or FEE 3, 4 (universal and extended entitlement) funding should continue to be paid or the funding withdrawn.

Where the FEE funding is withdrawn for an extended absence, the parent will be liable to cover the childcare costs for the absence period.

### **a) Holidays**

If a parent is planning to take their child who is claiming the FEE funding for a planned holiday for more than two weeks during the claim period, the provider must contact the

Early Years Team An officer will advise the provider as to the appropriate course of action. The decision may result in the non-payment of the FEE funding for the holiday period. Providers must inform parents that funding for holidays is not an automatic entitlement and FEE2/FEE 3, 4 (universal and extended entitlement) funding can be withdrawn for extended absences.

#### **b) Sickness and other absences**

Where a child is absent due to sickness or circumstances beyond the parents control for more than two weeks or where there are frequent bouts of sickness resulting in absence (equalling two weeks or more), the provider must notify the Early Years Team. An officer will advise the provider as to the appropriate course of action taking into account the reason for the absence and the impact on the provider.

#### **8.10 Bank holidays**

The FEE funding allows for providers to claim for the bank holidays during the FEE2/FEE 3 and 4 claim year, where the bank holiday falls within the period claimed for and on the day a child attends.

#### **8.11 Emergency or unplanned closure**

Where a provider has to close their provision in the case of an emergency or situation beyond their control, for example adverse weather conditions (snow), flooding, power failure. The provider must contact the Early Years Team as soon as practical after the closure. An officer will advise the provider about the FEE2/FEE 3 and 4 funding (universal and extended entitlement).

#### **8.12 Closure for training days**

Barnet Council has a duty to secure FEE places offering 570 hours a year or 1140 hours for the extended entitlement over no fewer than 38 weeks of the year for every child until the child reaches compulsory school age (the beginning of the term following a child's fifth birthday).

The FEE for two three and four year olds **does not** allow for a provision to use **any part of these free hours for training**. A provider who closes for training must not use any part of the FEE hours and must ensure that parents are able to access their free hours on an alternative day or at an alternative time.

Training needs of a provision should be discussed with the early year's teams that support all childcare providers. Funding will not be paid in respect of providers who choose to close their provision for training purposes.

## Further funding criteria for two year olds

- providers must be in receipt of an 'eligibility confirmed' email before accepting a child under the terms of the FEE2 scheme. Payment cannot be backdated if eligibility has not been confirmed when applying under the economic criteria
- the funded hours can only be claimed from the start of the week during which eligibility has been confirmed and once the child has taken up their funded place
- payment will be made in accordance with the FEE2 Provider Payment Schedule
- parents can move their child and sign a new parental declaration form with the new setting. Any previous parental declaration will be void
- If a child has previously been accessing their free early education at a provider outside Barnet and now wishes to claim at a Barnet setting, Barnet Council will contact the other local authority to confirm the child's eligibility. Providers will need the child's name, date of birth and name of the setting the child was attending in order for Barnet Council to do this. If the other local authority confirms the child was accessing a funded place, Barnet Council will honour this and fund them at a Barnet provider.

### **8.13 Further funding criteria for three and four year olds**

- children must be in attendance during the designated headcount week of the academic term unless they are known to be ill or on holiday
- if a child moves into Barnet from another local authority or from overseas after headcount week, funding can be claimed provided the child has not been claiming at another setting adjustment forms can be accessed through the provider portal
- if an eligible child starts at a setting after headcount week and they have not claimed funding at any other Barnet setting in the current academic term then funding can be claimed.

### **8.14 Ofsted provider suspension or cancellation**

Where a provider is suspended by Ofsted, any funding paid in respect of the free entitlement must be paid back to Barnet Council for the period of time that the provision has been closed. Barnet Council will not accept any further headcount claims until a final decision has been made by Ofsted about the providers registration status.

If the decision is to close the Ofsted registration, the provider will also be closed on the Barnet Council Directory of providers and no further payments will be made.

If the Ofsted suspension is lifted Barnet Council will resume funding to the provider.

## 9. Monitoring the FEE payments

### 9.1 Audit checks

Barnet Council has a duty to ensure that there is clear accountability of anyone in receipt of public funding. Barnet Council will, depending on the perceived risk to the local authority, request from the provider information to ascertain if the funding has been used for the purposes it was provided, it may include for example an audit of the provider accounts and supporting documentation.

