

Delivering the Early Years Entitlements in Lincolnshire

Provider Agreement and Guidance



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Section 1

Overview

1.1. The model agreement from the Department for Education sets out the department's expectations on what should be included in agreements between local authorities and providers (provider agreements) and refers to early years provision free of charge (sections 7 and 7A of the Childcare Act 2006) and free childcare (section 2 of the Childcare Act 2016) as the 'free entitlement(s)' or 'free hours' or a 'free place'.

1.2. The agreement applies to the 15 hour entitlement for the most disadvantaged two-year-olds, the 15 hour entitlement for parents of three- and four-year-olds (the universal entitlement) and the 30 hours entitlement for working parents of three- and four-year-olds (the extended entitlement).

1.3. The model agreement has been developed in partnership with early years providers and local authorities. It is intended to bring greater consistency to provider agreements across all local authorities and all types of providers.

1.4. The department expects the standard headings and wording provided in Section 2 to be used in all provider agreements. The local authority has also included further detail to set out local level processes.

1.5. This document does not provide guidance on how providers operate their private businesses, including charges for provision over and above a child's free hours. Local authorities should not intervene where parents choose to purchase additional hours of provision or additional services providing that this does not affect the parent's ability to take up their child's free place.

1.6. This agreement will be kept under review and updated as necessary and will be published on the Early Years and Childcare Support website www.lincolnshire.gov.uk/eycc. Providers must comply with this guidance as it forms part of their signed Early Years Entitlement Contract with Lincolnshire County Council.

Who is the agreement for?

1.7. This agreement is for:

- The local authority
- Early years providers who are referred to as 'providers' 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;
 - Independent Schools and Academies taking children age two and over and which are exempt from registration with Ofsted as an early years provider.

1.8. The parental declaration form (referred to throughout this document) is for:

- Early years providers (as set out above)
- Parents

Supplementary provisions

1.9. The model agreement sets out the department's expectations on what should be included in provider agreements for delivery of the free entitlements. It is not otherwise intended to replace, supersede or negate the requirements or expectations set out in legislation, other published statutory guidance and government advice and using the model agreement does not prevent local authorities from exercising their statutory powers to include other requirements.

1.10. The local authority and providers must comply with all relevant legal obligations.

1.11. The local authority has developed the provider agreement in line with legal advice, and includes the following provisions:

- A right to unilaterally vary the agreement to reflect changes in legislation and departmental guidance.
- A clause stating that references to legislation will be to that legislation as amended from time to time, without express change in the model agreement and/or provider agreement.
- Freedom of Information provisions.
- Termination and enforcement clauses, to cover all enforcement stages up to and including termination of the agreement. The local authority should also make clear that they do not waive the right to act if they do not act immediately (a slower evidence based approach may be required on occasion).
- An obligation to comply with all relevant legislation.
- Provisions for dealing with data protection and confidentiality.
- An obligation to take out and maintain adequate levels of insurance.
- Provisions dealing with how funding must be accounted for and recorded for audit purposes.
- A clear process for resolving any disputes.

1.12. The local authority will not impose requirements which subject the quality of the early years provision, or services provided by the childminder agency, to a quality assessment process by the local authority; or require the provider to attend any training or other quality improvement programme, other than any training or quality improvement programme identified in an early years provision inspection report.

Legal framework and statutory guidance

1.13. The following frameworks and legislation underpin this agreement:

- Early Education and childcare, Statutory guidance for Local Authorities 2017
- Childcare Act 2006 and Childcare Act 2016
- Equality Act 2010
- School admissions code 2014
- Statutory framework for the early years foundation stage 2014
- Local Authority, (Duty to Secure Early Years Provision Free of Charge) Regulations 2014
- The Childcare (Early Years Provision Free of Charge) (Extended Entitlement) Regulations 2016
- Special educational needs and disability code of practice: 0 to 25 years 2015
- Data Protection Act 2018

Section 2

Provider agreement requirements

2.1. The local authority will have due regard to this agreement in the exercise of our duty under s7(1) of the Childcare Act 2006 and regulation 39 of the Childcare (Early Years Provision Free of Charge) (Extended Entitlement) Regulations 2016.

Key local authority responsibilities

2.2. The local authority will secure a free entitlement place for every eligible child in Lincolnshire.

2.3. The local authority will work in partnership with providers to agree how to deliver free entitlement places.

2.4. The local authority will be clear about our role and the support on offer locally to meet the needs of children with special educational needs and/or disabilities (SEND) as well as our expectations of providers.

