

NURSERY EDUCATION FUNDING

Early Years Provision Free of Charge and Free Childcare

Provider Agreement 2022/23



Contents

Page

1.	Introduction	1
2.	Legal Framework and Statutory Guidance	2
3.	Key Local Authority Responsibilities as set out by the DfE	3
4.	Key Provider Responsibilities as set out by the DfE	4
5.	Safeguarding	5
6.	Eligibility	6
7.	The Grace Period	8
8.	Flexibility	9
9.	Partnership Working	10
10.	Special Educational Needs and Disabilities	11
11.	Social Mobility and Disadvantage	12
12.	Quality for 2, 3 and 4 Year Olds	13
13.	Business Planning	15
14.	Charging	16
15.	Funding	17
16.	Compliance	20
17.	Termination and Withdrawal of Funding	21
18.	Appeal Process	22
19.	Complaint Process	23
20.	Useful Documents	24
21.	Useful Contacts	25
22.	Provider Agreement	26
	ANNEXE 1a and 1b - Parent Declaration Form for the free entitlements (Form EY4P)	
	ANNEXE 2 - Criteria for two year old funding	
	ANNEXE 3 - The Universal Offer for three and four year olds	
	ANNEXE 4 - The extended entitlement for working parents of three and four year olds	
	ANNEXE 5 - Data Protection Additional Explanatory Notes for Local Authorities and Providers	

1. Introduction

- 1.1 This document is applicable to all nurseries, pre-schools, maintained nurseries, childminders and childminder agencies delivering funded hours and therefore includes the local authority, private, voluntary, governor, academy, free school and independent sectors. Where a childminder is employed by a childminder agency, the childminder agency is deemed to be the provider in this document.
- 1.2 It is important that childcare providers (“Providers”) who are eligible to receive Nursery Education Funding understand their responsibilities under this Provider Agreement (“Agreement”) as it is based on the current law and statutory guidance issued by the Department for Education (DfE) and the new DfE model agreement which has been developed with early years providers and local authorities.
- 1.3 This agreement applies to the 15 hour entitlement for the most disadvantaged 2 year olds, the 15 hour entitlement for parents of all 3 and 4 year olds (the universal entitlement) and the 30 hours entitlement for working parents of 3 and 4 year olds (the extended entitlement).
- 1.4 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. South Gloucestershire Council 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.
- 1.5 Providers must abide by the law and requirements set out in the Department for Education’s Early Education and Childcare Statutory Guidance June 2018.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/718179/Early_education_and_childcare-statutory_guidance.pdf
- 1.6 This agreement will be kept under review and updated as necessary.
- 17 In order to be eligible to offer free childcare places, you must agree to comply with all the terms and conditions set out in this Agreement. Failure by a Provider to return the Declaration and comply with the terms of this Agreement may lead to the Provider having funding withheld or withdrawn permanently.

2. Legal Framework and Statutory Guidance

2.1 The following frameworks and legislation underpin this Agreement.

- Early Education and Childcare, Statutory Guidance for Local Authorities 2018
- Childcare Act 2006
- Childcare Act 2016
- Equality Act 2010
- School Admissions Code 2021
- Statutory Framework for the Early Years Foundation Stage 2014
- Local Authority (Duty to Secure Early Years Provision Free of Charge) Regulations 2014 amended in February 2018 by the Local Authority (Duty to Secure Early Years Provision Free of Charge) (Amendment) Regulations 2018 (S.I. 2018/146).
- The Childcare (Early Years Provision Free of Charge) (Extended Entitlement) Regulations 2016
- Special Educational Needs and Disability Code of Practice: 0-25 Years 2015
- Data Protection Act 2018 (see also Annexe 5)

3. Key Local Authority Responsibilities as set out by the DfE

- 3.1 Local authorities must secure a free entitlement place for every eligible child in their area.
- 3.2 The local authority should work in partnership with providers to agree how to deliver free entitlement places.
- 3.3 The local authority should be clear about their role and the support on offer locally to meet the needs of children with special educational needs and/or disabilities (SEND) as well as their expectations of providers.
- 3.4 The local authority must contribute to the safeguarding and promote the welfare of children and young people in their area.

