

GLOUCESTERSHIRE LOCAL PROVIDER AGREEMENT 2024/25



[Early Years Service]
GLOUCESTERSHIRE COUNTY COUNCIL

EARLY YEARS FUNDED ENTITLEMENTS FOR UNDER 5's
INCLUDING UNIVERSAL AND EXPANDED ENTITLEMENTS
FOR INCLUSION TO THE DIRECTORY OF EARLY YEARS PROVIDERS

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Legal framework and statutory guidance

The following frameworks and legislation underpin this agreement and comprehensive details can be found following the necessary links:

- Early Education and childcare, Statutory guidance and framework for Local Authorities 2024 –
<https://www.gov.uk/government/publications/early-education-and-childcare--2>
- Childcare Act 2006
<https://www.legislation.gov.uk/ukpga/2006/21>
- Childcare Act 2016
<https://www.legislation.gov.uk/ukpga/2016/5/enacted>
- Equality Act 2010
<https://www.gov.uk/guidance/equality-act-2010-guidance#:~:text=The%20Equality%20Act%202010%20legally,strengthening%20protection%20in%20some%20situations>
- School admissions code 2021
<https://www.gov.uk/government/publications/school-admissions-code--2>
- Local Authority, (Duty to Secure Early Years Provision Free of Charge) (amendment) Regulations 2018
<https://www.legislation.gov.uk/uksi/2018/146/contents/made>
- Special educational needs and disability code of practice: 0 to 25 years 2015
<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>
- Data Protection Act 2018
<https://www.legislation.gov.uk/ukpga/2018/12/contents/enacted>
- The Childcare (Free of Charge for Working Parents) (England) Regulations 2022
<https://www.legislation.gov.uk/uksi/2022/1134/contents/made>

1. Key local authority responsibilities

1.1 Gloucestershire County Council should ensure this local provider agreement is clear and transparent. This agreement is specific to Gloucestershire Early Years providers only, delivering the funded entitlement.

1.2 Gloucestershire County Council are required to have due regard to this agreement in the exercise of their duty under section 1 and 2 of the Childcare Act 2016 and sections 6, 7, 7A, 9A, 12 and 13 of the Childcare Act 2006.

1.3 Gloucestershire County Council must secure a free entitlement place for every eligible child in their area.

1.4 Gloucestershire County Council should work in partnership with providers to agree how to deliver free entitlement places.

1.5 Gloucestershire County Council 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.

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

1.7 Gloucestershire County Council will ensure there are tools and resources available to Early Years providers to support them with school transitions.

2. Key provider responsibilities

2.1 The provider must comply with all relevant legislation and insurance requirements and sign this agreement, which will remain in force until there is a change of management, either party withdraw from the scheme or the agreement is amended.

2.2 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 only the free entitlements should receive the same quality and access to provision as paying children.

2.3 The provider must follow the EYFS and have clear safeguarding policies and procedures in place that link to Gloucestershire County Council's guidance for recognising, responding, reporting and recording suspected or actual abuse.

2.4 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.

2.5 The provider should have good partnership arrangements in place to work with schools and parents to support transitions for all children starting school. The provider should have in place systems and interventions to identify and support children in their pre-school year who may not be ready for learning (RFL) when they start reception year in school. The provider should share this information with the receiving school.

3. Data Protection

3.1 The Data Protection Act 2018 and the GDPR places obligations on data controllers and regulates the processing of information relating to individuals. Gloucestershire County Council must comply with the data protection regulations when processing personal information.

For more information about the obligations of Gloucestershire County Council and rights of the individuals, please visit [Introduction | Gloucestershire County Council](#) and [Information Commissioner's Office \(ICO\)](#).

3.2 Please note that information about whether a child is in receipt of Disability Living Allowance is considered sensitive personal data (under GDPR; special categories of personal data) which should be handled appropriately. Providers are asked to pay particular note to advice from the Information Commissioner's Office on holding and protecting personal data including sensitive personal data.

4. Safeguarding

4.1 Gloucestershire County Council has the overarching responsibility for safeguarding and promoting the welfare of all children and young people in their area. They have a number of statutory functions under the 1989 and 2004 Children Acts which make this clear, and the [Working together to safeguard children - GOV.UK \(www.gov.uk\)](#) 2023 guidance sets these out in detail.

4.2 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. The provider must designate a lead practitioner to take responsibility for safeguarding/child protection and all staff must have training to identify signs of abuse and neglect. The provider must have regard to the [Working together to safeguard children - GOV.UK \(www.gov.uk\)](#) 2023 guidance.

4.3 Providers must complete and return the annual safeguarding audit. It is a legal requirement of the Gloucestershire Safeguarding Children Partnership under Working Together to Safeguard Children 2023 guidance.