2.5. The local authority will contribute to the safeguarding and promote the welfare of children and young people in Lincolnshire.

Key provider responsibilities

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

2.7. The provider should deliver the free entitlements consistently to all parents, whether in receipt of 15 or 30 hours and regardless of whether they opt to pay for optional services or consumables. This means that the provider should be clear and communicate to parents details about the days and times that they offer free places, along with their services and charges. Those children accessing the free entitlements should receive the same quality and access to provision.

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

2.9. 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.

Providers must work with the local authority to provide information to parents about the Early Years Entitlements (EYE), Children Centres and the Family Information Service (FIS) and signpost families to wider support including skills, training, employment and benefits as required. This includes actively encouraging families to register at their local Children's Centre.

Providers will be required to complete an online sufficiency survey annually to support the local authority's sufficiency duty.

Where there is a change to a provider's Ofsted registration, any contact information or bank details, the provider must inform the Early Years Entitlement team at the earliest opportunity by

Telephone: 01522 552752 or email: EYE@lincolnshire.gov.uk (please do not send any confidential information by email).

Where providers choose to no longer deliver Early Years Entitlement funded education places, they must inform the Early Years Entitlement team at the earliest opportunity by Telephone: 01522 552752 or email: EYE@lincolnshire.gov.uk This includes in situations where a provider is closing or selling the provision.

Providers are required to promote equality and inclusion, particularly for disadvantaged families, looked after children and children in need, working with parents to give each child support to fulfil their potential.

Safeguarding

2.10. The local authority has 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' 2018 guidance sets these out in detail

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/729914/Working_Together_to_Safeguard_Children-2018.pdf

2.11. The provider must follow the EYFS and have clear safeguarding policies and procedures in place that are in line with local guidance and procedures for responding to and reporting suspected or actual abuse and neglect. A lead practitioner must take responsibility for safeguarding and all staff must have training to identify signs of abuse and neglect. The provider must have regard to 'Working Together to safeguard Children' 2018 guidance.

Providers are advised to adhere to the Lincolnshire's Safeguarding Children's Board (LSCB) 5 year training pathway which can be found at

<https://www.lincolnshire.gov.uk/lscb/professionals/support/training/124632.article>

This is fully commissioned by Early Years and Childcare Support to enable all practitioners to access this mandatory training free of charge.

Eligibility

2.12. 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 local authority 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.

Please refer to the EYE privacy notice available on the local authority's website
<https://www.lincolnshire.gov.uk/childcare-and-family-support/early-years-and-childcare-support/early-years-entitlements/>

2.13. The provider should offer places to eligible two-year-olds on the understanding that the child remains eligible until they become eligible for the universal entitlement for three- and four-year-olds.

2.14. The local authority will ensure that a child has a free entitlement place no later than the beginning of the term following the child's birthday and the parent meeting the eligibility criteria for the free entitlements.

2.15. Alongside the 30 hours eligibility code, which is the child's unique 11-digit number, and original copies of documentation (see 2.12), a provider must acquire written consent from, or on behalf of, the parent to be able to receive confirmation and future notifications from the local authority of the validity of the parent's 30 hours eligibility code.

2.16. Once a provider has received written consent from the parent, they should verify the 30 hours eligibility code with the local authority.

2.17. The local authority will confirm the validity of 30 hours eligibility codes to allow providers to offer 30 hours places for eligible three- and four-year-olds. The local authority will provide a validity checking service to providers to enable them to verify the 30 hours eligibility code. The Eligibility Checking Service (ECS) allows all local authorities to make instant checks for code validity.

Providers in Lincolnshire must validate codes in the Early Years Provider Hub
<https://eyehub.lincolnshire.gov.uk>

2.18. Thereafter, the local authority will complete audit checks to review the validity of eligibility codes for children who qualify for 30 hours free childcare at 6 fixed points in the year, both at half-term and at the end of term across the year (in line with the dates as listed at table A below). It is the local authority's responsibility to notify a provider where a parent has fallen out of eligibility and inform them of the grace period end date.

