

Shropshire Council Code of Practice for the provision of funding for the Free Early Years Entitlements

April 2024

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1. Background

1.1 This agreement has been produced by Shropshire Council, to support childcare providers in delivering the free Early Years entitlements for all eligible children from the relevant date following them turning 9 months of age, until they reach school age (no later than the beginning of the term following their fifth birthday). It also seeks to confirm the role and responsibilities of the Local Authority (LA) and childcare providers in terms of the claiming of funding for, and the passing on of, the early years free entitlement funding and hours.

1.2 The purpose of this guidance is to help local authorities and providers understand in more detail the Department for Education's (DfE) expectations about how the free entitlements for two-, three- and four-year-olds should be delivered.

1.3 This publication provides operational guidance from the DfE. Local authorities must have regard to this guidance when discharging their duties to secure free early years provision. They should not depart from it unless they have good reason to do so. This guidance should be read alongside the statutory guidance for local authorities on the provision of early education and childcare.

1.4 The operational guidance also includes examples of practice which do not constitute guidance but which might assist local authorities in setting up appropriate arrangements to meet their legal duties related to the free entitlements.

1.5 This guidance is for Early years providers who are delivering the free entitlements. These are referred to as 'providers' throughout the document and include:

- **early years providers and childminders registered on the Ofsted Early Years Register;**
- **childminders registered with a childminder agency that is registered with Ofsted**
- **schools taking children age two and over that are exempt from registration with Ofsted as an early years provider.**

1.6 This guidance seeks to assist local authorities and providers through examples and further information, supporting greater consistency across the country by making clear:

- what local authorities should do to fulfil their statutory responsibilities
- what providers should do to fulfil their agreement with the local authority
- what local authorities and providers may wish to do to support parents and children

1.7 The role of the LA is to ensure that all eligible children can access high quality early education and fulfil the government's commitment to give every child the best start in life.

1.8 The Childcare Act 2006, Section 7 places a statutory duty on the LA to improve outcomes for young children, reduce inequalities between them and secure sufficient childcare to enable parents to balance work and family life. This is reinforced in Section 2 of the Childcare Act 2016. Shropshire Council commissions providers from the private, voluntary, independent and maintained sectors, to offer the Early Years entitlement and

create a diverse childcare market with the aim of meeting the needs of parents and carers as fully as possible.

1.9 We will, as far as is practicably possible, work in partnership with providers to agree how to deliver free entitlement places.

1.10 We retain an overarching responsibility for safeguarding and promoting the welfare of all children and young people. We have several statutory functions which make this clear, and the 'Working Together to Safeguard Children' 2018 guidance along with 'Keeping Children Safe in Education 2024' set these out in detail. We reserve the right to act outside of this code in exceptional circumstances in order to fulfil these responsibilities.

1.11 We are clear on our roles and the support available to providers, to help meet the needs of children with special educational needs and/or disabilities (SEND) as well as the expectations on providers. This is clarified through the Local Offer.

2. Supporting parents to access their entitlements

2.1 Both the LA and Providers should support parents as far as is possible to access their entitlement. This should include the following:

- **Direct parents to Childcare Choices and the Childcare Calculator to learn more about which offers might be best for them, whether they are likely to be eligible and how to apply.**

[Childcare Choices | 30 Hours Childcare, Tax-Free Childcare and More | Help with Costs | GOV.UK](#)

- **Encourage parents to apply well in advance of deadlines.**

- **Encourage parents to bring in their code as soon as they receive it, along with their National Insurance number and the child's date of birth**

- **Verify parent codes as rapidly as possible. Codes are not eligible for use until they are verified**

- **Reassure parents who do not want to use Tax-Free Childcare that they should still apply for 30 hours via the digital childcare service. If they are receiving financial support through tax credits and childcare vouchers and only want to take up 30 hours, they can choose not to apply for Tax-Free Childcare (and keep their tax credits) as part of the application.**

- **Remind parents that they can use Tax-Free Childcare alongside 30 hours to pay for additional childcare costs outside of the free entitlement, for example, during the school summer holidays.**

- **Tell parents they do not need to apply via the childcare service if they only want the universal 15 hours entitlement for 3 and 4 year olds or the disadvantaged 2 year old offer**

- **Remind parents that they need to reconfirm every three months. The date for when to do this is in a parent’s childcare account.**

2.2 The provider should deliver the free entitlements consistently to all parents / carers, 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 / carers, details concerning the days and times that they offer free places, along with their services and charges.

2.3 **The provider must follow the EYFS and have clear safeguarding policies and procedures in place that link to the LA’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 / carers. All those who work with young children should be alert to emerging difficulties and respond early.

3. The current free entitlements

3.1 **There are currently three Early Years entitlements:**

- **Two-year-old entitlement for disadvantaged families, known in Shropshire as 24U.**
- **Two-year-old entitlement for working families, known as the expanded offer.**
- **Universal entitlement for three and four-year olds**
- **Extended entitlement for three and four-year olds from working families.**

From September 2024 the age range for the expanded offer will extend to all children from the start of the term after they turn 9 months of age.