5. Eligibility

5.1 The provider should check original copies of documentation to confirm a child has reached the eligible age on initial registration for all free entitlements. The provider should retain paper or digital copies of documentation to enable Gloucestershire County Council to carry out audits and fraud investigations. Where the provider retains a copy of documentation, this must be stored securely and deleted when there is no longer a good reason to keep the data.

5.2 The provider should offer funded places to disadvantaged 2-year-olds on the understanding that the child remains eligible until they become eligible for the universal entitlement for three- and four-year-olds. Gloucestershire County Council have a discretionary offer for 2 year olds that are being supported through the Graduated Pathway with clearly identified needs relating to SEN or disability. Further details relating to the statutory criteria for disadvantaged 2-year-old funding can be found at <https://www.gloucestershire.gov.uk/early-years-service/>

Information regarding Gloucestershire discretionary offer can be found on the referral forms at [Nursery Education Funding \(NEF\) | Early Years Service \(gloucestershire.gov.uk\)](#)

5.3 Gloucestershire County Council must ensure that a child can access a funded place no later than the beginning of the term following the child and the parent meeting the eligibility criteria for the free entitlements.

5.4 Children become eligible for the funded entitlement from the term after they reach the age of eligibility and up until statutory school age, which is the term after their 5th birthday (as long as they remain at an Early Years provision and do not accept a place at a school, see 13.12). The following table shows when a child is eligible to receive funding, these dates are consistent with those used for determining the start of compulsory education (all dates are inclusive):

When child turns the relevant age (9 months, 2, 3 or 4 years)	When they can get their hours from
1 January to 31 March	Term starting on or after 1 April
1 April to 31 August	Term starting on or after 1 September
1 September to 31 December	Term starting on or after 1 January

5.5 All 3- & 4-year-olds are entitled to the 15 hours funded entitlement per week, up to 570 hours per year. An eligibility code is *not* required to access these universal hours.

5.6 A child will be entitled to the extended funded hours from the term ***after both*** of the following conditions are satisfied:

- 1** - the child has reached the relevant age and is eligible to receive funding (see table above);
- AND**
- 2** - the parents have applied before the deadline date, have a valid eligibility code and the code has a start date on or before:

31st August **for the** **Autumn term**
31st December **for the** **Spring term**
31st March **for the** **Summer term**

5.7 Providers should be aware that the child’s parent **must** apply for their eligibility to the additional funded hours through the Government’s online Childcare Services <https://www.childcarechoices.gov.uk/>. If parents encounter any problems with the application process or do not have online access, they should direct their queries to the Childcare Service helpline on 0300 123 4097. Eligibility for the additional funded hours is determined by HMRC through this online application. It is **NOT** determined by Gloucestershire County Council.

5.8 Providers should be aware that there is a review and appeals process available to parents if they disagree with the eligibility outcome as determined by HMRC. The review and appeals process are managed by HMRC.

5.9 Alongside the eligibility code, which is the child’s unique 11-digit number, and original copies of documentation (see 5.1), a provider must acquire written consent from, or on behalf of, the parent to be able to receive confirmation and future notifications from Gloucestershire County Council of the validity of the parent’s eligibility code. Once a provider has received written consent from the parent, they must verify the eligibility code using the Nursery Funding Portal.

5.10 Providers must verify the eligibility code in the Nursery Funding Portal. This allows all providers to make instant checks for code validity and is fed from the DfE's Eligibility Checking Service (ECS). Confirmation of the validity of an eligibility code allows providers to offer funded places for eligible children. *Please consider the deadline dates in section 5.6 when confirming eligibility.*

5.11 Thereafter, Gloucestershire County Council is responsible for notifying a provider where a parent has fallen out of eligibility and inform them of the grace period end date. This information can be found on the Expiration Dashboard within the Nursery Funding Portal.

5.12 Foster parents that engage in paid work outside of their fostering responsibilities may be eligible to the expanded entitlements as long as accessing the additional hours is consistent with the child's care plan. Applications should be made by the child's social worker and the forms should be submitted to free34formsubmission@eygloucestershire.co.uk. More information can be found at: [Funded 30 hours for Foster Children | Early Years Service \(gloucestershire.gov.uk\)](https://www.gloucestershire.gov.uk)

5.13 A childminder cannot claim funding for providing childcare to their own children or a related child (e.g. niece or nephew) as defined in Section 18 & 20 of the Childcare Act 2006.

5.14 This agreement is specific to Gloucestershire Early Years providers only, delivering the funded entitlement. Any family from Gloucestershire wanting to access childcare at a setting registered with the Welsh Assembly have to apply to free34formsubmission@eygloucestershire.co.uk and each application is assessed on an individual basis. Funding is not guaranteed when choosing to attend a Welsh setting.