Table A:

Date Parent Receives Ineligible Decision On Reconfirmation:	LA Audit Date:	Grace Period End Date:
1 Jan – 10 Feb	11 February	31 March
11 Feb – 31 March	1 April	31 August
1 April – 26 May	27 May	31 August
27 May – 31 August	1 September	31 December
1 September – 21 October	22 October	31 December
22 October – 31 December	1 January	31 March

The Grace Period

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

2.20. Local Authorities will be able to access information about whether a child has ceased to meet the eligibility criteria and entered the grace period via the Eligibility Checking Service. The grace period end date will automatically be applied to eligibility codes.

2.21. The local authority 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 2017.

Providers must use [the Early Years Provider Hub](#) to verify a child's eligibility for 30 hours and identify the child's start date, end date and grace period. When a child enters their grace period, the eligibility end date will appear red in the Hub. Providers must stop delivering the extended hours to a child following the grace period end date.

Flexibility

2.22. 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.

2.23. The provider should work with the local authority 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 local authority. 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.

Where a child receives their free entitlement at multiple providers, the parent declaration form must accurately reflect the number of hours at each setting and providers must ensure the number of hours across all settings does not exceed the child's entitlement.

Partnership working

2.24. Partnerships will be supported by the local authority on four levels between:

- Local authorities and providers
- Providers working with other providers, including childminders, schools and organisations
- Providers and parents
- Local authorities and parents

2.25 The local authority 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.

2.26 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.

<http://www.familyandchildcaretrust.org/dfes-30-hour-mixed-model-partnership-toolkit>

2.27 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.

The local authority has also produced partnership guides and materials to support providers in Lincolnshire. These can be found on the EYCC website: www.lincolnshire.gov.uk/eycc

Special educational needs and disabilities

2.28. The local authority 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).

2.29. 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.

2.30. The local authority 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.

2.31. 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.

The local authority's support through the Local Offer, can be found here: www.lincolnshire.gov.uk/parents/supportand-aspiration/sen-and-d-reforms/the-local-offer

Locality Early Years teams provide bespoke inclusion support to private, voluntary, independent and maintained early years provision in order to promote early identification of needs and ensure all children achieve their outcomes.

Early years providers are requested to gain signed parental consent for the involvement of an Early Years Specialist Teacher. Further information can be found on the inclusion pages of the EYCC website: www.lincolnshire.gov.uk/eycc/supporting-inclusion

Social mobility and disadvantage

2.32. The local authority should promote equality and inclusion, particularly for disadvantaged families, looked after children and children in need by removing barriers of access to free places and working with parents to give each child support to fulfil their potential.

2.33. 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.

Providers must monitor the impact of the Deprivation Supplement funding to ensure this is targeted at the most disadvantaged children and families to support their outcomes. The local authority has provided a template for providers to keep a record of this additional funding and identify appropriate spend. This can be found on the Early Years and Childcare Support website <https://www.lincolnshire.gov.uk/childcare-and-family-support/early-years-and-childcare-support/early-years-entitlements/early-years-single-funding-formula/129322.article>

Quality

2.34. The Early Years Foundation Stage (EYFS) statutory framework is mandatory for all schools that provide early years provision and Ofsted-registered early years providers in England. The EYFS sets the standards that all early years providers must meet to ensure that children learn and develop well and are kept healthy and safe.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf

2.35. 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.

2.36. Local authorities have a legal duty to provide information, advice and training on meeting the requirements of the EYFS, meeting the needs of children with SEND and on effective safeguarding and child protection for providers who are rated less than 'Good' by Ofsted or newly registered providers.

2.37. Provision must be offered in accordance with the national parameters on quality as set out in Section A3 of Early Education and Childcare Statutory Guidance for Local Authorities and the EYFS statutory framework.

Lincolnshire's Early Years and Childcare Support team offers improvement programmes to providers who have been rated less than 'Good' by Ofsted; details can be found on the EYCC website www.lincolnshire.gov.uk/eycc/qualityimprovement/improvement-programmes/128691.article

Universal support and further information can be found on the Early Years and Childcare Support website www.lincolnshire.gov.uk/eycc

For all providers rated as Good or Outstanding, a request for support can be made using the self-referral form:

Business planning

2.38. The local authority will clearly set out the documentation that they need to receive from providers to support payment and delivery of free entitlements and the timetable which providers should follow when submitting their documentation, this includes setting out the importance of timely and accurate census returns.

2.39. The local authority will 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 and local authorities will ensure charges are clearly communicated to providers.

2.40. The local authority will not carry out audit regimes which are disproportionate or are unnecessarily burdensome to providers.

