

PLYMOUTH PROVIDERS AGREEMENT 2021-2022

Plymouth City Council Early Years



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This document (Providers Agreement) sets out the financial requirements associated with claiming all Early Years Government Funding. This includes (however not limited to) the Early Education Grant, any money received in relation to inclusion, SEND, deprivation and EYPP, capital and business development.

1. Statutory guidance and legislative requirements of the Funding

- 1.1. All providers in receipt of funding must meet the standards set out in the Statutory framework for the early years foundation stage
- 1.2. All providers in receipt of funding must meet the standards set out in the Early Years Entitlement Operational Guidance for Local Authorities and providers.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/718181/Early_years_entitlements-operational_guidance.pdf
- 1.3. If a project involves a maintained school, you must follow the statutory guidance about making alterations to that school found here: Statutory Guidance - School organisation - LA maintained schools
- 1.4. If a project involves an academy trust and the trust deems that the proposed project is also a 'significant change' (as defined in the Academies Financial Handbook), it must obtain the Secretary of State's approval by following the significant change guidance found here: Guidance - making significant changes to an existing academy this also includes Academies extending the age range of pupils.
- 1.5. Any projects that involve use of school land must also comply with relevant guidance on disposal of change of use of school playing field and school land: Guidance - Playing fields and school land

2. Key responsibilities - Local Authority

- 2.1. Local authorities must secure a free entitlement place for every eligible child in their area
- 2.2. Support working parents by ensuring there is sufficient childcare for children aged 0 - 14 years, (or up to 18 for disabled children, where practical).
- 2.3. The authority (LA) should work in partnership with providers to agree how to deliver free entitlement places.
- 2.4. The authority should be clear about their role and the support on offer locally to meet the needs of children with special educational needs and/or disabilities (SEND) as well as their expectations of providers.
- 2.5. The authority must contribute and promote the safeguarding and welfare of children and young people in their area.
- 2.6. The authority will respectfully challenge providers in breach of the terms within this agreement

3. Key provider responsibilities – Provider

- 3.1. The provider must comply with all relevant legislation, insurance and financial requirements.

- 3.2. The provider will be expected to complete an annual Census in a timely way.
- 3.3. The provider should deliver the **free** entitlements consistently to all parents, whether in receipt of 15 or 30 hours and regardless of whether they opt to pay for optional services or consumables. This means that the provider should be clear and communicate 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. No mandatory levy's or enforced and charged for breaks will be imposed upon parents as a condition to accessing their free entitlement.
- 3.4. The provider must follow the Early Years Foundation Stage (EYFS) and have robust safeguarding policies and procedures in place that link to the authority's guidance for recognising, responding, reporting and recording suspected or actual abuse.
- 3.5. The provider must have arrangements in place to support children with 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. SEND resources including information regarding the Graduated Approach to Inclusion.
<https://www.plymouthonlinedirectory.com/plymouthlocaloffer/sencoguide/earlyyears>
- 3.6. Information for parents should be clear, accurate and available using different methods. The provider will agree to use and regularly update their information on:
 - Plymouth Online Directory (POD)
 - Family Information Directory (FID)
 - Internal and external websites (which should be consistent with the Providers Agreement)
- 3.7. The authority reserves the right to challenge and request the removal or alteration of inaccurate and misleading information regarding parental entitlements.
- 3.8. Providers will work in partnership to support the most vulnerable children and those with SEND in the city.

4. Early Help

- 4.1. The provider will work in partnership with the local authority to identify children and families requiring additional help and support them through the Early Help process.
- 4.2. The provider will ensure that staff within their setting/s, are familiar with and/or trained to use and understand local early help and safeguarding processes such as the Plymouth Assessment Framework and locally determined Early Help Assessment Tool. Staff must also know how to identify and support families requiring additional help and must be able to work in partnership with other organisations (children's centres/Family Hubs, schools, health services, Gateway) in order to provide support at the earliest opportunity to children and their families.
- 4.3. When appropriate and in the child and family's best interest, Providers will encourage and enable their staff to lead and attend early help meetings.

- 4.4 Providers will ensure that assessment and transition paperwork is of high standard, evidence based, information is accurate and clear and it is submitted in a timely way in order to keep children safe and receive the services they require. Providers are responsible for ensuring the quality of any paperwork submitted is of a high standard.
- 4.5 Providers to follow the Plymouth Transition Framework
<https://www.plymouthonlinedirectory.com/plymouthlocaloffer/enhancedtransition>

5. Safeguarding

- 5.1. The authority has overarching responsibility for safeguarding and promoting the welfare of all children and young people in their area. There are a number of statutory functions under the 1989 and 2004 Children Acts which make this clear, and the Working Together to Safeguard Children July 2018 guidance sets these out in detail. The authority is a partner in the Plymouth Safeguarding Children's Board.
- 5.2. The provider must follow the EYFS and have clear safeguarding policies and procedures in place that are in line with local guidance and procedures for responding to and reporting suspected or actual abuse and neglect. A lead practitioner must take responsibility for safeguarding and all staff must have training to identify signs of abuse and neglect. The provider must pay regard to 'Working Together to Safeguard Children' 2018 guidance.
- 5.3. The provider must comply with the Plymouth Safeguarding Children Partnership or equivalents recommendations, advice or guidance. This includes the completion of the annual safeguarding audit or equivalent and associated visits. Safeguarding Audit for Excellence Review (SAFER)
<https://www.plymouth.gov.uk/earlyyearsandchildcare/informationchildcareprovidersandschools/safeguardingandwelfarechildcareproviders/safeguardingauditexcellencereviewsafer>
- 5.4. This includes ensuring that safeguarding training is kept up to date, that staff are aware of authority procedures and staff are supported to submit accurate reports and share information with the Gateway or Multi-Agency Hub in a timely way. It is the provider's responsibility to ensure that these referrals are of a high standard.

6. Ofsted

- 6.1. Providers must be registered with Ofsted, maintain their Ofsted registration and update of any significant changes within 5 working days.
- 6.2. The provider must inform the authority of any complaints that have been raised with Ofsted by the provider or by families within 5 working days.
- 6.3. The provider must inform the authority of any Ofsted inspections and their outcome within 5 working days.

7. Eligibility for funded childcare

- 7.1. The provider should check original copies of documentation to confirm a child has reached the eligible age on initial registration for all free entitlements as stated on the Parent Declaration Form.
- 7.2. The provider must retain paper or digital copies of documentation to enable the authority to carry out audits and fraud investigations. Where a provider retains a copy of documentation this must be stored securely for 7 years (in accordance with the Data Protection Act) and deleted when there is no longer a good reason to keep the data.
- 7.3. The provider should offer places to eligible two-year-olds on the understanding that the child remains eligible until they receive the universal entitlement for three and four year olds.
- 7.4. The local authority must ensure that a child has a free entitlement place no later than the beginning of the term following the child's second birthday and the parent meeting the eligibility criteria for the free entitlements.