The details of each entitlement are as follows:

3.2 **Two-year-old offer for disadvantaged families (24U)**

Eligibility

Two-year-olds can get free early education and childcare if they live in England and their parents / carers receive one of the following benefits:

- Income Support
- Income-based Jobseeker’s Allowance (JSA)
- income-related Employment and Support Allowance (ESA)
- Universal Credit - if parents / carers have a combined income from work of less than £15,400 a year after tax
- tax credits – if parents / carers have an annual income of under £16,190 before tax

- the guaranteed element of State Pension Credit
- support through part 6 of the Immigration and Asylum Act
- the Working Tax Credit 4-week run on (the payment parents / carers get when they stop qualifying for Working Tax Credit)

Specialist Criteria includes but is not limited to:

- you are looked after by a local authority
- have a statement of special educational needs, or an education, health and care (EHC) plan or under the Child Development Centre (MDA)
- receive Disability Living Allowance
- have left care under an adoption order, special guardianship order or a child arrangements order
- involved with additional services such as Portage, Social Care or Strengthening Families.

3.3 What is the entitlement?

The entitlement is for 570 hours of funded childcare over new fewer than 38 weeks and up to 52 weeks of the year

3.4 How to apply

Parents / carers will need to make an application to the LA to receive confirmation that they are eligible for 24U funding

For more details and to make an application, parents /carers can:

Follow this link to the website:

<https://shropshire.gov.uk/early-years-and-childcare/parents-and-carers/childcare-funding/24u-funding/>

Telephone: 0345 678 9000

Email: 24U@shropshire.gov.uk

3.5 Providers are encouraged to support parents / carers as far as possible, when making any applications for 24U eligibility and accessing their funded place. Some parents / carers will receive a letter and application form from the LA, asking if they would like to apply. This is because the council receives a list from the Department for Work and Pensions (DWP) of families who may be eligible. If parents / carers receive such a letter, they will still be required to complete an application form to confirm their eligibility.

3.6 Two-year-olds of 'working parents' (Expanded Entitlement)

Eligibility

Two-year olds from working families may be entitled to additional free childcare. The expanded entitlement is available if each parent / carers expects to earn (on average) the equivalent of working 16 hours a week at the national minimum wage (£125 at the National Living Wage or less if they are on the National Minimum Wage).

If the applicant or their partner, is on maternity, paternity or adoption leave, or they are unable to work because they are disabled or have caring responsibilities, they could still be eligible.

Parents / carers **cannot** get the entitlement if they, or their partner, expect to earn £100,000 or more.

3.7 What is the entitlement?

The expanded entitlement is for 570 hours of funded childcare over a 12 month period.

3.8 How to apply

To apply for the expanded entitlement parents must use the Government's online childcare service at www.childcarechoices.co.uk and complete the on-line application form. Eligibility for the extended entitlement cannot be confirmed directly through the LA.

Eligible parents will be issued with a code from the HMRC via the website and this code must be given to their chosen childcare provider, to confirm that they are entitled to the additional hours. The code will confirm the date at which the expanded entitlement will begin, the date by which parents / carers must renew their eligibility and the date at which the entitlement will end if the parents / carers do not renew their entitlement or if they become ineligible.

Providers will then verify the code with the LA via the Early Years' Portal and confirm the free hours to parents / carers.

3.9 Parents / carers are required to re-confirm their eligibility at regular intervals set out by the HMRC and entitlement to the extended hours will end if parents no longer meet the eligibility criteria.

3.10 The HMRC offers a Review and Appeals process for parents / carers who disagree with the eligibility outcome as determined by the HMRC. The process is managed by the HMRC and details are available on the Childcare Choices website.

3.11 Free Entitlement for all Three and Four-Year Olds (Universal Entitlement)

Eligibility

All three and four-year olds in England regardless of their circumstances. The entitlement will end when a child begins in a school reception place or at the end of term in which the child turns five whichever occurs first.

What is the entitlement?

3.12 The expanded entitlement is for 570 hours of funded childcare over a 12 month period.

3.13 How to apply

This entitlement is universal for all children living in Shropshire - there is no application process. We encourage parents / carers to contact their chosen childcare provider as the first step to accessing their universal entitlement. Children moving into the country are eligible to receive the entitlement from the day that they become a permanent resident in this country.

3.14 Three and four-year olds of 'working parents' (Extended Entitlement)

Eligibility

Three and four-year olds may be entitled to additional free childcare. The extended entitlement is available if each parent / carers expects to earn (on average) the equivalent of working 16 hours a week at the national minimum wage (£125 at the National Living Wage or less if they are on the National Minimum Wage).

If the applicant or their partner, is on maternity, paternity or adoption leave, or they are unable to work because they are disabled or have caring responsibilities, they could still be eligible.

Parents / carers **cannot** get 30 hours free childcare if they, or their partner, expect to earn £100,000 or more.

3.15 What is the entitlement?

The extended entitlement is for an additional 570 hours of funded childcare over and above the universal entitlement detailed above, over a 12 month period.

3.16 How to apply

To apply for the extended entitlement parents must use the Government's online childcare service at www.childcarechoices.co.uk and complete the on-line application form. Eligibility for the extended entitlement cannot be confirmed directly through the LA.

Eligible parents will be issued with a code from the HMRC via the website and this code must be given to their chosen childcare provider, to confirm that they are entitled to the additional hours. The code will confirm the date at which the extended entitlement will begin, the date by which parents / carers must renew their eligibility and the date at which the entitlement will end if the parents / carers do not renew their entitlement or if they become ineligible.

Providers will then verify the code with the LA via the Early Years' Portal and confirm the free hours to parents / carers.

3.17 Parents / carers are required to re-confirm their eligibility at regular intervals set out by the HMRC and entitlement to the extended hours will end if parents no longer meet the eligibility criteria.

3.18 The HMRC offers a Review and Appeals process for parents / carers who disagree with the eligibility outcome as determined by the HMRC. The process is managed by the HMRC and details are available on the Childcare Choices website.