2.41. 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 the local authority. Failure to do so may result in inaccurate, delayed or suspended funding.

2.42. The provider should maintain accurate financial and non-financial records relating to free entitlement places and should give the local authority access on reasonable to all financial and non-financial records relating to free entitlement places funded under the provider agreement, subject to confidentiality restrictions.

A parent Declaration Form must be completed for all children who access EYE funding. Where children are attending more than one provider for their entitlement, all providers must identify the other providers on the declaration (including where children attend a maintained school provision).

The total hours delivered between providers for 2, 3 & 4 year old funding should not exceed the child's 570 hours or 1,140 hours entitlement across 3 terms. Where this is identified, the local authority will remove funding from the provider where the provider has either by act or omission, knowingly or otherwise, requested more free entitlement hours than the child is eligible for.

Charging

2.43. 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.

2.44. 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. Parents should therefore expect to pay for these, although these charges must be voluntary for the parent. Where parents are unable or unwilling to pay for meals and consumables, providers who choose to offer the free entitlements are responsible for setting their own policy on how to respond, with options including waiving or reducing the cost of meals and snacks or allowing parents to supply their own meals. Providers should be particularly mindful of the impact of additional charges on the most disadvantaged parents.

2.45. 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.

2.46. The local authority will not intervene where parents choose to purchase additional hours of provision or additional services, providing that this does not affect the parent's ability to take up their child's free place. The provider should be completely transparent about any additional charges.

2.47. 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 pattern of hours are convenient for parents' working hours.

2.48. The provider can charge parents a deposit to secure their child's free place but should refund the deposit in full to parents within a reasonable time scale.

2.49. The provider cannot charge parents "top-up" fees (any difference between a provider's normal charge to parents and the funding they receive from the local authority to deliver free places) or require parents to pay a registration fee as a condition of taking up their child's free place.

2.50. 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.

Where parents choose to change their child's EYE place, providers should negotiate notice periods with parents before children transfer places.

Notice periods should be clearly written within provider's contracts and must be agreed and signed by parents. Providers must liaise to agree what date a child is transferring their place to ensure claims on the Hub are accurate and funding is not double claimed. Notice periods must be waived where the parent chooses to leave due to a safeguarding concern or conflict that means the EYE place cannot continue to be delivered in the best interests of the child.

Providers and parents should discuss and agree what arrangement will be put in place regarding bank holidays. Parents must be informed if their child will not receive their entitlement on a bank holiday if this day is usually attended.

Funding

2.51. The local authority will pay all providers, particularly childminders, monthly by September 2018 unless a provider requests and the local authority agrees to continue an existing alternative sustainable method of payment.

2.52. The provider should accurately complete and submit headcount and other necessary data returns by the agreed date to support the local authority to make payment.

Payments will be made on a monthly basis on those dates identified in the EYE Monthly Claims and Payments Calendar available on the Early Years and Childcare Support website <https://www.lincolnshire.gov.uk/childcare-and-family-support/early-years-and-childcare-support/early-years-entitlements/>. If providers fail to submit a claim by the specified date, their payment will be deferred until the next months scheduled payment.

Providers must have current and signed Parent Declaration Forms for all children claiming funding. Term time only providers will make a zero claim for August and therefore not receive a payment at the end of this month, but may receive an adjustment for July where this is submitted.

For funding purposes, the maximum entitlement per funding period per eligible 2 year old and 3 and 4 year old child accessing the universal 15 hour entitlement is as follows:

- Autumn term: Maximum of 210 hours
- Spring term: Maximum of 165 hours
- Summer term: Maximum of 195 hours

The maximum entitlement per funding period for eligible 3 and 4 year old children accessing the 30 hours entitlement is double that identified above.

Parents may 'stretch' their free entitlement place and therefore the funded hours per term per child may vary but this illustrates the maximum entitlement per funding period that can be claimed per child. Providers should note that whilst their annual payment will be correct, the payment over the term could be above or below actual hours accessed that term where the parent stretches their offer. Financial planning and accounting should take account of this.

The deadline date to submit a claim for the month is also the deadline to submit any adjustments for the previous month's claim.

It is the provider's responsibility to ensure all data is accurate in the Early Years Provider Hub to avoid incorrect claims. The local authority will not pay providers for unclaimed funding which occurred more than one calendar month prior to the local authority being notified and not between the local authority's financial year (which ends in March and starts in April).