6. The Grace Period

6.1 A child will enter the grace period when the child's parents cease to meet the eligibility criteria set out in the Childcare (Free of Charge for Working Parents) (England) Regulations 2022, as determined by HMRC (or where the child is in foster care, the responsible local authority) or a First Tier Tribunal in the case of an appeal.

6.2 Gloucestershire County Council and providers will be able to access information about whether a child has ceased to meet the eligibility criteria and entered the grace period via the Expiration Dashboard in the Nursery Funding Portal. The grace period end date will automatically be applied to eligibility codes.

6.3 Gloucestershire County Council should continue to fund a place for a child who enters the grace period as set out in the Early Education and Childcare Statutory guidance for Local Authorities 2024.

6.4 Funding for the extended entitlement cannot be claimed for the first time when an eligibility code is in its Grace Period. This also applies if a child moves settings during the term and wants to claim the Extended Entitlement for the first time at that setting and the code is in its Grace Period.

6.5 If a parent applies for their eligibility code after the deadline dates for the term (see 5.6), they must ensure the date range of their code is still valid to access the funding in the following term and that the code is not in its Grace Period. Providers should remind parents to reconfirm their eligibility before their codes expire. The Expiration Dashboard in the Nursery Funding Portal can be used to identify those codes approaching their expiration date.

6.6 Consideration will be given to extending the “grace period” for a short period of time in “very exceptional circumstances”, for example if the parent has been forced to leave their home and paid employment, or where the parent is a victim of domestic abuse or other serious crime.

6.7 Gloucestershire County Council and providers should ensure that parents of 3- & 4-year-olds are aware that if they cease to meet the eligibility criteria and the ‘grace period’ has expired they can continue to take up their child’s universal entitlement of up to 15 funded hours provided they have not exceeded their annual entitlement. An eligibility code is not needed for 3- & 4-year-olds to access the universal hours. If the parent has been taking up the extended entitlement at more than one provider, Gloucestershire County Council should continue to fund 15 hours at the provider of the parent’s choice.

7. Flexibility

7.1 Provision must be offered within the national parameters on flexibility as set out in Section A2 of Early Education and Childcare Statutory guidance for Local Authorities. The link below gives full details:

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

7.2 The provider should work with Gloucestershire County Council and share information about the times and periods at which they are able to offer free entitlements to support the local authority to secure sufficient stretched and flexible places to meet parental demand in the area. If the settings capacity is reduced at any point, the provider should tell Gloucestershire County Council as soon as possible, via the Self Update Provider Portal.

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. It is recommended that this information is updated, on a monthly basis, on your records held by Gloucestershire County Council, using your Self Update Provider Portal (SUPP) account and it should be reviewed and updated regularly.

7.3 Funding can be apportioned over 2 settings per day, but it is the provider’s responsibility to liaise with the parents and other providers to ensure providers are claiming the correct hours. This is particularly important when parents are stretching their funding. In the event of the submission of conflicting claims from different providers, the Early Years Funding Team reserves the right to allocate the funding as per the standard apportionment calculator.

8. Partnership working

8.1 Partnerships will be supported by Gloucestershire County Council 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

8.2 Gloucestershire County Council will promote partnership working between different types of providers, including childminders, across all sectors and encourage more providers to offer flexible provision, alongside other providers.

8.3 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 has been developed to help providers set up or join a partnership, maximise the benefits of working

together and tackle the challenges joint working can bring. This can be found at: <https://www.familyandchildcaretrust.org/dfes-30-hour-mixed-model-partnership-toolkit>

8.4 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.

9. Special educational needs and disabilities

9.1 Gloucestershire County Council must 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 (January 2015).

9.2 Gloucestershire County Council must be clear and transparent about the support on offer in their area, through their Local Offer, so parents and providers can access that support. Details regarding Gloucestershire's offer can be found at [GloSFamilies Directory | Support for Families with SEND - Gloucestershire's Local Offer for Parent & Carers](#)

9.3 The provider should be clear and transparent about the SEND support on offer at their setting and make information available about their offer to support parents to choose the right setting for their child. Providers should also consider support for children with SEND when preparing their business plan.

9.4 The provider must ensure owners and all staff members are aware of their duties in relation to the SEND Code of Practice and the Equality Act 2010.

9.5 Providers should make reasonable adjustments for disabled children and young people and they must not discriminate against or harass them. Providers should also provide for children's social, emotional and behavioural development with regard to current national and local guidance and the SEN Code of Practice.

9.6 Providers who have children with an Education, Health and Care Plan (EHCP), **must** deliver the provision outlined in the child's EHCP and the expectation is that these children will access their full entitlement of funded hours. In exceptional circumstances only, the child may attend for less hours if there is a clear plan to increase their hours as soon as is reasonably possible. For those children who do not access their entitlement, any funding allocated from the EHCP will be reduced accordingly.