3.19 When do the entitlement begin?

The entitlement will start from the beginning of the funding period after the child's birthday and will continue until they start in reception class or to the end of the funding period in which they become five years old, whichever is sooner.

Once eligibility is confirmed parents / carers will be able to begin to take up their entitlement in line with the following dates:

- Children born in the period 1st January to 31st March: the start of funding period beginning on or following 1st April after the child's relevant birthday;
- Children born in the period 1st April to 31st August: the start of funding period beginning on or following 1st September after the child's relevant birthday;
- Children born in the period 1st September to 31st December: the start of funding period beginning on or following 1st January after the child's relevant birthday.

3.20 On the rare occasion when the 1st of April falls in the summer funding period then the entitlement for those children will not begin until the start of the Autumn funding period.

3.21 How is funding for the free entitlements paid through the year?

The table below sets out how free entitlement funding is paid through the year:

Funding period	Dates	Weeks funded
Spring	January 1 st to March 31 st	12
Summer	April 1 st to August 31 st	13
Autumn	September 1 st to December 31 st	13

This table shows the maximum number of funded hours that can be claimed for each funding period:

	Disadvantaged 2YO	Expanded 2YO	Universal 3&4YO	Expanded 3&4YO
Spring	180	180	180	360
Summer	195	195	195	390
Autumn	195	195	195	390

3.22 Parents / carers cannot carry forward unused hours from one funding period to the next without the agreement of their provider. If providers allow parents / carers to stretch their entitlement, it is important that they talk to the parents / carers to ensure that they are both clear on how the hours are to be allocated, across the weeks of the year.

For example:

If the parent / carer requests, and the provider agrees, an annual entitlement of 570 hour can be taken as 11 hours and 25 minutes per week over 50 weeks of the year. Providers will claim 15 hours each week for the number of academic weeks in the term and then 'stretch' that allocation over the year.

However:

If a parent / carer or provider only claims 10 hours each week over the Autumn or Spring terms, they cannot then ask to take those 'unclaimed' hours as additional hours in the summer term, to cover the school holidays, for example.

4. Delivery Models and Flexibility

4.1 We recognise that there is no 'one size fits all' approach, and that demand for different types of childcare will vary from area to area and from parent to parent. We encourage providers to work closely with parents to understand demand and develop models of delivery that support the needs of working parents.

4.2 We encourage providers to deliver flexible packages of free hours within the parameters set out in the statutory guidance, these are:

- no session to be longer than 10 hours
- no minimum session length
- not before 6.00am or after 8.00pm
- sessions can take place on any day of the week, including Saturday and Sunday
- parents can claim at a maximum of two sites in a single day
- meet the quality requirements as set out in regulations and in the statutory guidance
- no artificial breaks. 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.

4.3 There will be many delivery models for both the universal and extended entitlements and this guidance does not cover all of these. It sets out some options and additional guidance on issues raised by providers. Local authorities and providers are reminded that this guidance does not address how providers operate their private businesses over and above a child's free hours. This is a matter between the provider and the parent, providing it does not affect the parent's ability to take-up their child's free place.

4.4 As set out in the statutory guidance, there is no minimum session length. However, providers must be registered (or be schools that are exempt from registration) on the Ofsted Early Years Register (EYR) or with a childminder agency which is registered with

Ofsted. In order to register, a provider must care for an individual child for more than two hours in a single day.

4.5 As set out in regulations, in order to receive funding to deliver free places providers must be either:

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

4.6 Providers must deliver the full Learning and Development requirements of the Early Years Foundation Stage (EYFS) unless:

- they are an independent school which has met the quality requirement (most recent Ofsted inspection judgement is “good” or better) and notified the Secretary of State that they intend to take up exemption from the Learning and Development requirement; or
- the Department has granted an exemption from one or more of the Learning and Development requirements on the grounds that the provider’s established principles cannot be reconciled with one or more of the Learning and Development requirements.; or
- they are providers offering care exclusively before and after school or during school holidays for children younger than those in the reception class age range. In this case they should be guided by, but do not have to meet, the Learning and Development requirements.

5. Charging and parental agreements

5.1 This section clarifies statutory guidance and provides information on charging, which providers may want to consider. Local authorities are responsible for ensuring that all eligible children can take up their free entitlement place free of charge and that providers’ charging policies enable this.

5.2 Meals, consumables and additional activities

Government funding is intended to deliver 15 or 30 hours a week of free, high quality, flexible childcare. It is not intended to cover the costs of meals, other consumables, additional hours or additional activities. Parents can therefore expect to pay for any meals offered by the provider alongside their free entitlement. Parents can also expect to pay for other consumables or additional activities offered by the provider, such as nappies or trips.

5.3 Core costs of running a business that delivers government-funded childcare are not consumables used by the child or additional services provided to the child. These include, but are not limited to, insurance, Ofsted registration, maintenance, business rates, training costs, rent and energy bills. These are core costs of running a business and we expect these to be covered by government funding and that parents should not be charged.

5.4 Where parents choose to purchase additional hours of provision, consumables or additional activities, this is a private matter between the provider and the parent. However, providers must offer alternative options for parents. This could include, for example,

allowing a parent to bring in their own consumables or a packed lunch, where the meal offered is not suitable for children with specific dietary needs or the parent prefers a lower cost option.

5.5 Providers should be mindful of the impact of additional charges on the most disadvantaged parents.

5.6 Providers may wish to offer additional hours around the free provision hours, as set out in the model below. Access to free places 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 discrimination. However, for clarity, 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 the 30 hours' entitlement there should be no restrictions on that place e.g. parents should not have to reserve a place each term.