Additional Eligibility Requirements for 30 Hour Places

- 7.5. Alongside the 30 hour eligibility code, which is the child's unique 11-digit number, and original copies of documentation, a provider must acquire written consent from, or on behalf of, the parent to be able to receive confirmation and future notifications from the authority of the validity of the parent's 30 hours eligibility code. Written consent will be provided through completion of a parent declaration form.
- 7.6. Once a provider has received written consent from the parent, they should verify the 30 hour eligibility code via the authority's portal.
<https://www.plymouth.gov.uk/earlyyearsandchildcare/informationchildcareprovidersandschools/earlyeducationfundingandproviderportal>
- 7.7. Following confirmation of eligibility through the authority portal a place can be offered by the provider.
- 7.8. Providers are able to regularly check the entitlement expiration dashboard (which is updated daily on the portal), to determine the eligibility status of children in the setting.
- 7.9. It is the local authority's responsibility to notify a provider where a parent has fallen out of eligibility and inform them of the grace period end date, this is communicated through the expiration dashboard on the portal.

8. The Grace Period for 30 Hour Places

- 8.1. A child will enter the grace period when the child's parents cease to meet the 30 hour eligibility criteria set out in the Childcare (Early Years Provision Free of Charge) (Extended Entitlement) Regulations 2016, as determined by HMRC or a First Tier Tribunal in the case of an appeal.

- 8.2. Local authorities will be able to access information about whether a child has ceased to meet the eligibility criteria and entered the grace period via the Eligibility Checking Service. The grace period end date will automatically be applied to eligibility codes.
- 8.3 The authority should continue to fund a 30 hour place for a child who enters the grace period as set out in the Early Education and Childcare Statutory guidance for Local Authorities 2018.
- 8.4 The authority will inform parents through providers if they no longer meet the eligibility criteria and are in their grace period and their grace period end date, this is communicated to providers through the expiration dashboard on the portal which is updated on a daily basis.

9. Flexibility

- 9.1. Provision must be offered within the national parameters on flexibility as set out in Section A2 of the Early Education and Childcare Statutory Guidance for Local Authorities.
- 9.2. The provider should work with the authority and share information about the times and periods at which they are able to offer free entitlements via Plymouth Online Directory and the Family Information Directory.
- 9.3. The provider should work in partnership with the authority to secure sufficient stretched and flexible places to meet parental demand in the local area. The provider should also make information about their offer and admissions criteria available to parents at the point the child first accesses provision at their setting.
- 9.4. Children should be able to take up their free hours as part of continuous provision and providers should avoid artificial breaks in the day wherever possible. For example, the lunch time hour/session should form part of the free provision where the child is attending a morning and afternoon session. Providers may wish to offer additional hours around the free provision hours. Please see examples shown in Early Years Entitlements Operational Guidance June 2018. Please see the link below.
- 9.5. Private, voluntary and independent providers are free to set their own criteria for the admission of children, providing they comply with relevant legislation on equalities and non-discrimination. However, all parents should have the same rights to access a free entitlement place, regardless of whether they choose to pay for additional hours of provision, additional activities or meals. Whilst the child continues to take up their free entitlement there should be no restrictions on that place e.g. parents should not have to reserve a place each term.
- 9.6. Providers should ensure that their admissions information is clear and accessible for parents. Providers must publish the number of standalone 15 and 30 hours places on the Family Information Directory (FID) on the settings information page. This will enable parents to make an informed decision on where to take up their child's entitlement.
- 9.7. Providers should ensure that they are completely transparent and as flexible as possible about which hours/sessions can be taken as free provision and this should be consistent for all parents taking up free hours. Providers should provide parents with clear and

itemised invoices showing the breakdown of all charges. The authority reserves the right to challenge unclear invoicing systems.

- 9.8. A child can attend multiple provisions for their weekly funded hours but a maximum of two **providers can be used in a day**.
- 9.9. It is the **parent's responsibility** to determine how the hours are divided across all providers and clearly identify the division of hours on the Parent Declaration form. It is the **provider's responsibility** to ensure the accuracy of hours stated on the Parent Declaration by communicating early with the other providers stated on the form.
- 9.10. A child accessing a Stretched Offer may attend two providers per day, and is funded the maximum of 12 hours per week if in receipt of 15 hours free childcare or 24 hours per week if in receipt of 30 hours free child care.
- 9.11. If the child transfers to another provider during the term, then the parent/carer must indicate where their child was previously attending and for how many weeks and which offer (Standard or Stretched) is being accessed, this should be stated on the Parent Declaration Form. It is the provider's responsibility to communicate with the previous provider.
- 9.12. If the transfer occurs before the headcount payment is released, then the funding can be apportioned by the local authority with agreement of both providers and by informing local authority finance department.
- 9.13. It is important that the determination of how the 15/30 hours is divided between the providers is completed at the beginning of term when the Parent Declaration forms are signed. If more than 15/30 hours (Double Claimer) are claimed and this is only identified after Headcount, then it is likely to result in a delay of payment or a reclaim of any excess payment made. In the event of no agreement being reached between the providers, then the authority will make the final decision.

Parent Declaration forms

- 9.14. Parent declaration forms should be completed on behalf of all children who attend the setting and take-up their free entitlement. The form should state the number of hours being claimed (rounded down to the nearest half hour) by the parent as well as details of other settings their child may be attending.
- 9.15. Parents are not required to complete a new declaration form in the first week of every term, if there has been no change in circumstance/take-up of the free entitlement. Parents should sign their original form on a termly basis to confirm that the original parent declaration form remains valid. Parents will be required to sign a new parent declaration form during the first week of term if their child has started a new setting or has increased/decreased their take-up.
- 9.16. If a child is accessing a 30 hour place and splitting their entitlement across multiple providers, it is important that the Parent Declaration form specifies how many universal hours and how many extended hours will be claimed with each provider.

- 9.17. If a child joins the setting **after** the first week of term, the parent/carers must state on the Parent Declaration form where their child was previously attending and for how many weeks.
- 9.18. The Parent Declaration form includes a section for the Ethnic Origin and the First Language of the child to be recorded, however this section is optional, but the information will assist the Department for Education and the authority in providing a better service.
- 9.19. If the parent/carers is entitled to 30 hours of free childcare, their eligibility code and National Insurance number should be stated on the form. These details will be used by the provider to verify the eligibility code.
- 9.20. The Parent Declaration form includes a section where parents/carers can state if their child is in receipt of Disability Living Allowance (care element or mobility element) and therefore eligible for Disability Access Funding. The provider must also see a copy of the DLA letter and tick the proof of eligibility section. A copy of the eligibility letter should be attached to the parent declaration form and retained by the provider.
- 9.21. The provider must see proof of eligibility of the child's age and tick the proof of eligibility section of the Parent Declaration form.
- 9.22. For two year old funding, the provider must also see the Confirmation of Eligibility confirming eligibility for two year old funding and tick the two year old eligibility section on the Parent Declaration Form. A copy of the confirmation letter should be attached to the Parent Declaration form and retained by the provider. Once the setting has been provided with a confirmation letter, a placement notification should be completed on the early years provider portal.
- 9.23. The responsible officer must sign the Parent Declaration form on behalf of the provider.
- 9.24. Parent Declarations must be retained by the provider and be available for audit verification.
- 9.25. Parent Declaration forms are published on the Early Education Funding and The Provider Portal webpage.