Providers with children on the Graduated Pathway with either a My Plan or My Plan+ that evidences the need for additional support in setting to achieve outcomes should consider contacting the Early Years Service Advice Line (EYSadvice@gloucestershire.gov.uk 01452 425959) for generic advice and support if necessary. Providers must **not** reduce a child's hours whilst claiming the full entitlement unless (a) they have had a conversation with the parents regarding the rationale for this decision and parents are in agreement, (b) this is for a temporary period and is reflected clearly in the child's My Plan/+ how the hours will be increased as soon as reasonably possible, and (c) they have had a conversation with the Early Years Service and gained agreement for this arrangement. Please note that it is fraudulent for providers to claim the child's full entitlement but only allow them to access a reduced number of hours.

For children who attend a special school, they will usually have an Education, Health and Care Plan (EHCP) with associated funding. No Early Years funded hours can be claimed by or paid to any other provider as the child's education time is funded at the special school.

9.7 The Disability Access Fund (DAF) was introduced in April 2017 to support disabled children's access to the 3- & 4-year-old universal 15 hours entitlement. Providers will receive £910 per eligible child for the financial year 2024/25. DAF helps providers to make reasonable adjustments in their settings, either to support the individual child, or for the benefit of all children attending the setting. Further information is available at:

<https://www.gloucestershire.gov.uk/early-years-service/information-for-providers/disability-access-fund-daf/>

10. Supporting disadvantaged children

10.1 Gloucestershire County Council should promote equality and inclusion, particularly for disadvantaged families, looked after children and children in need by removing barriers to access funded places and working with parents to give each child support to fulfil their potential.

10.2 The provider should be aware of the disadvantaged children in their setting and as part of the process will be notified of those eligible for EYPP via the termly funding payments. They will use EYPP and any locally available funding streams or support to improve outcomes for this group. The funding rate for 2024/25 is 68p per hour.

11. Quality

11.1 The Early Years Foundation Stage (EYFS) statutory framework is mandatory for all schools that provide early years provision and early years providers registered with Ofsted or with an Ofsted registered Childminder Agency 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.

11.2 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. Childminder agencies (CMAs) are organisations that can register and quality assure childminders as an alternative to registering with Ofsted.

11.3 Gloucestershire County Council 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' by Ofsted or newly registered providers.

11.4 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 2023 and the EYFS statutory framework.

11.5 Providers **should** complete and return the annual Transition Information summary. Providers **should** also provide schools with a completed Transition Record for each child transferring into school. The Gloucestershire Transition Record can be found here: <https://www.gloucestershire.gov.uk/early-years-service/information-for-providers/transitions/>

11.6 Providers **must** complete and update their record on the Self Update Portal, monthly, <https://emsonline.gloucestershire.gov.uk/ProviderPortal/Account/Account/Login> and the Family Information Service Directory, termly, www.glosfamiliesdirectory.org.uk and provide information on their local offer and vacancy details.

12. Charging

12.1 Government funding is intended to cover the cost to deliver 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.

12.2 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 musical tuition.

12.3 Providers should be mindful of the impact of additional charges, especially on the most disadvantaged parents. Where parents are unable to pay for meals and consumables, providers who choose to offer the free entitlements are responsible for setting their own policy on providing parents with options for alternatives to additional charges, including waiving or reducing the cost of meals and snacks or allowing parents to supply their own meals.

12.4 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.

12.5 Gloucestershire County Council should not intervene where parents choose to purchase additional hours of provision or additional services, provided that this is not a condition of accessing the free entitlement.

12.6 The provider should publish their admissions criteria 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.

12.7 The provider can charge parents a refundable deposit to secure their child's funded place. Gloucestershire County Council should work with providers to determine a reasonable timescale for refunding deposits in full to parents. Providers should make it clear to parents that if they fail to take up their place, the provider is not obliged to refund the deposit.

12.8 Parents must not be required to pay a registration fee as a condition of taking up their child's free place. It is at the provider's discretion if they want to charge a registration fee for a child accessing over and above their free entitlement.

12.9 The provider cannot charge parents "top-up" fees (any difference between a provider's normal hour rate and the funding they receive from Gloucestershire County Council to deliver free places) or invoice parents in advance then deduct the funding once it has been received.

12.10 The provider should ensure their invoices and receipts 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.

12.11 Providers must ensure they have their own debt policy in place to recover fees for non-eligible 2-year-olds and eligibility codes that are not valid in the relevant term.