5.7 As part of their agreement with parents providers are expected to publish the following information:

- **An admissions policy**
- **A clear and transparent statement about which hours / sessions can be taken as free provision and this should be consistent for all parents taking up free hours.**
- **Clear and transparent invoices for parent showing how the free hours have been applied.**
- **A statement of how they deliver the free entitlement and any additional charges for optional activities outside of the entitlement. This should set out clearly the charges for meals, additional activities or additional hours. Providers may wish to have a separate agreement for any additional hours, meals and/or optional activities, which clearly sets out for how long the parent has opted to pay the additional charges and the circumstances when the parent can opt out of paying the additional charges.**
- **Providers should also issue each parent / carer with a contract and important information about the care and learning they provide such as their Child Protection procedures, emergency evacuation procedures etc.**

5.8 Providers are expected to record and retain a signed Parental Declaration Form from each parent clearly stating the funded hours they want the provider to claim on their behalf for each term.

5.9 **Providers can charge a refundable deposit to parents accessing the free entitlements for two year olds and the universal and extended entitlement for three and four-year olds.. The purpose of the deposit is to give providers certainty that a parent will take up the place. Local authorities should work with providers to determine a reasonable timescale for refunding deposits in full to parents. Providers should make clear to parents that if a parent fails to take up their place, the provider is not obliged to refund the deposit. Local authorities can use their discretion to determine if charging a deposit will prevent take-up.**

5.10 All funding for the free entitlements passes directly between the LA and the childcare provider. No funding is paid to parents / carers directly.

5.11 **This document does not provide guidance on how providers operate their private businesses, including charges for provision over and above a child's free entitlement. The DfE makes it clear that local authorities should not intervene where parents / carers choose to purchase additional hours of provision or additional services, providing that this does not affect the parents / carers' ability to take up their child's free place.**

6. Other important information

6.1 As a childcare provider, you can decide to:

- Offer all the free entitlements
- Offer some of the entitlements
- Offer none of the entitlements

6.2 **Parents / carers' entitlement to a free place, does not offer them a guarantee of any specific pattern of provision. However, it does allow parents / carers to 'shop around' to find the best pattern of provision, to meet their personal circumstances.**

6.3 It is the role of the LA to ensure that parents / carers can access their free entitlement at good quality childcare provision, within a reasonable distance of the parents / carers' home or work. However, we cannot guarantee that the parents / carers chosen provider will be able to offer exactly the days, sessions and hours that may be the parents preferred choice. We encourage providers to be as flexible as possible when offering the free entitlements, but we cannot impose any requirements in terms of when and how the entitlement is made available.

6.4 **Parents / carers can split their entitlement between two or more different providers if they choose. If parents / carers are entitled to both the universal and extended entitlements, they will need to clearly specify which entitlement they are taking with which provider, so that the provider can complete funding claims accurately and help prevent overclaims.**

6.5 The free entitlement moves with the child. If a parent / carer decides to change their provider, a period of notice may be imposed. In most cases, there should be no break in the entitlement and we will simply transfer the funding to the new childcare provider.

6.6 **The provider must comply with all relevant legislation and insurance requirements.**

7. Other funding for childcare providers

7.1 There are some other funding streams that childcare providers may be able to access, to support the care, learning and development for a child. These include the following:

A. Early Years Pupil Premium

Funding for children from disadvantaged backgrounds to support providers to help ensure those children achieve the best possible outcomes and have all the skills they need to start school.

B. Disability Access Fund

Additional funds for children in receipt of Disability Living Allowance to help providers purchase any necessary equipment and resources to meet the specific needs of that child.

C. Early Intervention Grant

This grant is for children identified as having Special Educational Needs (SEN); children for whom support and professional advice has been sought and specialist interventions recommended. This includes advice from speech therapy services, the Child Development Centre, the SEND Early Years team, Occupational Therapy/Physiotherapist etc.

D. Disadvantaged Supplement

We provide an annual deprivation payment to providers to support provision for children and families with needs. Whilst the amount that providers will receive will vary depending on their situation and circumstances this funding will be passed on in full to settings. Following a comprehensive review, the method by which the amount of sustainability funding payable to each setting is calculated has changed to move the system more in line with the way in which similar funding is calculated and paid to schools.

We are also intending to use an element of the funding to provide specific, targeted support to children and families who are suffering disadvantage due to their family circumstances, i.e. not just those children who meet the economic eligibility criteria.

7.2 The above funding streams are paid directly to providers and will not usually be used to cover the costs of any hours or sessions of care that a child may access. The money is to help cover the costs of identified additional support for those children who need it most. Providers are accountable for how the funding is spent through the Ofsted inspection process, while the LA is accountable through the audit process.

E. Free school meals

7.3 A small number of children may qualify for a free school meal, if they meet certain qualifying criteria and are in receipt of certain benefits. Free school meals do not apply to children accessing their entitlement with a provider in the private, voluntary or independent sector. i.e. most nurseries, playgroups, pre-school and childminders.

To qualify for a free school meal in a nursery, a child must be accessing their entitlement at school run nursery or at a LA maintained school and be receiving their free entitlement both before and after the lunch break in which the meal is taken.

8. Claiming funding for the free entitlement

8.1 The Childcare Act 2006 precludes providers from claiming funding for the provision of the free entitlement to their own children and/or grand-children.

8.2 **Funding claims are made electronically via the Early Years Funding Portal.**

8.3 **Provisional Headcount Claim**

We will carry out a **provisional** headcount at the end of the term, prior to that which the claim covers. No child data is required at this stage. Providers only need enter the total number of hours each week that they expect to claim under each of the entitlement. We will then calculate the financial value of the hours the provider is claiming and make a payment to the provider for 75% of the value of those hours. This payment will be split into three equal monthly payments.