An officer from the Early Years Team will audit a set number of providers every term. The officer will arrive at a provision unannounced and audit the FEE for two three and four year olds the audit includes parents accessing the universal and .extended entitlement.

The purpose of the audit is to:

- monitor the accuracy of the claims by checking the daily attendance register against the FEE claim form submitted by the provider
- highlight any discrepancies found in the daily attendance register and make appropriate recommendations
- ensure the requirements of the DfE ‘ **Early education and childcare Statutory guidance for local authorities** (March 2017) ’ and to the ‘**Barnet Council handbook for the free early education**’ (September 2017) are being adhered to
- check a sample of the children’s date of birth recorded on the claim form against the register and copies of birth certificates (where available) to ensure that children are eligible to claim the FEE funding for two three and four year olds
- check a sample of invoices provided to parents to ensure that parents are not charged for any hours for which the provider already receives funding from Barnet Council.

During the visit the officer will:

- compile a electronic report of the findings and record an outcome of the visit alongside any recommendations
- identify any adjustments that must be notified to Early Years Funding Team send an electronic copy of the report to the provider
- support the provision with any issues that are raised during the audit visit.

During the visit the provider must:



- supply copies of the daily attendance register or other documents in which children's arrival and leaving times are recorded
- supply sample copies of invoices given to parents to ensure that parents can clearly see that they have received their child's FEE hours and they have not been charged for any hours for which the provider already receives funding
- co-operate fully with the officer from the Early Years Team
- assign a lead person for the provision who will be asked to read the findings of the report.

Where there are discrepancies found the provider may be:

- required to repay any over payment
- referred to the Head of Early Years, at Barnet Council for further investigation this may include a referral to the Corporate Anti- Fraud Team (CAFT)
- refused future FEE funding.

The officer may take away copies of the entries made in the daily attendance register of children who are receiving the FEE2/FEE 3 and 4 (universal and extended entitlement)

## **9.2 After the visit**

The officer from the Early Years Team may contact parents whose children are attending a provision where the FEE is claimed, to confirm their child's attendance; the number of hours accessed and that they have received their child's FEE completely free of charge (universal and extended entitlement)..

The officer from the Early Years Team may contact other teams within the council with any findings from the unannounced visit.

The officer from the Early Years Team will contact the Early Years Funding team after the audit visit with any funding discrepancies that requires an adjustment form to be completed by the provider.

The officer will send a copy of the report to the provider with any actions and timescales clearly identified.

## **10. Withdrawal and refusal of FEE funding**

Barnet Council is required by the 'Early education and childcare Statutory guidance for local authorities' (March2017) to ensure:

- early education places are delivered completely free of charge to parents

- early education places are provided flexibly in a pattern which meets the needs of parents
- that funding provided is used properly and in accordance with any arrangements made with providers
- that providers actively promote fundamental British values and not promote views or theories as fact which are contrary to established scientific or historical evidence and explanations
- that the provider meets the needs of children with Special Educational Needs and Disability (SEND Code of Practice 0-25years January 2015).
- 

Barnet Council will withdraw or refuse FEE funding where there are reasonable grounds to believe that a provider is unable to meet the above requirements.

Barnet Council will give the provider a written explanation of the decision to withdraw or refuse FEE funding.

### 10.1 Considering a complaint?

There is a complaints process for providers whose funding has been withdrawn or refused. Childcare providers who wish to appeal the decision to withdraw or refuse FEE funding should put their complaint in writing to the Early Years Team (see contact details point 9).

It is at the discretion of the Early Years Team whether to consider investigating the complaint made with regards to withdrawal or refusal of FEE funding.

The following factors will be considered upon receipt of a complaint:

- **source** – the relationship between the person making the complaint and the childcare provider, is it a single complaint or have several been made together.
- **substance** – how well evidenced is the complaint, is the complaint specific or based on hearsay or rumour
- **severity** – the severity of the complaint will be a critical factor in determining appropriate steps.