13. Funding

13.1 Local authorities are funded on the same basis for both the universal 15 hour entitlement for all 3- and 4-year-olds and the extended entitlement for children of working parents. This is

because the statutory framework and the quality requirements for the universal and extended entitlement are the same. Rates and eligibility criteria are subject to change each financial year.

For the financial year 2024/2025, Gloucestershire County Council will fund providers as follows:

9 – 24-month-olds funding rate (from September 2024)	£9.76 per hour	Eligibility criteria applies
Expanded Entitlement for work families of 2-year-olds, funding rate	£7.14 per hour	Eligibility criteria applies
Disadvantaged 2-year-olds funding rate	£7.14 per hour	Eligibility criteria applies
3- and 4-year-olds funding rate	£5.09 per hour	For both Universal hours and Extended hours, where applicable
Deprivation payments (if eligible)	£0.12p per hour	Automatically calculated based on hours claimed and children's postcodes linked to the deprivation index
Early Years Pupil Premium – EYPP (if eligible)	£ 0.68p per hour	Automatically calculated based on parent/carers details held by DWP
Disability Access Fund – DAF (if eligible)	£910 per year	Eligibility criteria applies

13.2 Gloucestershire County Council should clearly set out the timetable which providers should follow when submitting the documentation that is needed to support payment and delivery of free entitlements. Other documentation may be required during the year linked to workforce data and availability of childcare places. Provider should ensure they submit timely and accurate information; failure to do so may result in inaccurate, delayed or suspended funding.

13.3 Gloucestershire County Council should not charge providers disproportionate penalties for providing late or incomplete information leading to additional administration in the processing of free entitlements. Any charges should be reasonable and proportionate to the inconvenience or costs incurred to the local authority as a result of the lateness. Any charges will be clearly communicated to providers.

13.4 The provider should accurately complete and submit headcount and other necessary data returns by the agreed date to support Gloucestershire County Council to make correct payments on time. The deadline dates for the funding claims are identified on the task and the timetables are published on our website:

<https://www.gloucestershire.gov.uk/early-years-service/information-for-providers/early-years-business-marketing-finance-support/nursery-education-funding-nef/>

13.5 All headcount and amendment claims are made online via the Nursery Funding Portal at www.gcceyfundng.co.uk. When the tasks are open, providers will receive a notification e-mail informing them that the task is available. Before submitting a task, providers must ensure they have read and are compliant with the Submission Declaration on the Nursery Funding Portal. Failure to do so, may result in the reclaim of any funded hours claimed.

13.6 Funding will be paid in accordance with the timetable of dates directly into provider's bank accounts (via BACS), and these accounts must be in the name of a business, except for childminders. It is the provider's responsibility to notify Gloucestershire County Council of any changes to their bank account details.

13.7 Gloucestershire County Council will make monthly headcount payments to providers in each funding period - Autumn, Spring and Summer terms, based on actual children attending the setting by the closing date of the online task. A Headcount Amendment payment will be made at the end of each funding period to adjust hours for any children that have joined or left the setting, increased or decreased their hours.

13.8 Independent settings can claim any number of funded weeks per academic year between 33 and 38, but it is the provider's responsibility to notify Gloucestershire County Council of the breakdown of the number of weeks they wish to claim before the start of each academic year. If the breakdown is not received the default number of weeks for Independent settings is 11 weeks funding per term. All other providers will be paid 38 weeks per year.

Funding covers 38 weeks out of 39 in an academic year as the remaining weeks are classified as Inset days. Parents are expected to pay for additional hours accessed. However, funding can be stretched over 52 weeks. Claims for funded hours for school holiday periods can be added to your amendment task before the deadline date. However, if a child fails to attend the hours claimed, it is a provider's responsibility to notify Gloucestershire County Council so that the monies can be recovered.

13.9 A Gloucestershire County Council Parent/Carer Declaration Form **must** be completed for each funding period in respect of every child who is claiming funding at your setting. Providers **must** ensure that parents are aware that:

- when their child attends more than one setting they **must** complete a separate Declaration Form with each provider. All Declaration Forms **must** show the providers names and the total number of hours being taken up at each provision and the hours to be claimed at each setting. The forms **must** also correspond at all settings.
- the parent is signing up to a funding period for the funded entitlement and may be liable for any costs if there is a breach of that declaration.

13.10 Hours attended and claimed **must** match those shown in the register of attendance held by the provider. Registers will be inspected as part of the funding audit and Gloucestershire County Council may request them at any time.

13.11 Providers **must** ensure that they have evidence of a child's eligibility to the disadvantaged two-year-old funding scheme before offering them a funded place. Eligibility is confirmed by the Early Years Service to parents via email. Where eligibility has not been obtained and confirmed, Gloucestershire County Council will not have a duty to pay funding to a provider for hours attended by that child at their setting.