8.4 **Actual Headcount Claim**

We will then carry out an actual headcount around three to four weeks into the term. Now, providers should enter the details of all children who are actually attending the setting at the time and for whom they wish to claim funding for that term. We will then calculate the financial value of the hours claimed on the actual headcount, take off the amount we have paid to the provider in the provisional headcount and pay the balance of the funding. This should reach providers around half term.

8.5 **Children starting, leaving or changing hours**

Providers can claim for any children who may start at the setting or increase their hours, after the actual headcount by sending an e-mail to nef@shropshire.gov.uk with the details of the child and the claim they want to make. We will then make a further payment to cover any additional funding the provider is entitled to, for that child for the term. We will also arrange to recover the unused funding from the setting which the child has left.

8.6 **Funding Calendar dates**

The dates for funding claims for the current academic year are available via the following link:

[Early Years Free Entitlement Funding | Shropshire Learning Gateway \(shropshirelg.net\)](#)

8.7 Splitting funding between more than one provider

The DfE permits parents to split their free entitlement and claim free hours with more than one provider. We carry out a check on every child's claim each term, to ensure that they are not claiming more than their entitlement.

If a provider submits a claim for a child which will mean that they are claiming more than their entitlement, we will contact them and ask them to clarify the claim with the parents / carers. No funding will be paid until both parents / carers and providers are clear on how the parent / carer is intending to split their entitlement, between their chosen providers.

8.8 PD Days

Providers are not funded for school PD days. If providers are offering provision in line with school terms, then they will not be expected to offer free places on PD days. If providers are choosing to 'stretch' the entitlement over the whole year, then they are free to choose whether they offer parents / carers a funded place on a school PD Day.

8.9 Spring Bank Holiday

Providers are not paid funding to cover the Spring bank holiday. There is no requirement for providers to offer alternative sessions for those parents / carers who would normally be due to take up free session/hours on that day.

However, it is important to consider that providers will receive the same amount of funding for that child in the summer term, as they will for a child who would not normally be taking their free entitlement on that day.

i.e. If a provider is claiming 15 hours for a Child A who attends on a Monday, Tuesday and Wednesday, they will receive the same amount of funding as for a Child B claiming 15 hours who attends on a Wednesday, Thursday and Friday. On the week of the Bank Holiday those two children will not receive the same entitlement.

Whilst settings are not required to offer Child A an alternative session/hour, they may be asked by parents /carers to explain why they have not had the same entitlement as other children, in that week.

8.10 Absence

Shropshire Council will not request the return of any funding relating to a child who is absent from the provider if:

- a) The reason for the absence is known by the provider.**
- b) The provider can demonstrate that they are, or have been, in contact with the parent /carer in respect of the reason and likely length of the absence.**
- c) The child is not claiming funding for the free entitlement at any other setting.**
- d) The provider can demonstrate that they are taking all appropriate action to provide any necessary support to the family, to help remedy the issues which are contributing towards the child's non-attendance.**

8.11 In the event of a provider not being able to demonstrate the above then Shropshire Council will not request return of funding relating to the first five days of any absence. However, Shropshire Council reserves the right to request repayment of funding for any period longer than five days, if the provider cannot meet the requirements set out above.

8.12 Absence is a cause for concern and providers should refer to sections 10.6 to 10.8 of this agreement for more information about how they respond in the event of the absence of a child.

8.13 Grace Periods

Parents / carers who meet the eligibility criteria for the extended entitlement will be issued with an eligibility confirmation from HMRC. The confirmation will include the date at which their eligibility begins, the date by which they must reconfirm their eligibility to continue to claim funding and the date at which their funding will end if they do not reconfirm their eligibility.

8.14 The period between the date for reconfirmation and the date that funding ends is called the 'Grace Period'. The Early Years Portal will show the relevant dates for all children who have had their extended entitlement eligibility codes verified, through the Early Years Portal.

8.15 Providers will continue to receive funding for any child who falls into their grace period until the end date. The only exception to this is in respect of parents / carers who change their provider during their child's grace period. The DfE does not allow parents / carers to claim the expanded or extended entitlement at the new provider in these circumstances, although they are able to claim the universal entitlement.

8.16 Audit

Providers should maintain accurate financial and non-financial records relating to free entitlement places and should give the LA access, on reasonable notice, to all financial and non-financial records relating to free entitlement places funded under this provider agreement, subject to confidentiality restrictions.

8.17 The LA will conduct irregular, indiscriminate, desktop audits on providers to ensure that they are passing on the free entitlement in a manner which is in line with this agreement and the expectations of the DfE. This will include, but may not be limited to, requesting copies of parental declaration forms, child registers, copies of parents / carers' invoices and any other information which the LA sees fit, to ensure the eligibility of any provider's funding claims and procedures.

8.18 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 can retain paper or digital copies of documentation to enable the LA to carry out audits and fraud investigations. Where a 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.

Details of providers responsibilities in respect of data protection can be found in section 11 of this agreement.

8.19 Cross Border Funding

Shropshire Council will fund the free entitlement for all children accessing their entitlement at a Shropshire based setting. This includes children from other local authority areas. In the same way, we have reciprocal arrangements with all other English local authorities for them to fund the places for Shropshire children, who access their entitlement in other local authority areas.