4. Key Provider Responsibilities as set out by the DfE

- 4.1 The provider must comply with all relevant legislation and insurance requirements.
- 4.2 The provider should deliver the free entitlements consistently to all parents, whether in receipt of 15 or 30 hours and regardless of whether they opt to pay for optional services or consumables. This means that the provider should be clear and communicate to parents details about the days and times that they offer free places, along with their services and charges. Those children accessing the free entitlements should receive the same quality and access to provision.
- 4.3 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.
- 4.4 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 Early Years Inclusion Support Fund and Disability Access Fund to deliver effective support, whilst making information available about their SEND offer to parents.

5. Safeguarding

- 5.1 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/779401/Working_Together_to_Safeguard-Children.pdf
- 5.2 Providers are expected to comply with the requirements of the Local Children's Safeguarding Board, this includes completing and submitting the Annual Safeguarding Audit and the subsequent completion of an action plan to address any issues raised by that audit.
- 5.3 Where the local authority has significant concerns about the safeguarding practices in a setting or childminding agency, funding to the setting or childminding agency may be suspended until the Local Authority are satisfied the identified issues have been addressed and the children are safe.
- 5.4 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.
- 5.5 It is the responsibility of the childminding agency to ensure childminders registered with them are fully compliant with local safeguarding arrangements and training requirements. This includes ensuring the childminding agency submits the annual Safeguarding Audit for each childminder in the South Gloucestershire Local Authority area registered with them.
- 5.6 It is the responsibility of the childminding agency to inform the Local Authority of any safeguarding concerns which may lead to childminders registered with the agency being considered a risk to children. This will enable the Local Authority to consider the appropriateness of funding and continued placement of children with the childminder.

6. Eligibility

- 6.1 The provider should check original copies of documentation to confirm a child has reached the eligible age on initial registration for all free entitlements. The provider 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 Section 6 of the Parent Declaration for the Free Entitlements EY4P (Annexe 1a and 1b).
- 6.2 The provider should offer places to eligible two-year-olds (Annexe 2) on the understanding that the child remains eligible until they become eligible for the universal entitlement for three- and four-year-olds. Parents will be given an eligibility code on completion of a successful application for 2 year old funding through the Citizen Portal.
- 6.3 The provider can only allocate the free two year old place on receipt of a valid eligibility code.
- 6.4 Parents/carers can choose to keep taking their child's 15 hours universal (Annexe 3) and if eligible, a further 15 hours extended free entitlement funding (Annexe 4) until their child reaches compulsory school age (5 years old). Further information on school admissions can be obtained from South Gloucestershire Admissions on 01454 868008.
- 6.5 If a child starts attending school on a part-time staggered entry system, the Early Years entitlement is not available to claim. This means that parents/carers will have to pay for any hours a child attends once they have started school.
- 6.7 Alongside the 30 hour eligibility code, which is the child's unique 11-digit number, and original copies of documentation (see 6.1), a provider must acquire written consent from, or on behalf of, the parent (completion of Parent declaration for free entitlements form EY4P) to be able to receive confirmation and future notifications from the local authority of the validity of the parent's 30 hours eligibility code.
- 6.8 The local authority has provided a portal to confirm the validity of 30 hours eligibility codes to allow providers to offer 30 hours places for eligible three and four year olds.
- 6.9 Once a provider has received written consent from the parent, they should use the portal to verify the 30 hours eligibility code.
- 6.10 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 estimated dates as listed at the table 1 below). The local authority will notify a provider where a parent has fallen out of eligibility and inform them of the grace period end date, through the portal.