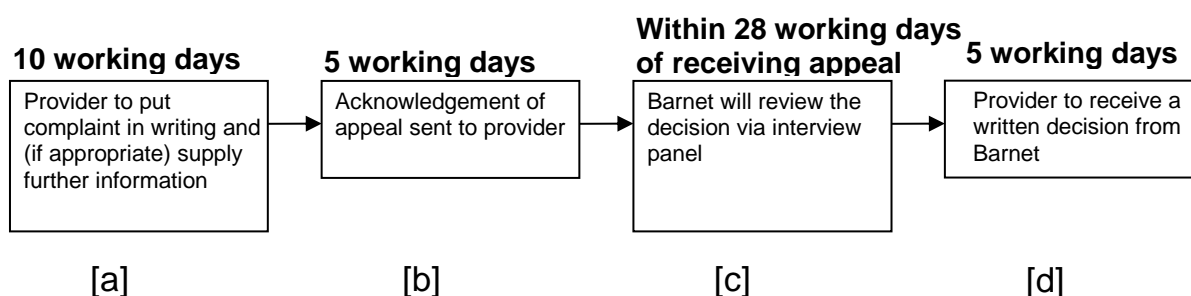
The Early Years Team will contact the provider directly when a complaint is received to try to resolve the matter to reach a satisfactory outcome.

## 11. Complaints procedure - withdrawal or refusal of FEE funding

The Early Years team has a complaints process for providers who are refused funding to deliver FEE places or funding is withdrawn.

The complaints process is:

- the provider to send in writing (within 10 working days of decision) reasons for the complaint and (where appropriate) documentation in support of the challenge to the decision. Barnet Council will not withdraw the FEE funding while an appeal is pending
- Barnet Council will send a letter in acknowledgement of the complaint to the provider within five working days
- a panel of three Barnet Council officers, (independent to the appeal) will review the original decision (through a panel interview) using supporting documentation (where appropriate) within 28 working days of receiving the complaint
- within five working days of the panel's decision, the provider will receive a copy of the written decision from Barnet Council.



### 11.1 Barnet Council's complaint procedure

Barnet Council has a Family Service complaints process. to make a complaint, about a service, team or a particular member of staff who is employed directly by Barnet Council. This process does not cover complaints about external childcare providers (please see process above).

Barnet Council complaints can be sent via email to:

[childrens.service.complaints@barnet.gov.uk](mailto:childrens.service.complaints@barnet.gov.uk) or via telephone at 020 8359 7008.

## 11.2 Local Government Ombudsman (LGO)

If you still remain dissatisfied after completing the councils complaints procedure the next stage is with the LGO requesting a review of the decision. You will usually need to complete all stages before the LGO will look at your complaint.

The LGO looks at complaints about councils and some other authorities in a fair and independent way and is a free service.

|  |   |
|--|---|
| Contact details:<br>The Local Government Ombudsman<br>53 Butts Road<br>Coventry, CV1 3BH | Local Government advice team<br>tel: 0300 061 0614 (advice line)<br>web: <a href="http://www.lgo.org.uk">www.lgo.org.uk</a> |
|--|---|

## 12. Variation

Barnet Council reserves the right to vary the terms and conditions contained within the handbook from time to time. In the event of any variation Barnet Council will re-issue copies of the revised terms and conditions

## 13. Variation

### **Barnet FIS**

tel: 0800 389 8312

text: 07781 480 070

email: [fis@barnet.gov.uk](mailto:fis@barnet.gov.uk)

web: [www.barnet.gov.uk/fis](http://www.barnet.gov.uk/fis)

Early Years Standards

Debra Davies

Early Years Manager

tel: 020 8359 6317

Email: [debra.davies@barnet.gov.uk](mailto:debra.davies@barnet.gov.uk)

Lyn Gallacher

Registration Support Officer

Early Years Service

tel: 020 8359 7619

email: [lyn.gallacher@barnet.gov.uk](mailto:lyn.gallacher@barnet.gov.uk)

Renee Johnson

FEE2 Brokerage Lead

Early Years Service

Tel: 020 8359 2688

Email: [renee.johnson@barnet.gov.uk](mailto:renee.johnson@barnet.gov.uk)

Hilary Solomon

Team Leader

Pre-school Inclusion Team

tel: 020 8359 7612

email: [hilary.solomon@barnet.gov.uk](mailto:hilary.solomon@barnet.gov.uk)

All based at the following address:

London Barnet of Barnet

North London Business Park

Building 4, Oakleigh Road South

London N11 1NP