Parent Contracts

- 9.26. The provider may incorporate the details of Parent Declaration form as set out above into their Parent Contract, in order to simplify the paperwork.

10. Partnership working

- 10.1. Partnerships should be supported by local authorities on four levels between:
- i. Local authorities and providers
 - ii. Providers working with other providers, including childminders, schools and organisations
 - iii. Providers and parents
 - iv. Local authorities and parents

- 10.2. The authority should promote partnership working between different types of providers, including childminders, across all sectors and encourage more providers to offer flexible provision alongside other providers.
- 10.3. The provider should work in partnership with parents, carers and other providers to improve provision and outcomes for children in their setting. An interactive toolkit 30 hour mixed model partnership toolkit has been developed to help providers set up or join a partnership, to maximise the benefits of working together to better support families.
- 10.4. The provider should discuss and work closely with parents to agree how a child's overall care will work in practice when their free entitlement is split across different providers, such as at a maintained setting and a childminder, to ensure a smooth transition for the child.
- 10.5. The provider will ensure that communication with the other provider is robust.
- 10.6. Childminders may offer a chargeable on-call service as part of their offer to parents. This service could include providing emergency childcare cover whilst the child is in another setting taking up free hours. For example:

Before 9am Childminder charges for care, transfer to nursery or playgroup and on-call services	9am-12pm Free hours at nursery class or playgroup	12pm-3pm Childminder picks up and provides free hours	After 3pm Childminder charges for any additional hours needed
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- 10.7. The authority will act as an advocate for parents and carers. This will include (but is not limited to) challenging practice, misinformation and barriers limiting their ability to access their entitlements. A provider will be challenged and asked to change practice if they do not follow the statutory guidance. Funding may be affected if a provider is unwilling to remodel their practice.

Special educational needs and disabilities

The authority must:

- 10.8. Strategically plan support for children with special educational needs and/or disabilities (SEND) to meet the needs of all children in their local area as per the Special Educational Needs and Disability code of practice: 0 to 25 years.
- 10.9. The authority must be clear and transparent about the support on offer in the area, through their Local Offer

The provider must:

- 10.10. Ensure that all staff members are aware of their duties in relation to the SEND Code of Practice 2015 and the Equality Act 2010 and adhere to the local good practice recommendations.
- 10.11. Be clear and transparent about the SEND support in order to enable parents to make an informed choice about the right setting for their child with SEND.

- 10.12. Utilise the Early Years SEND inclusion fund available to them as allocated at SEN Inclusion Resource Panel. This funding is targeted at 3&4 year olds with SEN, who are taking up a free place. Plymouth has agreed locally to extend this funding to 2 year olds taking up their free entitlement. This is targeted at early intervention, where a child is having significant greater difficulty in learning and/or a disability that prevents or hinders from making use of the facilities in the setting. The Early Years SEND Inclusion Fund will be allocated to settings in the form of top up grants on a case by case basis. Any provider receiving SEN Inclusion Fund must adhere to the SEND Inclusion Fund Guidance. Failure to do so may result in the LA clawing back the funding
- 10.13. Have arrangements in place to support children with special educational needs and/or disabilities (SEND). This includes implementing the Graduated Approach to Inclusion and sign-posting families to the local offer. 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.
- 10.14. Ensure that their SENCO(s) are well trained, supported to attend council briefings such as SENCO briefings and that children's development is accurately assessed, that documentation is clear, evidence based and submitted in a timely fashion to ensure that children can access the most appropriate services and education.

Disability Access fund (DAF)

- 10.15. Provider should maximise the Disability Access fund (DAF). This is another form of SEND funding available to providers. This funding is targeted at 3 and 4 year olds in receipt of disability living allowance (DLA). It is currently an annual payment of £615, which is determined and reviewed by Central Government. Providers are responsible for identifying eligible children and should make use of the DAF section on the Parent Declaration Form. Providers should apply for DAF by emailing schoolsfinance@plymouth.gov.uk with the child's details (including name, address and DOB) and a copy of the current DLA letter. A copy of the DLA letter should be retained by the provider for audit purposes.

The DAF is intended to aid access to the free entitlements for disabled children. Therefore, when a child takes up the universal 15 hours entitlement for 3 and 4-year-olds, local authorities must issue DAF payments to providers as soon as possible. The local authority aims to issue DAF payments at the end of each month based on the DAF applications received for that month.

Conditions of DAF funding:

- If a child receiving DAF moves from one setting to another within a financial year, the new setting is not eligible to receive DAF funding for this child within the same financial year. DAF funding received by the original setting will not be recouped.
- If an eligible child attends two different settings, the funding will be paid to the child's primary setting.

- DAF guidance states that *"The funds could be used, for example, to support providers in making reasonable adjustments to their settings and/or helping with building capacity, be that for the child in question or for the benefit of children attending the setting as a whole."*
- Providers must not discriminate for a reason arising in consequence of a child or young person's disability.

- 10.16. The providers must make reasonable adjustments, including the provision of auxiliary aids and services, to ensure that disabled children and young people are not at a substantial disadvantage compared with their peers. This duty is anticipatory, as it requires thought to be given in advance to what disabled children and young people might require and what adjustments might need to be made to prevent that disadvantage. DAF and the Early Years Inclusion Fund should be used to make these reasonable adjustments.
- 10.17. The LA will work in partnership with Providers and may challenge policies that conflict with what the LA are advising and are considered detrimental to a child's development.
- 10.18. The Early Years Graduated Approach covers 0-5 years old. Providers must use the local guidance to ensure they meet the needs and have the appropriate provision at universal, targeted and specialist levels.
- 10.19. The local authority reserves the right to challenge practice that contravenes practice that is not lawful.

The LA recommends good practice in settings which includes staff having relevant CPD opportunities and supervision. Training can be found on the POD or on the Plymouth City Council Website.

11. Social mobility and disadvantage

- 11.1. The authority should promote equality and inclusion, particularly for disadvantaged families, looked after children and children in need by removing barriers of access to free places. This includes working with parents to give each child support to fulfil their potential.
- 11.2. The provider should ensure that they have identified disadvantaged 3 and 4 year olds in their setting by checking the child's eligibility for Early Years Pupil Premium (EYPP). EYPP funding equates to £0.53 per hour per eligible child. EYPP is payable on the universal 15 hour entitlement only, therefore it is important that Parent Declaration Forms specify how many universal hours and how many extended hours will be claimed with each provider. This additional source of funding should be used to improve early education outcomes for disadvantaged 3 & 4 year olds. The authority reserves the right to monitor the expenditure associated with this grant.
- 11.3. Deprivation is a second funding stream that is aimed at disadvantaged 3 and 4 year olds. Deprivation funding will be allocated **by child** according to their post code and targets those children who live in areas with the most deprivation. Deprivation is measured by the Income Deprivation Affecting Children Index (IDACI) as assessed by the Office for National Statistics using census and other statistical data. Deprivation funding is applied to both the universal and extended entitlement for each eligible child.
- 11.4. Deprivation funding should be used for:

- operating a lower child to staff ratio for a proportion of the week;
- enrichment activities;
- purchasing additional professional or support services.