Table 1 – Suggested local authority audit dates

Audit	LA audit date from statutory guidance	Suggested LA audit window	Validity end dates	Grace Period End date
Spring: Mid-term	11 February	11 – 18 February	1 Jan – 10 February	31 March
Summer: Start of term	1 April	24 March - 1 April	11 Feb – 31 March	31 August
Summer: Mid-term	27 May	27 May – 2 June	1 April – 26 May	31 August
Autumn: Start of term	1 September	24 August - 1 September	27 May – 31 August	31 December
Autumn: Mid-term	22 October	22 October – 29 October	1 September – 21 October	31 December
Spring: Start of term	1 January	24 December - 6 January	22 October – 31 December	31 March

Note: HMRC will not issue validity end dates which fall between the 23rd month and 6th of the following month inclusive.

7. The Grace Period

- 7.1 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.
- 7.2 Local authorities will be able to access information about whether a child has ceased to meet the eligibility criteria and entered the grace period via the Eligibility Checking Service. The eligibility end date will automatically be applied to the eligibility codes.
- 7.3 The local authority should continue to fund a place for a child who enters the grace period, as long as they remain in the same setting as set out in the Early Education and Childcare Statutory guidance for Local Authorities 2018.
- 7.4 Places are not funded for children starting in or moving to a new setting when they are in their Grace Period.
- 7.5 The Local Authority following the eligibility audit will notify the provider that parents have fallen out of eligibility and of the relevant grace period. Funding will continue for the grace period and cease at the end of grace period unless the parent re-confirms during the grace period. This is in accordance with the Early Education and Childcare Statutory guidance for Local Authorities 2018.

8. Flexibility

- 8.1 Provision must be offered within the national parameters on flexibility as set out in Section A2 of the Early Education and Childcare Statutory Guidance for local authorities.
- 8.2 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 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.
- 8.3 Where possible, providers should offer flexible packages of free early education, subject to the following standards on flexibility:
- No session shall be longer than 10 hours
 - No minimum session length (subject to the requirements on the Ofsted Early years Register)
 - No session shall start before 6:00am and finish after 8:00pm
 - A maximum of two sites in a single day
- 8.4 Subject to the agreement of Parents with Providers free places can be delivered:
- Over up to 52 weeks of the year
 - Outside of maintained school times
 - At weekends
- 8.5 Where providers are not able to offer the full 15 or 30 hours per week funded entitlement, or do not operate at least 38 weeks per year, they must inform parents/carers that they can share funded hours entitlement between a maximum of two sites in a single day, so they can take the remainder of their entitled hours with another provider.
- 8.6 Where a parent is using more than one provider this should be identified on the Parental Declaration form (Annexe 1a and 1b) Also see funding section 15.5

9. Partnership Working

9.1 Partnerships are supported by local authorities on four levels between:

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

9.2 The local authority promotes partnership working between different types of providers with parents, carers and other providers to improve provision and outcomes for the 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.

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

9.3 The local authority will expect that all types of providers with funded places will work in partnership to maximise the benefits for children and offer flexibility in provision.

9.4 Partnership working will include parents and carers, children's centres, health visitors, LA staff, schools and other providers.

9.5 Providers are expected to signpost families to other services that may be of benefit to them.

9.6 Where a child's free entitlement is split between different providers, the providers should work closely with parents to agree how the child's overall care will be ensured in practice.

9.7 Where providers share personal information, appropriate procedures should be in place taking account of the Data Protection Act 2018. This means:

- Personal information is collected in order to process payments
- Individuals can choose what of the personal information may be made publicly available via the portal for future publication.
- Advertising and marketing their service availability.
- Data Protection South Gloucestershire Privacy – Statement is available at:

<http://www.southglos.gov.uk/council-and-democracy/data-protection-and-freedom-of-information/privacy-statement/>

10. Special Educational Needs and Disabilities

- 10.1 The local authority has a duty to plan strategically to support for children with special educational needs and/or disabilities (SEND) to meet the needs of all children in their local area in accordance with the Special Educational Needs and Disability Code of Practice: 0-25 years (January 2015)
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf
- 10.2 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.
- 10.3 The provider should be clear and transparent about the SEND support on offer at their setting and make information available about their offer to support parents to choose the right setting for their child with SEND.