13.12 A child must start full-time education once they reach compulsory school age. This is on 31 December, 31 March or 31 August following their fifth birthday. A parent can choose to take up their early years funded entitlement with a childcare provider until their child reaches compulsory school age if they choose not to take up their child's right to a place in a state-funded school in the September following their child's fourth birthday or they are choosing to home educate their child.

This does not apply to a child who is being 'phased in' at the beginning of the reception year. Early years funding cannot be claimed once a school place has been accepted and the child

is on the school's register of attendance. Funding for the child's education is then paid to the school.

Independent schools can continue to claim early years funded hours for children at their setting until the child reaches compulsory school age.

13.13 Gloucestershire County Council will not claim back funding for any irregular attendance in a funded period but needs to be informed of any regular patterns of non-attendance so that the matter can be reviewed for the following funded period. This includes children that are absent due to sickness. Providers should be seen to be engaging all the relevant parties to support a child to regularly access their funded place. Children can be absent due to holidays for up to 2 weeks in a funding period before any funding will be recovered.

13.14 In exceptional circumstances Gloucestershire County Council will not claim back funding for a period of 2 weeks in cases where parents do not give their correct notice period when leaving the setting. However, funding cannot be claimed by the new setting for the same 2 week period, if it exceeds the parents entitlement. Parents can be charged for any non funded hours in this overlap period. It is the responsibility of the setting to ensure they have robust contracts with their parents that details all aspects of a funded placement including notice periods and their debt recovery policy for any outstanding fees. Parents should be made aware of the contract before accepting a funded placement.

13.15 Funding may be transferred between providers when a child changes provision. A 'Funding Amendment' form should be completed in this instance. The provider must enter the revised details online, onto the amendment task when it is open and retain the forms at the setting. The funding will then be adjusted accordingly in the amendment payment.

13.16 If a child is accessing less than their funded entitlement, a parent can agree with the provider to increase the number of hours attended up to their maximum entitlement at any point in the funding period. If a child is reducing their hours a parent can agree with the provider to decrease the number of hours at any point in the funding period. In both instances the providers **must** complete a 'Funding Amendment' form and enter the revised details online, onto the Amendment task when it is open and retain the forms at the setting.

Funding calculators are available at:

<https://www.gloucestershire.gov.uk/early-years-service/information-for-providers/early-years-business-marketing-finance-support/nursery-education-funding-nef/>

to assist providers with amendments, apportionments and stretched funding. Any adjustment to funding claims will then be paid in the amendment payment.

13.17 If the provider closes during a funded period and there is outstanding funding reclaims, the provider will be liable to pay this funding back to Gloucestershire County Council.

13.18 Further funding information regarding the Early Years Funded Entitlements can be found on our website at:

<https://www.gloucestershire.gov.uk/early-years-service/information-for-providers/early-years-business-marketing-finance-support/nursery-education-funding-nef/>

You will also find the "Early Years Funding FAQ's" document here that can support you further with your funding claims.

14. Compliance

14.1 Gloucestershire County Council reserves the right to audit providers on a regular basis to ensure that no fraudulent claims are being made and to ensure compliance with the requirements of delivering the free entitlements. The purpose of Gloucestershire's audit is to

ensure that the children's data, SEND status, and the hours attended and claimed correspond with the data entered onto the portal from the signed parent/guardian form. The fee structure of the provider will also be reviewed. Failure to comply will result in non-payment of funding claims.

14.2 Accurate registers should be kept for a reasonable amount of time, for example 3 years. Financial records, including signed parental declaration forms, must be retained for 6 years from the end of the last company financial year they relate to. These can be stored electronically.

14.3 If a provider fails to adhere to any aspect of this Local Provider Agreement or fails to adhere to any other rules or procedures that it must abide by, for example Ofsted standards, Ofsted requirements of notification of change of management, then funding may be withdrawn.

14.4 However, Gloucestershire County Council seeks to work with providers to ensure that they have the appropriate support and guidance needed to deliver the free entitlement schemes and to ensure that any likely breach is resolved as soon as possible. The Early Years Business Support team is available to offer all early years providers a range of free information, advice and on-going business support. For more details, please visit:

<https://www.gloucestershire.gov.uk/early-years-service/information-for-providers/early-years-business-marketing-finance-support/>

14.5 Providers are required by legislation to complete the annual early years census and submit their census returns to Gloucestershire County Council via the Self Update Provider Portal.