12. Quality

- 12.1. The LA reserves the right to challenge governing bodies including, however not limited to directors, trustees and management committees in relation to practice not meeting acceptable standard, particularly with regard to safeguarding, vulnerable children and children with SEND.
- 12.2. The Early Years Foundation Stage (EYFS) statutory framework is mandatory for all schools that provide early years provision and Ofsted-registered early years providers in England. The EYFS sets the standards that all early years' providers must meet to ensure that children learn and develop well and are kept healthy and safe.
- 12.3. Ofsted are the sole arbiter of quality for all free entitlements and Ofsted and inspectorates of independent schools have regard to the EYFS in carrying out inspections and report on the quality and standards of provision.
- 12.4. Local authorities have a legal duty to provide information, advice and training on meeting the requirements of the EYFS, meeting the needs of children with SEND and on effective safeguarding and child protection for providers who are rated less than 'Good' or better by Ofsted or newly registered providers.
- 12.5. Provision must be offered in accordance with the national parameters on quality as set out in Section A3 of Early Education and Childcare Statutory Guidance for Local Authorities and the EYFS statutory framework.
- 12.6. The authority aims to fund children in provision that has been judged 'Good' and above by Ofsted.
- 12.7. The provider must inform the authority of Ofsted inspections and Ofsted investigated complaints and outcomes.

13. Business planning and childcare sufficiency

- 13.1. The authority may charge providers for providing late or incomplete information leading to additional administration in the processing of free entitlements. Any charges will be reasonable and proportionate to the inconvenience or costs incurred to the authority as a result of the lateness and will be clearly communicated to providers.
- 13.2. The authority will carry out audit regimes in a way which is proportionate.
- 13.3. The provider should ensure they submit timely and accurate information, including, but not limited to, headcount data, census data, Parent Declaration Forms, invoices and evidence of eligibility for EYPP and DAF, as per this agreement. Failure to do so may result in inaccurate, delayed, suspended or non-payment of funding.

- 13.4. The accuracy of Headcount and Census information is crucial as funded pupil numbers from the Early Years headcount/census return will be used in the calculation of the authority's Dedicated Schools Grant (DSG) allocation. If the information submitted to the DFE is inaccurate the authority will not receive the correct allocation of funding, which will affect the childcare rates in Plymouth.
- 13.5. The provider should maintain accurate financial and non-financial records relating to free entitlement places and should give the authority access on reasonable notice to all financial and non-financial records relating to free entitlement places funded under the provider agreement, subject to confidentiality restrictions.
- 13.6. Providers are expected to store data in accordance with the most update regulations in relation to the Data Protection Act (GDPR) and archive all documentation required in law for the specified period.
- 13.7. **Childcare Sufficiency Assessment (CSA)** The Childcare Act 2016 and the Department for Education statutory guidance
- 13.8. Plymouth City Council are continually monitoring childcare sufficiency to keep up to date with the current childcare market. Meeting the council's statutory duty for childcare sufficiency is supported by the strong partnership between Plymouth City Council and all childcare providers.
- 13.9. To enable Plymouth City Council to gather and analyse information from the childcare sector we will ask childcare providers to complete surveys throughout the year. These will be:
- brief and relatively quick to complete
 - related to your area
 - targeted at times towards gathering information from parents. Providers may be asked to facilitate these.
- 13.10. Plymouth City Council will support the childcare sector with childcare sufficiency. To do this PCC will:
- complete a childcare sufficiency assessment every 4 years
 - complete an annual action plan
 - complete sufficiency reports when requested to support you with your changing business needs. This will be completed if there is a proven and identified business need or a change in the area where the childcare is located.
 - complete regular analysis of the needs of specific areas when the dynamics within the area are changing
 - share sufficiency data to update providers

14. Charging

- 14.1. Government funding is intended to cover the cost of delivering 15 or 30 hours a week of free, high quality, flexible childcare. It is not intended to cover the cost of meals, consumables, additional hours or additional services.
- 14.2. The provider can charge for meals and snacks as part of a free entitlement place and they can also charge for consumables such as nappies or sun cream and for services such

as trips and yoga. These charges must be voluntary for the parent and should not disadvantage the learning and development and inclusion of any child. Where parents are unable or unwilling to pay for meals and consumables, providers who choose to offer the free entitlements are responsible for setting their own policy on how to respond, with options including waiving or reducing the cost of meals and snacks or allowing parents to supply their own meals. All charges should be transparent and invoices itemised.

- 14.3. The provider should deliver the free entitlements consistently so that all children accessing any of the free entitlements will receive the same quality and access to provision, regardless of whether they opt to pay for optional hours, services, meals or consumables.
- 14.4. The authority 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 provider should be completely transparent about any additional charges.
- 14.5. The provider should publish their admissions criteria on FID and ensure parents understand which hours/sessions can be taken as free provision. Not all providers will be able to offer fully flexible places, but providers should work with parents to ensure that as far as possible the patterns of hours are convenient for parents' working hours.
- 14.6. Parents can be charged a deposit to secure their child's free place. Providers should refund the deposit at the end of headcount week (see 15.40). Providers are not obliged to refund the deposit if the parent fails to take up their free place. If providers choose to charge a deposit, the authority strongly advise that charges are reasonable. Charges should be no more than 10% of a week's funding at 15 or 30 hours. Local authorities can use their discretion to determine if charging a deposit will prevent take-up, for example, for the two-year-old entitlement for disadvantaged families.
- 14.7. The provider cannot charge parents "top-up" fees (the difference between a provider's usual fee and the funding they receive from the authority to deliver free places) or require parents to pay a registration fee as a condition of taking up their child's free place. The Local Authority reserves the right to challenge any provider who charges parents any mandatory fees as a condition of securing a free childcare place. This includes any payments such as registration fees that prohibit children accessing free childcare places. This does not apply to any private arrangement between parent and provider for childcare purchased outside the funded hours.
- 14.8. In Law the provider must issue parents with invoices that follow legal requirements. Providers must ensure that they are clear, transparent and itemised, allowing parents to see that they have received their free entitlement completely free of charge and understand fees paid for additional hours. The provider will also ensure that receipts contain their full details so that they can be identified as coming from a specific provider.

Funding – Early Education Grant

- 14.9. This funding must be used to deliver childcare places.
- 14.10. If financial misappropriation is suspected the authority reserves the right to carry out formal investigations. This may involve the police and fraud officers. If fraud is detected,

grant money will be reclaimed in full. Financial misappropriation of funding refers to all financial remuneration received by the provider from the authority.