Retrospective data cleaning will be completed by the local authority and where incorrect claims have been made by providers, funding will be recouped in a subsequent month.

Providers must keep accurate attendance registers of all children and ensure all non-attendance is recorded appropriately. Providers must liaise with the Early Years Locality Teams to request support or discuss concerns about vulnerable children or children where consistent lack of attendance may affect the child's development.

Where a child has an unexplained recurring period of absence (e.g. every Friday off) or extended period of absence (more than 10 continuous days) Early Years and Childcare Support must be informed. Providers will not be penalised for short term absences by withdrawal of funding. The local authority will take into account the reason for the absence and the impact on the provider. Providers should support families where non-attendance is on-going and liaise with the local authority to ensure families receive appropriate support for continued attendance.

Compliance

2.53. The local authority can carry out checks and/or audits on providers to ensure compliance with the requirements of delivering the free entitlements.

Early Years and Childcare Support is accountable for the commissioning of the Early Years Entitlement. There is a duty to ensure that funding provided by the local authority is spent appropriately and that childcare providers operate within the legal framework. This Compliance Audit Policy operates within the local authority guidelines.

Early Years and Childcare Support will conduct compliance audits with providers delivering funding to ensure appropriate delivery.

Providers will be notified in advance of a compliance audit and where possible to hold these at mutually agreeable times. Where Early Years and Childcare Support have concerns that there is a breach of the local authority guidelines, a no notice compliance audit will be completed.

Providers will be selected on a rolling programme to receive a compliance audit. Any childcare provider who has received an inadequate Ofsted inspection judgement will automatically receive a compliance audit. In addition, any childcare provider whom Early Years and Childcare Support receives information in relation to noncompliance will be prioritised for a compliance audit.

Recommendations and outcomes of the compliance audit will be provided to the setting following this audit. Providers will be given guidance on the expected timescales for completing any actions given at the visit

Additional actions may be given within 28 days of the compliance audit by the Lead Consultant (EYE) or additional information sought by telephone at any point if deemed necessary in establishing compliance during the internal monitoring process.

Where necessary, a request will be made to see the accounts in relation to the EYE to determine that funding provided has been spent appropriately.

Subsequent visits will be made where required to ensure that the actions detailed have been met

Where childcare providers fail to meet actions without reasonable explanation, Early Years and Childcare Support will implement the Withdrawal of Funding Procedure.

Where it is identified that the provider has inappropriately claimed funding, Early Years and Childcare Support will inform the provider that this funding will be recovered. The provider will be given the opportunity to pay this back via cheque / BACS or for the amount to be deducted from the providers following EYE payment.

If the provider chooses to pay this back immediately, Lincolnshire County Council will invoice the provider for the cost identified by Early Years and Childcare Support and payment will be required within the given time frame.

This process will be reviewed regularly and the most recent version will be available on the Early Years and Childcare Support website: www.lincolnshire.gov.uk/eycc

Termination and withdrawal of funding

2.54. Suspension of registration by Ofsted or a breach of statutory requirements or safeguarding issues may result in the termination of the arrangement and withdrawal of funding.

The local authority will not fund places at providers who do not meet the standards set out in Section A3: Quality in the Early Education and Childcare Statutory Guidance for local authorities (DfE June 2018).

Early Years and Childcare Support will look to remove funding in the following circumstances:

- In the event that Ofsted judge the provision as Inadequate
- Where a provider fails to return a signed EYE local authority contract by the specified date
- Where a provider fails to complete actions of compliance set by Early Years and Childcare Support within agreed timescales
- Where the provider persistently fails to submit the requisite data by the specified dates or with continued inaccuracies
- Where the provider receives a “Requires Improvement” Ofsted judgement and refuses to take up additional training and support to meet the Ofsted recommendations
- Where the provider refuses to make reasonable adjustments for children with Special Educational Needs or Disabilities
- Where the provider has failed to adhere to Safeguarding procedures resulting in a breach of keeping children safe
- Where the Early Years Entitlement funding or related additional early years funding awarded to the provider has been misappropriated by the provider
- If the provider is not actively promoting fundamental British values or if they promote as evidence-based, views or theories which are contrary to established scientific or historical evidence and explanations

The local authority will take appropriate action to improve the quality of provision at a local authority maintained school which has been judged by Ofsted to require significant improvement or has been placed in special measures.

