

# Early Years provision and childcare

## Key local authority responsibilities

Hammersmith and Fulham (H&F) must secure a place for every eligible child in their area.

H&F should work in partnership with providers to agree on how to deliver places.

H&F are clear about their role and the support on offer locally to meet the needs of children with special educational needs and/or disabilities (SEND) as well as their expectations of providers.

H&F contribute to safeguarding and promoting the welfare of children and young people in their area.

## Key provider responsibilities

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

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 parent’s 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.

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.

The provider must have arrangements in place to support children with special educational needs and/or disabilities (SEND). These arrangements should include a clear approach to identifying and responding to SEND. Providers should utilise the SEN inclusion fund and Disability Access Fund to deliver effective support, whilst making information available about their SEND offer to parents.

**Safeguarding**

H&F has an 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’](https://www.gov.uk/government/publications/working-together-to-safeguard-children--2) and ‘[Keeping Children Safe in Education](https://www.gov.uk/government/publications/keeping-children-safe-in-education--2)’ statutory guidance documents set these out in detail.

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’ guidance.

## Eligibility

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. 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 data privacy guidance set out in Annex A: Parent Declaration, part 6.

The provider should offer disadvantaged 2-year-old places on the understanding that the child remains eligible until they become eligible for the universal entitlement for 3 and 4-year-olds.

H &F ensures that a child has a free place no later than the beginning of the term following the child and the parent meeting the eligibility criteria for the free entitlement.

Alongside the eligibility code, which is the child’s unique 11-digit number, and original copies of documentation (see 2.14), 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 eligibility code.

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

H&F will confirm the validity of eligibility codes to allow providers to offer free places for eligible children aged 9 months and above. H&F will provide a validity checking service to providers to enable them to verify the eligibility code. The Eligibility Checking Service (ECS) allows all local authorities to make instant checks for code validity.

Thereafter, the H&F will complete audit checks to review the validity of eligibility codes for children who qualify for the working parent entitlement 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 H&F’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: Audit and Grace Period Dates**

|  |  |  |
| --- | --- | --- |
| **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  |

***Please note, that a child may not start a new setting whilst in the grace period.***

## The Grace Period

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

H&F has access information about whether a child has ceased to meet the eligibility criteria and entered the grace period via the ECS. The grace period end date will automatically be applied to eligibility codes.

H&F 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 2023.

*NB: Valid codes will have a start date of at least one day before the start of the term. Codes can take several days to come through, hence it is advised for parents to apply in advance of the term starting to ensure a valid code can be obtained for the new term. The provider will check the validity of the code on the synergy.*

*H&F have a grace period of 14 days for parents who have applied for the funding slightly late. The Early Years Funding Officer will be able to manually add this code for you however any codes showing start dates of more than 14 days after the beginning of the term, will not be valid for that current term.*

*NB: Parents can apply for a code up to 12 weeks before the child turns 3 years old. However, they must reconfirm the code if it expires prior to starting a funded place or it will not be valid.*

***Deadline for re-confirming codes***

*Parents are required to reconfirm their eligibility for the funding every 3 months. This is done through their childcare account on* [*30 hours free childcare - GOV.UK (www.gov.uk)*](https://www.gov.uk/30-hours-free-childcare)*. HMRC will prompt parents when they need to reconfirm their eligibility however this is also their responsibility.*

*If a parent misses the reconfirmation deadline, they will receive an email telling them that their eligibility has lapsed. Although they are no longer eligible, if their child is already in a 30-hour place, they will be able to retain their childcare place for a short period; this is known as the grace period.*

***Parent's change of circumstances***

*If a parent has a change in circumstances and is no longer eligible for a 30-hour place, they will enter a grace period, where they can retain their place at that provider for a short period.*

***Not Eligible status at Application***

*If a parent is informed they are not entitled to 30-hour funding, but feel they should be, they will need to discuss this with HMRC directly and can contact them by telephone on 0300 123 4097.*

## Flexibility

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](https://www.gov.uk/government/publications/early-education-and-childcare--2).

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 in securing 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.

**Children receiving free entitlement at multiple providers**:

The Provider must ensure that each parent signs and returns a ‘Parent Declaration’ form. This form needs to be completed for all children attending from Autumn 2017 and will now cover the duration of their time at your setting, up to the end of the terms in which they turn five. It should thereafter be completed for new children and where information needs to be updated for existing children e.g. attending more than one provider. The completed form should then be retrained by the setting for audit purposes.

The entitlement can be delivered through two providers and funding will be apportioned accordingly. The only exception to this is if the child is accessing 15 hours or more at a maintained school (being a school which is in receipt of other funding (i.e. targeted Entitlement or Universal Entitlement funding) from the Local Authority (a” Maintained School”) The funding will not be split so the maintained school will receive the full funding. Providers in the PVI Sector should therefore invoice parents for the total number of hours used at their setting.

## Partnership working

Partnerships should be supported by local authorities on four levels between:

1. Local authorities and providers
2. Providers working with other providers, including childminders, schools and organisations
3. Providers and parents
4. Local authorities and parents

H&F promote partnership working between different types of providers, including childminders, across all sectors and encourage more providers to offer flexible provision, alongside other providers.