- 14.11. The decision to fund a provider to deliver early education places will be based on the provider's Ofsted inspection judgment, and the authority will fund:
- Places for two, three and four year olds in provision rated good or outstanding by Ofsted;
 - Places for three and four year olds in provision rated as requires improvement if the authority is satisfied that concerns raised by Ofsted are being addressed;
 - Places for two year olds in provision that requires improvement if there is a lack of sufficient accessible good or outstanding providers and we are satisfied that concerns raised by Ofsted are being addressed.
 - Provision for children with SEND
- 14.12. Eligible children are entitled to Early Education Funding in the term **following** their 2nd birthday until they are of compulsory school age. Funding Terms are defined as:

Summer Term	1 st April to 31 st August
Autumn Term	1 st September to 31 st December
Spring Term	1 st January to 31 st March

- 14.13. Early Education Funding for two year old children is subject to the parent/carer obtaining a confirmation of eligibility letter from Plymouth City Council.
- 14.14. Plymouth City Council reserves the right to decline requests for providers to provide childcare places for eligible two year old children in settings that receive a published Ofsted report with a less than good judgement.
- 14.15. Plymouth City Council reserves the right to suspend new eligible two year old children starting in settings that receive a published Requires Improvement Ofsted judgement, until such time a published good or better Ofsted judgement.
- 14.16. Plymouth City Council reserves the right to withdraw funding for eligible two year old children in settings following a published Inadequate Ofsted judgement, until such time there is a published good or better Ofsted judgement.
- 14.17. In cases where 5.14, 5.15 or 5.16 applies, the authority will work with parents and providers to source alternative childcare in settings that have a published good or better Ofsted judgement.

Framework for delivering flexible free early education

- 14.18. Providers will deliver the free entitlement within the following framework:
- maximum session length is 10 hours
 - there is no minimum session length
 - funded hours can be delivered between 6am and 8pm
 - a maximum of two sites in a single day
- 14.19. **Standard offer of 15/30 hours per week over 38 weeks**

Autumn Term	14 weeks	(210 / 420 hours)
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Spring Term	11 weeks	(165 / 330 hours)
Summer Term	13 weeks	(195 / 390 hours)

Stretched Offer of 12/24 hours per week over 47.5 week

Autumn Term	16 weeks	(192 / 384 hours)
Spring Term	12 weeks	(144 / 288 hours)
Summer Term	19.5 weeks	(234 / 468 hours)

- 14.20. Parents/carers wishing to access the stretched offer must agree to continue the stretched offer for the year up to the end of the financial year (31 March)
- 14.21. A child entitled to the 15 hours only, that requests to take 12 hours per week under a stretched offer may split their entitlement across no more than two providers per day as long as a stretched offer is used with all providers.
- 14.22. Providers must keep a daily register of attendance of all children who receive Early Education Funding. The register must clearly show the hours claimed for Free Early Education. Daily registers must be retained for 7 years and be available for audit verification.

The Combined offer (a mixture of standard and stretched)

- 14.23. A child accessing a 30 hour place can split their entitlement between a standard provider and stretched provider

The combined offer 1:

- 14.24. Under this offer a child can access a standard provider for 38 weeks and a stretched provider for 47.5 weeks.
- 14.25. A parent/carer can claim any number of hours up to 27 hours per week for 38 weeks with a standard provider and no more than 12 hours per week for 47.5 weeks with a stretched provider. The total hours claimed across providers must not exceed 27 hours per week and the total hours claimed with the stretched provider cannot exceed 12 hours.
- 14.26. The table below is an example of how a child can split their 27 hours per week in order to maximise their entitlement, parents are not limited to this example and may choose to split their entitlement differently.

	Hours per week Standard provider	Standard weeks per term	Hours per week Stretched provider	Stretched weeks per term	Total entitlement
Autumn	15 hours	14	12 hours	16	402 hours
Spring	15 hours	11	12 hours	12	309 hours
Summer	15 hours	13	12 hours	19.5	429 hours

The combined offer 2:

- 14.27. Under this offer a child can access a standard provider for 38 weeks and a holiday club for 9.5 weeks.
- 14.28. A child can claim up to 24 hours per week for 38 weeks with a standard provider and up to 24 hours per week for 9.5 weeks with a holiday club during the school holidays.
- 14.29. Childminders and PVI settings can also offer a holiday club.
- 14.30. The table below outlines the split of funded weeks across the standard provider and the holiday club for each term.

	Weeks per term – standard provider	Weeks per term- holiday club	Total entitlement
Autumn	14	2	384 hours
Spring	11	1	288 hours
Summer	13	6.5	468 hours

Conditions of using a combined offer

- 14.31. A parent/carer can only use one offer at any time.
- 14.32. If a child starts a combined offer they must remain on that offer until the end of the financial year (31 March).
- 14.33. Under offer 1, a child cannot increase their funded hours with the stretched provider during the school holidays, when the standard provider is closed.
- 14.34. Under offer 2, a child cannot reduce the number of weeks claimed with the standard setting to below 38 weeks and increase the number of weeks claimed with the holiday club to above 9.5 weeks.
- 14.35. A child can only access a combined offer if they are eligible for a 30 hour place.
- 14.36. If a child becomes ineligible for 30 hours part way through the year, they can no longer access a combined offer but must remain on a stretched offer until the end of the financial year (31 March).

Transfers in/out during the term

- 14.37. The provider is expected to deliver Free Early Education for the whole term. Payment for this service is based on the attendance during Headcount week and the number of weeks in the term.
- 14.38. All providers are expected to offer Free Early Education for children who transfer in during the term, provided there are spaces available.
- 14.39. No additional funding is available for children who transfer in after Headcount.
- 14.40. No reclaim is made for children who leave after Headcount.

- 14.41. Where a child transfers to a childminder from a nursery setting, Early Education Funding will be reclaimed proportionally from the previous provider and transferred to the childminder by the authority.
- 14.42. Where a child transfers to a new setting after the headcount payment has been released, the original provider may agree to transfer funding for the free entitlement to the child's new provider.
- 14.43. If a child transfers from another local authority, the provider will contact Plymouth City Council to inform them. Plymouth City Council will deal with each request on a case by case basis.
- 14.44. Before Headcount, providers must not charge parents for their Free Entitlement if the child leaves. However, the funding must be apportioned with agreement of both providers and by informing the Early Years' Finance Team. Providers must agree to apportion the funding pro rata, if this is not agreed, the Local Authority will mediate between all parties.
- 14.45. Other Absences: no reclaim will be requested if a parent removes a child for a holiday or sickness. The provider will need to keep evidence related to this absence. However if the provider has a closedown period beyond their control and the child cannot access their place, the Local Authority will agree on an individual basis if the provider should endeavour to reimburse hours where reasonably practical.
- 14.46. The early years census is a statutory census that takes place every January. All local authorities have a statutory duty to submit data for this census.
- 14.47. The census collects information about the early years providers who receive direct government funding for 2, 3 or 4 year olds, including:
- All private, voluntary or independent nurseries and providers of early years education
 - Schools that provide day care for full days or in shorter sessions
 - Childminders and childminding networks
- 14.48. Funded pupil numbers from the early years census return will be used in the calculation of local authorities Dedicated Schools Grant allocation (DSG). Failure to collect such data and submit before the deadline could result in funding implications for the authority's DSG.
- 14.49. Schools with on-site early years free provision make their return via either the school census or the early years census.
- 14.50. Schools with registered children aged 2, 3 or 4 years, which all come under the School's Ofsted registration **should** include their children within the school census return.
- 14.51. Children aged 2, 3 or 4 years attending a separate Ofsted registered PVI provider on a school site are recorded via the early years census and not the school census.

- I4.52. Providers should submit their census information through the Early Years Provider Portal within the timescale provided by the local authority.
- I4.53. Pupil level data for the census will be taken from the January Headcount.
- I4.54. Providers should carefully consider which census return their children are recorded on.
- I4.55. Failure to include children in either the school or early years census may result in inaccurate, delayed or non-payment of funding.