The local authority will require a provider to undertake training or a quality improvement programme, where it has been identified as necessary to address concerns raised in the Ofsted inspection report and the provider has been judged less than ‘good’ by Ofsted.

Providers must inform Early Years and Childcare Support when the setting circumstances change which may result in the criteria to deliver the entitlements no longer being met (for example, their Ofsted judgement or a change in the scope of their services).

Providers should refer to the website www.lincolnshire.gov.uk/eycc for further information about the support and training offered to providers.

Termination provisions will 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 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]

Appeals process

2.55. A provider may be denied approval to offer the free entitlements or have their funding withdrawn as set out overleaf. The provider can appeal against that decision.

Providers will be required to put their appeal in writing, providing evidence as to why the decision was not advocated and an explanation as to why this decision should be reconsidered. This should be sent to Early Years and Childcare Support, for attention of the Service Manager. This may be posted to EYCC, Myle Cross Centre, Macaulay Drive, Lincoln, LN2 4EL or emailed to EYCC@lincolnshire.gov.uk

The outcome of the appeal may be as follows:

- The reasons for not approving/reasons for withdrawal of funding will be upheld; this will lead to the decision remaining the same
- The reasons for not awarding funding/withdrawing funding may change but the outcome may remain the same
- If the decision is not upheld, the provider will be awarded funding and this will be backdated to the date of the appeal request

The outcome of the appeal will be notified to the provider by the Service Manager within 10 working days of the written appeal

The decision of the Service Manager is final and not subject to further review.

Complaints process

2.56. Where parents are not able to resolve their concern directly with the provider where the parent is not satisfied that their child has received their free entitlement in accordance with the legislation or as set out in this agreement and in Early Education and Childcare Statutory guidance for Local Authorities. This local authority's complaints procedure can be followed.

2.57. 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.

2.58. 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

The local authority will give prompt and serious attention to any concerns raised about providers delivering the Early Years Entitlement funding.

Any parent/carer or provider who has a concern about any aspect of the Early Years Entitlement funding is encouraged to discuss this with Early Years and Childcare Support directly.

The local authority would hope to resolve the majority of concerns informally at the initial stage.

Parents/carers and providers are advised to direct any EYE funding issues to EYE@lincolnshire.gov.uk and mark this for the attention of the Lead Consultant (EYE).

If a parent/carer or provider is not satisfied with the response after emailing the Lead Consultant, providers can ask the Service Manager to investigate. Providers should direct their concern for the attention of the Service Manager to Early Years and Childcare Support, tel. 01522 552752 or email EYCC@lincolnshire.gov.uk

If the parent/carer or provider is not satisfied with the response they receive from the Service Manager and is able to explain what has not been addressed, they can ask for the complaint to be referred to an appropriate Director/Assistant Director to consider whether further investigation is required.

Parents/carers and providers can record their complaint by completing the online feedback form at www.lincolnshire.gov.uk/feedbackform or by contacting our Customer Service Centre using the details below:

Feedback Team/Corporate Complaints

Serco Local & Regional Government

PO Box 841

Lincoln

LN1 1ZE

Phone: 01522 782060

Fax: 01522 516137

Email: feedback@lincolnshire.gov.uk

The feedback form is managed by the Feedback Team who will direct the complaint to the most appropriate place. Escalation to the Local Government Ombudsman (LGO): 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 Government Ombudsman. Such complaints will only be considered when the local complaints procedures have been exhausted. Parents/carers can contact the Ombudsman using the following details: Tel: 0845 602 1983 or Email: advice@lgo.org.uk

Useful Contacts

The Early Years Entitlements Team provide support and advice to all early years' providers in Lincolnshire to ensure the free entitlements are delivered effectively and within agreed terms and conditions.

Tel: 01522 552752

Address: Myle Cross Centre, Macaulay Drive, Lincoln, LN2 4EL

Email: EYE@lincolnshire.gov.uk

Website: www.lincolnshire.gov.uk/eycc

The Performance Services Team is responsible for data collection and reporting which enables early years providers to access information relevant to the early years census collections.

Tel: 01552 553271

Email: earlyyearsensus@lincolnshire.gov.uk

The Family Information Service is a local authority service which provides childcare information to families across Lincolnshire.

Tel: 0800 195 1635

Email: fis@lincolnshire.gov.uk

Website: www.lincolnshire.gov.uk/fsd

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Tel: 0300 123 1231

Email: enquiries@ofsted.gov.uk