14.6 Advice on how to complain to Gloucestershire County Council is available on the Council's website, via this link:

[Complaints about children and young people's services | Gloucestershire County Council](#)

15. Termination and withdrawal of funding

15.1 Suspension of registration by Ofsted, a breach of statutory requirements or safeguarding issues may result in the termination of this agreement and withdrawal of funding. A provider can have the funding withdrawn if:

- they receive an Inadequate or Requires Improvement Ofsted judgement and fail to participate in training or the Gloucestershire Early Years Intervention Programme to improve outcomes.
- they have engaged in training or the Gloucestershire Early Years Intervention Programme, but further Ofsted inspections identify insufficient progress resulting in subsequent Inadequate or Requires Improvement judgement.
- they fail to comply with the conditions in this Local Provider Agreement.

15.2 When considering the withdrawal of funding, as directed by the DfE, Gloucestershire County Council is committed to taking into account continuity of care for children. The DfE make it clear that it is for local authorities to determine an appropriate timeframe for withdrawing funding.

15.3 Where a provider has an "Inadequate" Ofsted outcome or a childminder agency (CMA) has a "Not Effective" outcome, they will not be eligible to claim any new disadvantaged 2 year old funding claims until they have been re-inspected at a "Requires Improvement" level or higher for a provider and "Effective" level for a CMA and Ofsted have published their findings. Children already at the setting, at the time of the initial Ofsted inspection, that then move onto

disadvantaged 2-year-old funding eligibility after this point, will be funded by Gloucestershire County Council. Funded children attending the setting at the time of the Ofsted inspection will be unaffected but will be reviewed when Ofsted have re-inspected the setting. The provider must participate in training and will be offered the opportunity to participate in the Gloucestershire Early Years Intervention Programme to improve quality and address Ofsted actions. If they choose not to participate in this programme, in order to continue funding, Gloucestershire County Council will require evidence of an alternative quality improvement activity to address concerns raised in the Ofsted inspection report. The CMA will also have to engage with the Gloucestershire Early Years Business Support Team to ensure their action plan for improvements are addressed. If the CMA fails to engage, funding will be withdrawn.

15.4 Where either the original inspection or the re-inspection highlights safeguarding issues that will impact on disadvantaged 2-year-olds at the provision, or there is a parental request to move a child based on the inadequate judgement, funding will be withdrawn immediately.

15.5 Where a provider has an Ofsted inspection grading of “Requires Improvement”, the provider will be offered the opportunity to participate in the Gloucestershire Early Years Intervention Programme and attend training to improve quality and address Ofsted actions. If they choose not to participate in this programme, Gloucestershire County Council will require evidence of an alternative quality improvement activity to address concerns raised in the Ofsted inspection report. Gloucestershire County Council will only continue to fund children at the provision if the provider is participating in quality improvement training.

15.6 Early Years settings that are governor run will be inspected as part of the school’s Ofsted inspection. Where a provider has an “Inadequate” Ofsted inspection outcome, they will not be eligible to claim for any new disadvantaged 2-year-old funding until they have been re-inspected at a “Requires Improvement” level or higher and Ofsted have published their findings. Children already at the setting, at the time of the initial Ofsted inspection, that then move onto disadvantaged 2-year-old funding eligibility after this point, will be funded by Gloucestershire County Council. Funded children attending the setting at the time of the Ofsted inspection will be unaffected but will be reviewed when Ofsted have re-inspected the setting. The provider must participate in training and will be offered the opportunity to participate in the Gloucestershire Early Years Intervention Programme to improve quality and address Ofsted actions. If they choose not to participate in this programme, in order to continue funding, Gloucestershire County Council will require evidence of an alternative quality improvement activity to address concerns raised in the Ofsted inspection report.

15.7 Governor run settings that receive an Ofsted inspection grading of “Requires Improvement” will be offered the opportunity to participate in the Gloucestershire Early Years Intervention Programme and attend training to improve quality and address Ofsted actions. If they choose not to participate in this programme, Gloucestershire County Council will require evidence of an alternative quality improvement activity to address concerns raised in the Ofsted inspection report. Gloucestershire County Council will only continue to fund children at the provision if the provider is participating in quality improvement training.

15.8 Where a provider or governor run setting has a second “Inadequate” Ofsted outcome or a childminder agency (CMA) has a second “Not Effective” outcome, they will be subject to a Local Authority review conversation between the Head of Early Years Service and the Early Years Sufficiency and Business Manager.

15.9 The promotion of fundamental British values is reflected in the Early Years Foundation Stage (EYFS) and exemplified in an age-appropriate way through practice guidance. Gloucestershire County Council is required to respond to substantive and well-evidenced concerns regarding fundamental British values or the promotion of views and theories contrary to established scientific or historical evidence and explanations brought to their attention.

Where the local authority has reasonable grounds to believe that one or more of the following criteria applies, the local authority will withdraw funding if 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; or
- is promoting as fact, views or theories which are contrary to established scientific or historical evidence and explanations.