Headcount

- I4.56. Funding is based on **attendance** as recorded during Headcount week. The week is usually the five days from Monday to Friday including the Thursday on which Schools undertake their census of pupils. The attendance during the week is applied to the whole term for the calculation of funding.
- I4.57. Errors on the headcount form cannot not be corrected after the headcount deadline. Funding adjustments will not be made after the headcount payment to correct any headcount errors.
- I4.58. Where a provider is normally open over the weekend, the provider must inform the authority if it is including a Saturday or Sunday in the headcount.
- I4.59. For children normally in attendance but absent during Headcount week, a letter from the parent/carer stating the reason for absence should be kept by the provider. It is advised absence letters are kept with the parent declaration forms for audit verification. Absences will be allowed on headcount week for sickness and holidays (if expected non-attendance is not expected to exceed 10 working days).
- I4.60. Where a child is not present on headcount week due to an extended absence (exceeding 10 working days) which is out of the provider's control, the provider may request funding for the term. Requests will be considered by the local authority on a case by case basis, this may require parents to provide evidence of the extended absence. Funding will only be agreed for extended absences on reasonable grounds, which is evidenced. For example, where the child's parent/carer is serving in the armed forces.
- I4.61. It is expected that children in receipt of Free Early Education Funding will attend the number of claimed hours per week for the full number of weeks in the term.
- I4.62. Children with SEN can in some circumstances be funded for their full free entitlement regardless of their actual attendance. The provider must agree this with the authority before claiming the child's full entitlement.
- I4.63. Where a parent/carer or a child is considered vulnerable (as agreed by the authority and local Children's Centre) then special consideration may be given if there are difficulties in getting the child to the provider within the agreed sessional hours resulting in some loss of the child's Free Early Education. In these cases the provider should inform the Early Year's team and the local Children's Centre so that appropriate support and interventions may be offered to the family.

- 14.64. If a parent/carer is unable to take full advantage of their full free entitlement, then the actual attendance during Headcount week must be recorded, unless the exceptions in points 15.59. - 62. apply. The number of hours declared on the Parent Declaration form may then not equal the actual attendance. The provider (s) should make the parent/carer aware of this (referring to the Parent Declaration form Terms and Conditions – Parent/Carer). A forfeit of some of their free entitlement allocated hours for the rest of term.

Forecast payment

- 14.65. The forecast payment is made in the first week of term. The payment is a percentage of the hours claimed on the previous terms headcount.
- 14.66. The percentages that will be used to calculate forecast payments for 2021/22 are;

Summer term	
2 year olds	100% of spring headcount
3 year olds	100% of spring headcount
4 year olds	90% of spring headcount
Autumn term	
2 year olds	100% of summer headcount
3 year olds	100% of summer headcount
4 year olds	0% of summer headcount
Spring term	
2 year olds	100% of autumn headcount
3 year olds	100% of autumn headcount
4 year olds	95% of autumn headcount

- 14.67. All PVI nurseries will receive a forecast payment. Childminders should contact the local authority if they require a forecast payment at the start of term, requests for forecast payments should be sent to EarlyYearsProviderPortal@plymouth.gov.uk.
- 14.68. Maintained Nursery Units and Maintained Nursery Schools will also receive a forecast payment at the start of the term.
- 14.69. PVI's who are experiencing a large number of clawbacks on headcount as a result of the forecast payment may request not to receive a forecast payment. The decision regarding the removal of the forecast for PVI's setting will be considered by the local authority on a case by case basis. Requests for the removal of the forecast should be sent to EarlyYearsProviderPortal@plymouth.gov.uk.

Outline procedure

- 14.70. Forecast payment made to providers during the first week of term.
- 14.71. The headcount task is released on the portal at the end of headcount week.
- 14.72. Headcount week is usually the fourth week of term.

- 14.73. Headcount on the portal should be completed 2-3 weeks after headcount week
- 14.74. Final payment is made to providers during week 10 after the start of term.

Early Years National Funding Formula (EYNFF)

- 14.75. The EYNFF has been designed to allocate funding fairly, efficiently and transparently to local authorities and providers, ensuring that a sufficient number of providers are willing to deliver 30 hours of free childcare on a sustainable basis whilst continuing to deliver the universal 15 hour entitlement.
- 14.76. The formula requires local authorities to use a universal base rate to fund all providers for each hour of free entitlement.
- 14.77. Since the introduction of the EYNFF, Maintained Nursery Schools (MNS) have received supplementary funding, this has protected historic funding levels for MNS. Central Government have confirmed MNS will continue to receive this grant until August 2021, allocations beyond this point have not yet been confirmed.
- 14.78. Other funding streams are also allocated through the EYNFF, including the Disability Access Fund, Early Years Pupil Premium, SEN Inclusion Funding and Deprivation Funding.
- 14.79. The hourly funding rates payable during 2021/22 are set out in the table below.

2021/22	3 & 4 year olds	Me2
Provider type:		
PVI	£4.28*	5.36
Childminder	£4.28*	5.36
Maintained Nursery Unit	£4.28*	5.36
Maintained Nursery School	£4.28*	5.36

*the hourly rate excludes funding allocated through the deprivation supplement. Annually, providers are consulted on the proposed hourly funding rates which are reviewed and agreed through School's Forum.

- 14.80. Nursery Units which are linked to an academy will be paid at the same time as PVIs and childminders.
- 14.81. Maintained Nursery Units which are linked to a Maintained School and Maintained Nursery Schools will continue to be funded through the schools funding system.

Two Year old funding

- 14.82. The Early Years Team issue confirmation letters to parents confirming their eligibility for two year old funding for their child.
- 14.83. Parents with a confirmation of eligibility letter will be able to approach any registered setting in Plymouth to access two year old funding.
- 14.84. The claim for two year old funding will be made using the headcount procedure for 3&4 year olds.
- 14.85. A forecast payment for two year olds is made alongside the three & four year old forecast payment. The forecast payment is based on the previous terms headcount and for two year olds it is always 100%.
- 14.86. The funding rate is currently £5.36 per hour.
- 14.87. Funding is provided under the same standard and stretched offers used for three & four year olds.
- 14.88. All conditions in this agreement apply to two year olds.
- 14.89. All headcount claims for Two Year Old funding will be checked against the list of children issued with a confirmation of eligibility letter. All discrepancies will be investigated (a copy of the confirmation letter must be attached to the Parent Declaration form and retained by the providers).
- 14.90. Eligible two year olds starting after Headcount can claim funding for the actual weeks and hours attended during the remainder of the term. The provider will need to send a copy of the Parent Declaration form and the eligibility code to earlyyearsproviderportal@plymouth.gov.uk and an additional payment will be made. Providers cannot claim for two Year Olds who have transferred providers after Headcount, when they have already been funded at their previous provider. The original provider may agree to transfer funding for the free entitlement to the child's new provider.
- 14.91. During the pandemic children in need and those subject to a child protection plan may also claim Me2 funding (this may be subject to change).