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](http://www.familyandchildcaretrust.org/dfes-30-hour-mixed-model-partnership-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.

The provider should discuss and work closely with parents to agree on 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.

## Special educational needs and disabilities

H&F aim to ensure that all children with SEND in Hammersmith and Fulham are able to gain high quality and fully inclusive teaching and learning when attending a setting.H&F 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](https://www.gov.uk/government/publications/send-code-of-practice-0-to-25).

The provider must ensure owners and all staff members are aware of their duties in relation to the SEND Code of Practice 2014 and the Equality Act 2010.

H&F has to be clear and transparent about the support on offer in their area, through their local offer, so parents and providers can access that support.

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 in choosing the right setting for their child with SEND.

## Supporting disadvantaged children

H&F promotes equality and inclusion, particularly for disadvantaged families, look after children and children in need by removing barriers of access to places and working with parents to give each child support to fulfil their potential.

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.

From April 2024, there may be some circumstances where households meet the eligibility criteria for both the disadvantaged two-year-old entitlement and the working parent entitlement. In these circumstances, childcare should be provided under the disadvantaged 2-year-old entitlement. The child will remain on the disadvantage entitlement until they become eligible for the universal entitlement for 3 and 4-year-olds or 30 hours free childcare for 3 and 4-year-olds if they meet the eligibility criteria. Therefore, households will not lose eligibility for their 15 hours free early education, as is currently the case for the disadvantage entitlement. From September 2025, when the working parent entitlement increases to 30 hours, where households meet the eligibility criteria for both 2-year-old entitlements, they should be recorded as taking up 15 hours of the disadvantage entitlement and 15 hours of the working parent entitlement. They will need to reconfirm eligibility every 3 months for the working parent entitlement and from September 2025, they will not be defaulted automatically onto the disadvantage entitlement should they lose eligibility for the working parent entitlement.

## Quality

The [Early Years Foundation Stage (EYFS) statutory framework](https://www.gov.uk/government/publications/early-years-foundation-stage-framework--2) 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.

Ofsted is 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.

H&F 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.

Provision must be offered in accordance with the national parameters on quality as set out in Section A3 of Early Education and Childcare Statutory Guidance for Local Authorities 2023 and the EYFS statutory framework.

## Business planning

H&F clearly set out the documentation that they need to receive from providers to support payment and delivery of the free entitlements and the timetable that providers should follow when submitting their documentation, this includes setting out the importance of timely and accurate census returns.

H&F 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.

H&F will not carry out audit regimes which are disproportionate or unnecessarily burdensome to providers.

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.

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

## Charging

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 cost of meals, other consumables, additional hours or additional services.

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

The provider should deliver the free entitlements consistently so that eligible children accessing them will receive the same quality and access to provision, regardless of whether they opt to pay for optional hours, services, meals or consumables. Providers should also ensure they have clear invoicing structures in place for parents.

H&F will not intervene where parents choose to purchase additional hours of provision or additional services, provided that this is not a condition of accessing the free entitlement.

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 is convenient for parents’ working hours.

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.

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.

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.

H&F will conduct an audit to ensure all providers are transparent in explaining costs to parents in 2024.

## Funding

H&F will pay all providers monthly, particularly childminders, unless a provider requests and the local authority agrees to continue an existing alternative sustainable method of payment.

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

H&F is required to fund early education places in all sectors using a locally determined, transparent single funding formula (“EYSFF”). This rate is set by the H&F after consultation with the Schools Forum for each financial year.

The funding rates for **2024/25** are:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **2-year-olds** | **3-and 4-year-olds** **(15 hrs universal and 15 hrs extended)** | **SEN Inclusion Fund** | **Early Years Pupil Premium (EYPP)** | **Disability Access Fund (DAF)** |
| **H&F** | £9.36 per hour | £6.68 per hour | Up to £2,500 per child, per term | £0.62 per hour | £828 per child |
| **H&F Deprivation**  | n/a | Up to £1.33 per hour | n/a | n/a |  |
| **EYSG (applicable between)** | £3.24 | £0.08 | n/a | £0.04 |  |

**Change to current funding rates:**

As stated above, the EYSFF is set each financial year by H&F. It is therefore acknowledged and agreed by the Provider that the funding rates set out above may be subject to change during the Term (such term being defined in the SLA) and that H&F will promptly notify the Provider of any changes to the rates in such situation.

**Payments**

Payments are made on a termly basis following the Headcount returns. Payment dates will be stated in the termly funding letter.

For the universal offer, H&F will issue an hourly rate for each Provider at the beginning of the financial year which is based on the Spring term January Census Headcount received by the Provider.

**Children moving Boroughs**

H&F will fund a child moving from another Borough only when clearance is received from the previous Local Authority or the child has been moved for safeguarding reasons

**Absent Children**

Providers must have written arrangements in place with parents as to their absence policies, including following up with parents in order to confirm the reasons for unexplained absences.