8.20 For those children crossing the border between England and Wales the arrangements are slightly different. They are explained below:

Scenario	Universal entitlement	Additional entitlement
Welsh child attends Shropshire setting	Funded by Shropshire as Welsh LAs will not fund these places	Funded by Welsh LA
Shropshire child attends Welsh setting	Funded by Shropshire	Funded by Shropshire

8.21 Free entitlement eligibility is the same across all of England so, to claim funding for children from across borders, Shropshire providers simply add those children to their headcount claim. We will share the details of these children with their home LA, to ensure that no family is overclaiming.

8.22 The provider should check original copies of documentation to confirm a child has reached the relevant age on initial registration for all free entitlements. The provider can retain paper or digital copies of documentation to enable the local authority to carry out audits and fraud investigations.

8.23 The provider should ensure that they have identified the disadvantaged children in their setting as part of the process for checking EYPP eligibility. They will also use EYPP and any locally available funding streams or support to improve outcomes for this group.

8.24 The provider should ensure they submit timely and accurate information, including, but not limited to, headcount data, census data, parental declarations and invoices, as per the financial guidelines of their local authority. Failure to do so may result in inaccurate, delayed or suspended funding.

9 Quality

9.1 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.

9.2 Ofsted are the sole arbiter of quality for all childcare 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

9.3 Suspension of registration by Ofsted or a breach of statutory requirements or safeguarding issues may result in the termination of this arrangement and a withdrawal of funding. Ofsted are the sole arbiters of the quality in Early Years provision.

9.4 The LA will fund places for two-, three- and four-year-old children at:

- any provider judged 'good' or 'outstanding' by Ofsted
- any childminder registered with a childminder agency judged 'effective' by Ofsted if a parent /carer wants their child to take up their free place at that provider and the provider is willing to accept the LA funding and the terms of this agreement.

9.5 The LA will fund places for three- and four-year-old children at:

- **any provider judged 'satisfactory' (prior to 2014) or 'requires improvement' by Ofsted**
- **any childminder registered with a childminder agency judged 'effective' by Ofsted if a parent /carer wants their child to take up their free place at that provider and the provider is willing to accept the LA funding and the terms of this agreement.**

9.6 The LA will fund places for two-year-old children at:

- any provider judged 'satisfactory' (prior to 2014) or 'requires improvement' by Ofsted, as long as there is not sufficient good or outstanding provision within the local community.
- any childminder registered with a childminder agency judged 'effective' by Ofsted if a parent /carer wants their child to take up their free place at that provider and the provider is willing to accept the LA funding and the terms of this agreement, as long as there is not sufficient good or outstanding provision within the local community.

9.7 The LA will fund places for two-, three- and four-year old children at:

- **new providers registered with Ofsted until the provider's first full Ofsted inspection judgement is published**
- **a childminder registered with an agency, until the agency's first full Ofsted inspection judgement is published if a parent /carer wants their child to take up their free place at that provider and the provider is willing to accept the LA funding and the terms of this agreement.**

9.8 The LA will fund providers with exemptions from the Early Years Foundation Stage, if a parent /carer wants their child to take up their free place at an exempt provider and the provider is willing to accept the local authority funding and the terms of this agreement.

9.9 In the event of a provider receiving an Ofsted judgement of inadequate the following procedure will apply:

a) The date at which the provider is judged as inadequate will be the date at which the Ofsted report is published on the Ofsted website.

b) In the event of the report being published in the first half of any funding period the provider will retain their funding for the remainder of that funding period.

c) In the event of the report being published in the second half of any funding period, the provider will retain their funding until the end of the next funding period

d) Funding will not recommence until the date that the provider is re-inspected by Ofsted and the report is published on the website but, once the report is on-line, funding will be backdated to the date of the Ofsted re-inspection.

e) It is expected that providers in these circumstances will work closely with the LA in terms of the communication with, and the passing on of information to the parents /carers in terms of their inspection outcome, the actions being taken to address the issues raised and how free entitlement funding may be affected by the outcome.

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.

9.10 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 with SEND.

9.11 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 childminder, to ensure a smooth transition for the child.

10 Safeguarding

All children have the right to expect to be safe and secure at all times.

10.1 The LA has overarching responsibility for safeguarding and promoting the welfare of all children and young people in their area. They have many statutory functions under the 1989 and 2004 Children Acts which make this clear, and the 'Working Together to Safeguard Children' 2018 guidance sets these out in detail.

10.2 The Shropshire Safeguarding Community Partnership (SSCP) coordinates and monitors how the services and professional staff work together to protect children from abuse or neglect. It is very important that the right decisions are made to ensure that family life is supported whenever possible but that, where a child is at risk of significant harm, there is a coordinated and effective response to the situation.

10.3 Providers 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 have regard to 'Working Together to Safeguard Children' 2018 guidance.

10.4 **Providers are expected to fully engage in the completion of the SSCP S9 Practice and S11 Compliance audit process on a regular basis and submit returns as requested:**

a) Section 9, practice audits are termly and requires agencies to evaluate how effectively services are embedding safeguarding practices and integrated working into the delivery of safeguarding children and is outcome focussed.

b) Section 11 of the Children Act (2004) imposes a duty to agencies, to ensure that their safeguarding work complies with the requirements laid out in the statutory guidance Working together to safeguard children' (2018).

10.5 Shropshire Council acknowledges that children may miss an occasional Early Years session due to illness etc. The provider also has a duty of care to ensure the safety and well-being of all children and will have policies and procedures in place to check non-attendance of booked sessions including:

a) Parental Responsibility of absence notifications

It is the responsibility of the parent / carer to contact their Early Years provider(s) when their child is absent.

b) Provider Responsibility of absence notifications

It is the responsibility of the provider to ensure appropriate records of all attendance and absences are recorded.