Out of area children (2, 3 and 4 year olds)

- 14.92. Plymouth will fund out of area children provided they are present on headcount week, these children must be added to the headcount in order to receive payment. Plymouth's funding rules also apply to out of area children whilst they are attending Plymouth settings.
- 14.93. Cross-border arrangements are in place to ensure funding claims across all local authorities do not exceed the annual entitlement (570 hours for children in receipt of the universal entitlement and 1140 hours for a children in receipt of the universal and extended entitlement).
- 14.94. Before funding is confirmed for a two year old, the provider must check their eligibility using the methods used by the other local authorities:

- Devon – two year old scheme is known as '2gether'. The parent/carer is sent an award letter confirming eligibility, which they must show their chosen provider
- Cornwall - Parents are issued with a voucher which they take along to their chosen provider which shows their eligibility to receive funding. This is called a DWP URN and each voucher number is different. E.g. AF78T6, BG70K7 etc. The vouchers have an expiry date, meaning the provider must check that the parent is still eligible to receive funding and the voucher is valid.

15. Financial Compliance

15.1. Any funding received from the authority is subject to meeting compliance requirements. The authority requires providers to:

- have a sound system of internal financial controls to safeguard against fraud and theft, and shall require that the internal/external auditors report on the adequacy or otherwise of that system;
- keep all records in accordance with the Data Protection Act and other legal requirements;
- be able to demonstrate that the systems are in place to enable you to meet the Funded Activities and objectives of any LA administered funding;
- ensure that the funding for approved projects is used only in accordance with these terms and conditions;
- comply with the conditions attached to the grant and any other expenditure controls specified;
- inform the authority immediately if you, or one of the organisations you allocate this funding to, are experiencing any financial difficulties, intend closing the business or experience any delays which could impact on the ability to deliver the funded project. The authority reserves the right to reclaim the grant for any period of time when the project or services are not provided to the required standard
- inform the authority of any suspected or actual misappropriation of funding
- if a legally incorporated organisation, adhere to all requirements of their chosen associated regulatory body
- You must not dispose of any assets (funded by this grant) without informing the authority. The authority reserves the right to clawback any goods brought through the grant and/or underspends and/or money that is not used in accordance with this agreement

15.2. In cases of concern:

- all cases of fraud or theft (whether proven or suspected) relating to the funded activities must be referred to the authority. The authority reserves the right to conduct our own investigations/audits. Therefore, if the provider does not comply with any of the conditions and requirements referred to in this agreement, the authority may, by notice in writing, require you to repay all or any part of funding paid.

16. Termination and withdrawal of funding

16.1. The authority has to protect the spending of public money and to ensure that it is used in accordance to the appropriate guidance and financial regulations.

16.2. Therefore, the authority reserve the right to reclaim and/or stop funding (and where applicable) terminate Leases where:

- Evidence from Ofsted of the suspension or cancellation of registration by Ofsted or a breach of statutory requirements or safeguarding issues may result in the funding being stopped immediately. Any funding that has been previously paid will be reclaimed for the period of the suspension or from the notice of cancellation of registration. Withdrawal of funding will stay in force until the authority receives evidence from Ofsted that the children are safe and that the setting can reopen.
- The funding will be reinstated from the end of the suspension for those children who are registered at the setting
- and/or Ofsted deciding to take enforcement action against you and issue a welfare requirements notice because of the poor quality of your provision
- when a provider has a published Ofsted judgement of inadequate by Ofsted and/or the authority decide the children are at risk
- when a provider has a published Ofsted judgement of requires improvement or not met
- and/or not demonstrating the ability to improve. This includes receiving two consecutive inadequate and/or requires improvement Ofsted judgement.
- the attendance throughout the term is significantly less than the attendance claimed on Headcount week, unless a lower attendance rate has been agreed in advance by the authority
- when a provider has to close before the end of a term
- financial mismanagement or misconduct has been proven the authority
- where it has been proven that funding has not been used for its intended purpose the overall effectiveness of the provision by the provider has not been awarded a grade of requires improvement, or better, in the most recent early years provision inspection report published in respect of the provision; and the provider is not registered with a childminder agency and is not a school governing body (this is not clear)

- in the case of early years provision provided by a childminder registered with an early years childminder agency an early years childminder agency inspection report is published in respect of the agency and the agency is not awarded a grade of "effective";
- in the case of an early years childminder registered with an early years childminder agency, the early years childminder agency has notified the authority that, in the reasonable opinion of the agency, the provision by the early years childminder is not of satisfactory quality
- in the case of an early years provider or childminder not adhering to either the Statutory Guidance for early education and childcare (2018) or the terms and conditions within the Plymouth Providers Agreement.

17. Investigations and audits

17.1. The authority may conduct audits (with one day's notice) to ensure that the funding paid to providers is administered appropriately in accordance with these guidelines, and the Statutory Guidance. This may include grants and additional funding streams such as EYPP and DAF etc.

17.2. The Audit will seek to confirm the following:

- verify that the headcount claimed is supported by the attendance register entries, Parent Declarations and documentation where there is non-attendance during headcount week
- good governance and financial controls by sight of bank statements and published accounts
- verify invoicing formats are clear especially with regard to "Free Entitlement"
- evidence that any funding administered by the authority is used as intended under the terms of the local providers agreement. This includes however not limited to
- whether the conditions of funding have been met

18. SETTINGS CAUSING CONCERN

The Providers Agreement is a contractual agreement between the authority and providers of childcare. It outlines the expectations for funded providers of childcare. It champions the rights of children to access their free entitlement without barriers, receive high quality childcare, which is safe and accessible.

The authority will therefore challenge any settings where poor practice is evident, having the potential to place children at additional risk of harm and/or prevents them receiving the services they require.

Examples of evidence could include, however not limited to;

- ✓ untimely referrals to the Gateway or Multi-agency Hub,

- ✓ inconsistent paperwork that prevents access to support services and/or grants
- ✓ poor communication and engagement especially in regard to safeguarding and/or SEND
- ✓ persistent complaints
- ✓ invoices that show non voluntary charges, unreasonable deposits/ registration fees for children accessing their free funded place
- ✓ enforced breaks
- ✓ discrimination against any child accessing a childcare place and their entitlements
- ✓ financial concerns
- ✓ whistleblowing

These breach the terms within this agreement.

Through 2021-2022 the authority will be trialling a new Settings Causing Concern process, which will involve the authority:

1. considering the concerns/complaints raised about the setting and deciding actions
2. discussing the concerns with the providers (the people/persons legally responsible for the setting and for ensuring adherence to the terms of this agreement)
3. issuing a Cause for Concern Letter, detailing the concerns and expected actions with timescales
4. working with providers/legal persons to support the setting to improve
5. Informing Ofsted as the Arbiters of Quality, if the concerns warrant it. The authority reserve the right to inform Ofsted without notifying the setting and/or the financial regulator if the concerns are of a financial matter.

If concerns persist and are significant the Authority reserves the right to consider whether the setting continues to receive funding.

19. Requires Improvement and Inadequate Ofsted judgements

Please refer to Early education and childcare statutory guidance for local authorities (June 2018).

In the event of a setting receiving a Requires Improvement or Inadequate Judgement by Ofsted the LA will consider **all** aspects of funding. This will include any Inclusion funding given to support children with SEND and other PCC grants.