Good habits regarding attendance, that are developed in the early years, are important in promoting future school attendance

Where an absence is recurring over a six-week period or for an extended period of time (for example five consecutive days) without good reason or explanation, H&F may, in its discretion and taking into account the reason for the absence and impact on the Provider, reclaim (and the Provider shall promptly return) funding in respect of such child

**Moving of Providers**

Should a child receiving funding move to a different Provider within the borough during a term, H&F shall reclaim (and the Provider shall promptly return) funding in respect of such child. H&F requires a period of one month’s notice that a child is leaving a setting and will therefore continue to fund a place for one-month post receiving written notification from the setting.

**Additional Support**

Additional funding support for inclusion of children with SEND may be available for Early Years Free Entitlement hours, as assessed by H&F Early Years Team

## Compliance

H&F can carry out checks and/or audits on providers to ensure compliance with the requirements of delivering the free entitlements.

H&F reserves the right to carry out spot-check audits to ensure compliance with this provider agreement and to detect false claims. Providers must maintain all attendance and finance records for a period of six years.

Providers must have at the audit copies of the following documents for the relevant time period:

* Parental declaration forms
* Parental change of attendance forms
* Children’s attendance records
* Samples s of invoices/charges to parents if applicable
* Documentation to prove the status of the setting, e.g. registered charity, incorporated company, private owner etc.
* Any other evidence that can be reasonably requested

Providers must follow all planning guidance and have appropriate planning permission in place.

Providers must comply with all environmental health legislation.

Providers should give H&F and parents at least one term notice in writing if they decide to stop offering Free Entitlements.

If a setting closes part way through a funding period, H&F requires providers to pay back unused Free Entitlements funding to enable children to access their place elsewhere.

## Termination and withdrawal of funding

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

Suspension of registration by Ofsted or a breach of statutory requirements or safeguarding issues may result in the termination of this agreement and withdrawal of Free Entitlements funding.

H&F may refuse to fund a provider if there are reasonable grounds to believe that they are not able to meet all of the terms and conditions of providing Free Entitlements as set out in this agreement and in section A3 of the Statutory Guidance

If this agreement is terminated the H&F shall: -

Not be liable to make any payments to the Provider, provided that notice of termination is duly given, until the costs, losses and/or damage arising from the termination have been calculated and it is apparent that such sum is due to the Provider.

Once the total costs (including loss or damage referred to above) shall have been calculated, recover any balance due to the Local Authority or alternatively pay to the Provider any balance due.

The rights of the Local Authority in addition to and without prejudice to any other rights and remedies the Local Authority may have arising from the termination.

If funding is removed or withdrawn H&F will remove the provider from the Provider Directory published on the Family Information Service website

## Appeals process

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

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

Where a provider wishes to appeal against the decision made to refuse their inclusion on the Council’s Provider Directory, the provider may submit supplementary evidence to:

* Clearly demonstrate that the organisation and management of the setting has changed sufficiently to make a new setting, rather than a rebranded setting.
* Clearly demonstrate that the new setting will be offering high quality free provision.

All information will be referred to H&F Early years team for consideration and a final decision will be made.

Where a provider has been removed from the Council’s Provider Directory due to an Ofsted ‘Inadequate/Not Met’ judgements and the provider wishes to appeal against the recommendation made by the Council in respect of the removal, the provider may submit evidence to:

* Clearly demonstrate that the information recorded is incorrect.
* Clearly demonstrate that there are insufficient free places available within their locality to meet the needs of the existing funded children.

All information will be referred to the H&F Early years team for consideration and a final decision will be made.

Where a provider is still dissatisfied with the response to the outcome of the decision made, they must inform the H&F Early years team who will pass this on to their Head of Service, who will investigate this further and should provide a full response within 15 working days.

## Complaints process

In the first instance parents should go to the Governors of that setting , however if the complaint is related to a funded place then the parent needs to contact a member of the Early Years Team.

The provider should ensure that they have a clear 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 H&F 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.

**Hammersmith and Fulham Complaints procedure:**

Stage 1

Contact the member of staff providing the service you want to complain about or their manager. Tell them the problem and they will try and sort it out. In many cases, they will deal with your complaint on the spot.

If this doesn’t happen, you can complain to the H&F InTouch team. This team is responsible for overseeing our complaints procedure and can advise you about making a complaint. Once your complaint has been recorded, we’ll respond within 15 working days.

Stage 2

If you are not satisfied with your Stage 1 response, write to the H&F InTouch team and explain why. Your Stage 1 response will explain how to do this. The H&F InTouch team will then consider your complaint and decide whether it will be recorded at Stage 2.

If your complaint is recorded at Stage 2, a senior member of staff will investigate and respond within 20 working days. If your complaint is not recorded at Stage 2, the H&F InTouch team will explain why.

Contact the H&F InTouch team

1) Online. Quick and easy to use. You can be sure we’ve received it; you’ll get a reference number; you can track the progress of your complaint online and you can email your designated caseworker once we’ve assigned your complaint.

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.

If a PVI’s then the process is the parent will contact the specific PVI directly and go through their complaint’s procedure.

|  |  |
| --- | --- |
| Name of setting: |  |
| Name of manager: |  |
| Signature: |  |
| Date: |  |

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