10.6 It is the responsibility of the provider to monitor the child's attendance and if they do have any welfare concerns, to communicate directly with parents / carers where issues arise and try to address them. If attendance is sporadic and inconsistent, the provider may be able to work with the family to address any issues preventing regular attendance.

10.7 Providers must use their discretion on when to discuss with parents / carers and involve other services. Sporadic and inconsistent attendance is defined as when a child is not attending provision for their set pattern of hours and the setting has not received an explanation.

10.8 Where providers do have concerns over a child's irregular attendance, they should complete an Early Years Entitlement Attendance Monitoring form and submit this to the LA, along with any other relevant information relating to the child or family.

11 Data protection

General Data Protection Regulations (GDPR) 2018

11.1 The LA processes information on children to help administer education and family services and in doing so must comply with GDPR 2018. This means, among other things, that the data held about children, must only be used for specific purposes allowed by law.

11.2 The setting holds information on children and their families to support their development; monitor their progress; apply for funding; provide appropriate pastoral care and self-evaluate their provision for the purposes of Ofsted inspections.

11.3 From time to time settings are required to pass on some of this data to the LA, the DfE and to agencies that are prescribed by law and Ofsted. In the final term of the year in which the child reaches age five, the Early Years Foundation Stage Profile is completed for each child. The Profile provides parents / carers, practitioners and teachers with a well-rounded picture of a child's knowledge, understanding and abilities, their progress against expected levels, and their readiness for Year 1. Any such organisation will have their own Privacy Notice.

11.4 The LA and Commissioned Partners (for example The NHS Healthy Child Programme) use information about children and families for whom they provide services where there is a legal reason to do so. This may also be used for the wider purpose of planning/accessing services for children and families.

For example, the LA and Commissioned Partners use the information to:

- **claim Free Entitlement (FE) for 2, 3 and 4-year olds**
- **identify children's needs through Integrated Health Checks**
- **identify children and family's needs through children's learning and well-being audits**
- **safeguard children**
- **provide inclusion support**
- **inform Early Years planning and review meetings**
- **support effective transitions**
- **ensure public funds are administered and spent in line with any statutory guidance or Code of Practice.**

They also use the information to produce statistics which inform various decisions, but without identifying individual children.

Types of personal data held may include:

- **child's unique pupil number**
- **contact details**
- **parent/carer details**
- **National Insurance/National Asylum Seeker Service number**
- **date of birth**
- **attendance information**

- ethnicity
- personal characteristics relating to family health and environment
- special educational needs/disabilities including developmental progress

Personal data will not be retained by the LA or Commissioned Partners for longer than necessary. For example:

- financial purposes, up to seven years
- children/young people with SEND until they are aged 25

The public have the right to:

- be informed of data processing (which is covered by this Privacy Notice)
- access information (also known as a Subject Access Request)
- have inaccuracies corrected
- request to have your information erased
- request restricted processing
- data portability (for example, allowing you to move, copy or transfer personal data from one IT environment to another in a safe and secure way)
- intervention in respect of automated decision making (for example, claiming 2-year-old FE funding)
- withdraw consent (where personal data is purely processed based on consent)
- complain to the Information Commissioner's Office (see below).

11.5 Ofsted do not routinely process any information about individual children and do not hold any records of individual children's progress. However, it does use information about the achievement of groups of children to help inform its judgements about the quality of education in Early Years settings. The DfE uses information about children and pupils for research and statistical purposes; to allocate funds; to inform, influence and improve education policy and to monitor the performance of the education and children's services as a whole.

11.6 Who to write to about the data held

Children, as data subjects, have certain rights under the GDPR 2018, including a general right of access to personal data held on them, with parents exercising this right on their behalf if they are too young to do so themselves. Anyone who wishes to access their personal data held about their child or family, by Shropshire Council, please email enquiries@shropshire.gov.uk or contact the Data Protection Officer, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, SY2 6ND.

11.7 Anyone who is unhappy with the way their request has been handled by Shropshire Council, can contact the Data Protection Officer and ask for a review of the decision.

11.8 Complaints to Information Commissioner's Office (ICO)

Anyone who is not content with the outcome of the Shropshire Council review, may apply directly to the Information Commissioner for a decision. Generally, the ICO cannot decide unless the internal review procedures have been exhausted.

The ICO can be contacted at: via <https://ico.org.uk/concerns/> or telephone 0303 123 1113.

12 Retention of records

12.1 The following information management toolkit has been drawn up by the LA to support providers with the retention of information, records and documents, in relation to children's care, learning and the provision of the free entitlement. The toolkit is designed to be best practice and guidance and the information may differ from that which is issued by other organisations, for the same or similar information. Anyone who has any doubt about any of the information contained in this document, should take further legal advice. The responsibility of maintaining and retaining appropriate records remains with individual settings.



IM-Toolkit-Early-Years-2018-05.pdf

13 Delayed and deferred entry to school

13.1 **Children in England are entitled to start school in the September following their fourth birthday and must start their education by the beginning of the term after their fifth birthday. Many parents / carers will be happy for their child to start school in the autumn term, but a small number of parents may have concerns that their child will be too young for mainstream school.**

13.2 Delayed entry

Parents / carers of a four-year old child can request that their child is admitted to school later in the school year, if the child has not reached compulsory school age. To assist schools in making the necessary staffing arrangements, parents / carers wanting their child to start school later in the school year are asked to inform the school as soon as they have been allocated a place.