The authority is not required to fund childcare places in settings who do not meet the quality standards set out in Early education and childcare statutory guidance for local authorities (June 2018), A3.2 and A3.3.

Therefore in the event of a setting not meeting quality standards set out in Early education and childcare statutory guidance for local authorities (June 2018), A3.2 and A3.3 and those set by the authority requirements, the processes are as follows;

19.1. Following a cancellation and suspension of registration, enforcement action and/or the issuing of welfare requirements notice:

- Following confirmation from Ofsted that the setting's registration has been cancelled or suspended the authority will withdraw funding with immediate effect. The authority will reclaim money. This will ensure that the children are safeguarded and can receive childcare in alternative settings

- Following confirmation from Ofsted that the setting's registration has been cancelled or suspended the authority will reclaim funding (if paid in advance) from the suspended setting for the period of suspension/cancellation
- The authority will also suspend the setting's entry on Plymouth Online Directory and the Family Information Directory
- If a setting closes and does not reopen the authority will reclaim all outstanding debts/monies owing and any assets paid for by PCC grants
- The break clause within the leases for tenants of Plymouth City Council will also be enforced
- The setting will be notified of this decision via email and confirmed in writing
- The authority will work with the setting to agree a communication strategy for parents and other stakeholders
- Following confirmation from Ofsted that the setting's registration has been re-established the authority will put the funding in place from the date of the reinstatement
- Providers have the right to appeal. Please see the Appeals process below.

19.2. Settings Judged Inadequate:

The setting informs the authority about their Ofsted result, within two working days of Inspection.

Upon publication of the Ofsted Report the authority will:

Convene a panel meeting at the earliest opportunity to consider Ofsted's findings and decide whether to;

- withdraw all funding with immediate effect. Plymouth City Council will also reserve the right to terminate the Leases for tenants of the authority. Please refer to 19.1
- withdraw funding within a set timescale. The break clause within the leases for tenants of the authority will also be enforced
- continue funding, subject to the setting engaging with the authority requirements, until the publication of the next Ofsted report
- This may include;
 - setting up of a joint Action Plan
 - working towards an Action Plan
 - participating in training or other quality improvement programmes.
 - the provider may choose to access support from the authority
 - unannounced monitoring visits by the authority
 - attending regular monitoring meetings with the authority

- The provider will be informed within ten working days of this decision, via email and in writing.
- The provider will not accept any new funded children (2, 3 and 4 year olds), until the publication of the next Ofsted report as long as it is 'good or outstanding'.
- Plymouth City Council will support parents wishing to move their child to an alternative setting after headcount.
- Providers have the right to appeal. Please see the Appeals process below

19.3. Settings Judged Requires Improvement

Upon publication of the Ofsted Report the authority will:

Convene a panel meeting at the earliest opportunity to consider Ofsted's findings and decide whether to;

- withdraw all funding with immediate effect. Plymouth City Council will also reserve the right to terminate the Leases for tenants of the authority. Please refer to 19.1
- withdraw funding within a set timescale. The break clause within the leases for tenants of the authority will also be enforced
- continue funding, subject to the setting engaging with the authority requirements, until the publication of the next Ofsted report
- This may include;
 - setting up of a joint Action Plan
 - working towards an Action Plan
 - participating in training or other quality improvement programmes.
 - the provider may choose to access support from the authority
 - unannounced monitoring visits by the authority
 - attending regular monitoring meetings with the authority
- The provider will be informed within ten working days of this decision, via email and in writing.
- The provider will not accept any newly funded two year old children, until the publication of the next report as long as it is 'good or outstanding'.
- Providers have the right to appeal. Please see the Appeals process below

19.4. Capacity to improve

In the eventuality of a settings receiving two or more consecutive inadequate and/or requires improvement Ofsted judgements the authority may withdraw funding following a panel meeting. Please refer to sections 2 and 3 above.

Plymouth City Council will support parents wishing to move their child to an alternative setting after headcount.

20. Complaints and concerns

The authority reserves the right to investigate concerns and complaints and to pass the relevant information to the appropriate bodies such as (however not limited to) Ofsted, Environmental Health, the Fraud Team, Police, Local Authority Designated Officer (LADO), this may include informing regulatory authorities etc. If the complaint and/or concern is substantiated this may result in the provider having to produce an improvement plan, and this will be regularly monitored. Funding will be withdrawn in severe cases. The authority reserves the right to decide whether to inform the providers or reserve the right for anonymity in these matters.

21. Appeals Process

You can complain about an Ofsted inspection report if you're a school, childcare provider or other institution inspected by Ofsted and you think there was a problem with:

- the inspection process
- how the inspection was conducted, for example the behaviour of an inspector
- the outcome of the inspection, including the report.

You can complain at any time up to 10 working days:

- after the concern was raised
- after the report has been published.

The Provider may appeal against a decision to withdraw Early Education Funding, or removal from the Local Directory of Providers, Plymouth Online Directory (POD), Family Information Directory (FID), if they are dissatisfied. Plymouth City Council's complaints procedures and associated guidance can be found on: <https://www.plymouth.gov.uk/selfservice/feedbackandcomplaints>.

22. Statutory requirements, key documents and useful links

Early Years and Childcare Statutory guidance for Local Authorities

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/718179/Early_education_and_childcare-statutory_guidance.pdf

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

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/718181/Early_years_entitlements-operational_guidance.pdf

Ofsted

www.ofsted.gov.uk

SEND code of practice: 0 to 25 years

<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

Equality Act 2010

<https://www.gov.uk/guidance/equality-act-2010-guidance>

23. The Contractual Agreement**2021-2022 Plymouth City Council Providers Agreement****Privacy and Data Protection**

Your personal data and that of your organisation is being used by Plymouth City Council for the purposes of processing funding for 2, 3 and 4 year old children. We undertake to ensure your personal data will only be used in accordance with our Privacy Notice.

Privacy Notice

Please contact us in writing if you do not wish to receive general updates from our team via email or other methods.

By completing and returning this form you are agreeing to deliver funded places in line with the requirements set out in the Provider Agreement 2021-2022.

Please confirm that you agree to deliver funded places in line with the requirements set out in the Provider Agreement 2021-2022 and give your consent to the Council using your personal data as outlined in our privacy notice.

THIS AGREEMENT is made the 28th day of April 2021 between
PLYMOUTH CITY COUNCIL ('local authority') of Ballard House, West Hoe Road, Plymouth
 PL1 3JB and (Name of setting) ELBURTON PRIMARY SCHOOL of/whose registered office
 is at (address of setting) HAYE ROAD SOUTH, ELBURTON, PL9 8HT

.....
Name (legally responsible person) KEITH SMITHERS

Signature K. Smithers

Contact details: Email K.Smithers@elburton.plymouth.sch.uk

IN WITNESS, authorised signatories of the authority and the Provider respectively have signed this Agreement the day and year first above written (for example the Manager of the setting)

Name

Signature

Authorised Signatory of the Provider (person or persons legally responsible for the organisation)

Name Sue Smith (Early Years Improvement Partner)

Signature S S Smith

Authorised Signatory of the authority