15.10 Termination provisions also include those required by regulation 7 (Termination of the arrangements) of the Local Authority, (Duty to Secure Early Years Provision Free of Charge) Regulations 2014 <https://www.legislation.gov.uk/ukxi/2018/146/contents/made> and regulation 37 (Arrangements between local authorities and early years providers: termination) of The Childcare (Early Years Provision Free of Charge) (Extended Entitlement) Regulations 2016] <http://www.legislation.gov.uk/ukxi/2016/1257/regulation/37/made>

16. Appeals process

16.1 A provider may be denied approval to offer the free entitlements or have their funding withdrawn. Providers wishing to appeal against Gloucestershire County Council's decision to remove them from the directory must:

- notify the local authority of the intention to appeal within 14 days of the date of the letter
- following receipt of a letter of appeal, Gloucestershire County Council will notify the provider within 14 days a date for an appeal hearing and the procedure and format of the appeal process. At this time the provider will be asked to submit any written evidence to support their appeal
- evidence from the provider and from Gloucestershire County Council will be circulated to all parties, 14 days before the appeal date
- the provider will be notified of the appeal panel's decision within 5 working days.

If a provider wishes to object to the appeals decision, it will then be taken as a complaint towards Gloucestershire County Council and be treated as such by progressing it through the local authority's complaints policy. The appeal decision will stand and be implemented whilst the complaints procedure is underway.

16.2 If a provider is dissatisfied with their treatment under this appeals procedure, they may make a complaint to the Local Government Ombudsman (see Complaints Procedure section for contact details) after the full appeals procedure with Gloucestershire County Council has been exhausted. Local Government Ombudsman Advice Team can be contacted on 0300 061 0614 or 0845 602 1983 <http://www.lgo.org.uk/>

17. Complaints process

17.1 Should a provider have a complaint; the complaint will be dealt with in accordance with Gloucestershire County Council's complaints procedure which can be found on:

[Complaints about children and young people's services | Gloucestershire County Council](#)

17.2 If a parent has a concern regarding the funded entitlement, or the providers pricing policy in relation to additional hours, they should in the first instance discuss this with the provider. The provider **should** investigate the concern in accordance with their own complaints policy. If the parent still feels that the matter relating to the funded entitlement is not resolved, the

parent should inform the Early Years Funding Team at Gloucestershire County Council of their concerns in writing. The Local Authority cannot intervene in disputes relating to fees over and above the funded entitlement. These fees form part of the parent's contract and the provider's terms and conditions of service delivery and, as such, are a private matter between the provider and the parent.

17.3 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, as set out in this agreement and in the Early Education and Childcare Statutory Guidance for Local Authorities.

17.4 If Gloucestershire County Council is made aware by a parent that any of the non-compliant practices may have been carried out, the local authority will immediately investigate further and request detailed information on billing/invoice material. Providers are required to make all information available to Gloucestershire County Council on request.

THIS AGREEMENT is made from 1st April 2024

Between: Gloucestershire County Council of Shire Hall, Westgate Street,
Gloucester GL1 2TG (“the Local Authority”)

And _____ (“The Provider”)
(insert your registered provider name)

Type of Provision *(delete as appropriate)*: Playgroup / Day Nursery / Childminder /
Independent School / School Managed

VAT Number *(if applicable)* _____ **Charity Number** *(if applicable)* _____

It is The Providers intention to offer the following funded entitlement schemes:
(please select the funding schemes that you WILL be offering)

- 9 – 24 months old funded entitlement for working parents
- 2-year-olds funded entitlement for working parents
- Disadvantaged 2-year-olds funded entitlement
- 3- & 4-year-olds universal funded entitlement (first 15 hours)
- 3- & 4-year-olds extended entitlement for working parents (up to 30 hours)

DECLARATION

The Provider has read this agreement and confirms that this provision will meet the conditions of funding as set out in the DfE Early Education and Childcare: Statutory Guidance for Local Authorities 2024 and the Gloucestershire County Council Early Years Funded Entitlement for under 5s, as set out in this Local Provider Agreement.

The Provider agrees to repay Gloucestershire County Council all funding received in respect of the period for which the conditions of this agreement are not met.

Print name of authorised signatory: _____

Sign: _____ **Date:** _____
(wet signatures only)

Position *(delete as appropriate)*: Registered Person / Owner / Head Teacher /
Chair of Committee / Chair of Governors

Address: _____

Email: _____

Gloucestershire County Council agrees to fund the provider in accordance with the terms of this Local Provider Agreement. This agreement will be kept under review and updated as necessary.

Name of authorised signatory: SARAH HYLTON, HEAD OF EARLY YEARS

Sign: 

Date effective from: 1st April 2024

Please complete and return this page **only** to
free34formsubmission@eygloucestershire.co.uk