13.3 In cases of delayed or deferral where the child remains solely with their Early Years provider before starting school later in the year, the Early Years provider will be able to continue to claim the free entitlement for those children until the end of the term in which the child reaches 5 years of age.

13.4 Parents /carers can also request that their child attends school part-time until the child reaches compulsory school age, and/or choose a place at a nursery or other early learning setting if they would prefer. Any parent / carer considering part-time attendance for their child is advised to discuss this with the headteacher as soon as a school place has been allocated.

13.5 In cases of shared provision, the Early Years provider will NOT be able to claim funding for the free entitlement for any hours. The funding for the child will be paid to the school, as if the child was in full-time education at the school, in line with the school funding formulae.

13.6 Parents / carers who opt to defer entry to the term after their child's 5th birthday, will not lose a Reception place which has already been allocated through the applications process. However, where a child's 5th birthday falls in the summer and parents / carers wish to defer entry to the Autumn Term 2020, the child would normally join the school in Year 1, not Reception. In such cases, parents / carers must apply separately for a Year 1 place, which could only be considered for allocation after the summer half-term holiday in 2020, by which time there might not be any places available in the year group.

13.7 Deferred entry

Parents / carers may seek a place for their child outside their normal year group, with a different cohort. If this is for a Reception place, or a phased transfer from primary to secondary or infant to junior school, a formal request to join a different cohort must be made to the admissions team in addition to the application for a school place. Both applications must be made by the closing date (31 October for secondary and 15 January for primary).

13.8 In-year applications for a place outside the normal year group, should be made to schools directly for their consideration. To consider requests to join a different cohort, the admissions team will gather together as much information as possible. Information may be provided by the current educational or Early Years setting, the school(s) named in the application, and parents / carers may also submit documentation in support of their request. Consideration will be given to exceptional circumstances in a child's development, medical history and prematurity, if applicable. In very exceptional circumstances, an assessment by an educational psychologist may be appropriate.

13.9 When all the information is collated, the request will be considered by the admission authority. In some cases, the school will be the admission authority but if not, a senior manager from Shropshire Council will decide on the recommendation of a senior education adviser. The decision will be made on the individual circumstances of the case and whether it is in the child's best interests to join a different cohort.

13.20 If a deferred entry or transfer is approved, the school place application will be withdrawn and parents / carers will need to re-apply the following year. An agreed deferral does not guarantee a place at a school the following year; a fresh application must be

considered in terms of oversubscription criteria along with all the other applications received for that year group. Further information is available from School Admissions.

13.21 Whilst we understand that there is some financial benefit for Early Years providers if children defer entry, it is critical to the child's prospects that decisions are made focusing on what is in the best interest of the child.

13.22 If a deferred entry into school is agreed, then the Early Years provider can continue to claim free entitlement funding for the entirety of the academic year for which the deferral is agreed.

14 Parental Complaints

14.1 The Provider 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 Early Education and Childcare Statutory guidance for Local Authorities.

If a parent or provider is not satisfied with the way in which their complaint has been dealt with by the local authority or believes the local authority has acted unreasonably, they can make a complaint to the Local Authority Ombudsman. Such complaints will only be considered when the local complaints procedures have been exhausted.

14.2 In the event of a parent being dissatisfied as to how their free entitlement is being passed on to them the LA will follow the following process:

- I. The LA will seek to clarify the parents concerns and respond to them referring to the regulations set out in this, and any other relevant, documentation.
- II. If the parent is still unhappy then the LA will ask the parent to make a formal complaint to the provider using the providers complaints process
- III. If the parent is unhappy with the outcome of this process, then they will be asked to submit their complaint, and the response from the provider to the LA for consideration.
- IV. The LA may request further information from either the parent, the provider or both parties.
- V. The LA will then inform both parties in writing of the outcome of their review of the complaint setting out the outcomes and actions.
- VI. If either the parent, or the provider remain unhappy with the outcome then either party will be asked to submit a formal complaint through the LA complaints process and this will then be investigated in line with the LA policy.

Glossary of terms and acronyms

'LA' – the Local Authority/Shropshire Council

Provider – any person or organisation who is in receipt of funding from Shropshire Council for the provision of the free Early Years entitlement

Free Entitlement - the guidance refers to Early Years provision free of charge (sections 7 and 7A Childcare Act 2006) and free childcare (section 2 Childcare Act 2016) as the 'free entitlement(s)', a 'free place' or 'free hours'.

24U - the 15-hour entitlement for the most disadvantaged two-year olds,

Universal Entitlement - the 15-hour entitlement for parents of all three and four-year olds

Extended Entitlement - 30 hours entitlement for working parents of three- and four-year olds

Stretched Entitlement – taking the universal and/or extended entitlement and applying them for more than term time only.

Early Years Portal – the on-line portal used by providers to claim funding and confirm parent's eligibility for the entitlements and Early Years Pupil Premium

Parental Declaration Form (PDF) – a form gathering all the required details from parents to submit a claim for funding. The LA issues a standard PDF which providers can adopt or adapt as they see fit

DfE – The department for Education

PD Days – Professional Development days, used by schools for teacher training and professional development and additional to the academic year

Schools Forum – The forum acts as a consultative and decision-making forum on all issues relating to school and Early Years funding in Shropshire

Headcount week – The week in which children's attendance is used to calculate the funding claim for the child for that term

Stretched Entitlement – Spreading the free hours over longer than 38 weeks of the year by parents using fewer hours each week

EYFS – Statutory framework for the early years foundation stage – Setting the standards for learning, development and care for children from birth to five