11. Social Mobility and Disadvantage

- 11.1 The local authority has a duty to 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.
- 11.2 The provider should ensure that they have identified the disadvantaged children in their setting as part of the process for checking Early Years Pupil Premium (EYPP) eligibility. They will also use EYPP and any locally available funding streams or support to improve outcomes for this group.

12. Quality for 2, 3 and 4 Year Olds

- 12.1 Providers must be registered with Ofsted or be employed by an Ofsted registered Childminding Agency.
- 12.2 The Early Years Foundation Stage (EYFS) statutory framework is mandatory for all schools that provide early years provision and Ofsted-registered early years providers in England. The EYFS sets the standards that all early years providers must meet to ensure that children learn and develop well and are kept healthy and safe. Providers should pay particular attention to the requirements regarding the 2 year old development check, this can be found in Section 2, Assessment 2.5
- 12.3 If a child is 4 and their parents have elected to keep the child at the setting until they are of statutory school age, the setting must also follow the EYFS profile Assessment requirements as set out in Section 2, Assessment. Childminding Agencies and Settings should contact the Local Authority Early Years Team for advice on this.
- 12.4 Ofsted are the sole arbiter of quality for all free entitlements and Ofsted and inspectorates of independent schools have regard to the EYFS in carrying out inspections and report on the quality and standards of provision.
- 12.5 Providers who are rated 'Outstanding' or 'Good' by Ofsted can provide free places for eligible 2, 3 and 4 year old children. Providers rated 'Require Improvement' are given funding at the discretion of the Local Authority.
- 12.6 Ofsted registered providers who are rated 'Inadequate', 'Not Met' or 'Requires Improvement' are required to engage with their Setting Support Officer to agree ways to improve their grading.
- 12.7 A funded provider that is rated 'Inadequate' or 'Not Met' will have any funding withdrawn, unless there are exceptional circumstances. The Council will work with the provider and parents/carers to source alternative provision for children and funding will be withdrawn from the provider within a six week period of Ofsted inspection, or as soon as it is reasonably practicable.
- 12.8 The local authority will provide information, advice and training to Ofsted registered providers on meeting the requirements of the EYFS, meeting the needs of children with SEND and an effective safeguarding and child protection.
- 12.9 The local authority has a legal duty to provide information, advice and training to OFSTED registered providers 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.
- 12.10 Childminder Agencies must be rated as "Effective" in all areas by OFSTED, in order for childminders registered with them to access funding. Where an agency is rated as

“Ineffective” by OFSTED, the local authority will withdraw funding from the agency as a whole and any childminder who is registered with the agency and claiming funding.

- 12.11 It is the responsibility of the Childminding Agency to provide the advice, information and training required by childminders registered with them in order for the childminder to provide a high quality education and care. This should ensure that Agency childminders are able to provide the same quality of education and care as childminders rated ‘Good’ or better and should also include meeting the needs of children with SEND and safeguarding.
- 12.12 Childminders registered with a childminding agency are not inspected by OFSTED and therefore do not have an overall grade which demonstrates they are providing high quality care and education. It is therefore a requirement of the Provider Agreement that Agencies provide the Local Authority with an annual summary of the quality of provision provided by childminders registered with them and claiming funding from the LA. When the agency consider a childminder requires further improvement in order to meet the agency standards, an outline of the support being provided to the childminder should be shared with the Local Authority through the Senior Education Adviser (Early Years Manager). In the event the childminder is unable to make the improvements required by the agency, the Local Authority will, in consultation with the agency, consider whether funding should be discontinued for that childminder.
- 12.13 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.

13. Business Planning

- 13.1 The local authority should 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.
- 13.2 The Spring term 'actual' headcount submission provides the data for the January Census which determines DSG funding for the Early Years Block to the Local Authority for the academic year. If an incorrect submission results in a reduction in funding of the Early Years Block this may be recovered from the provider.
- 13.3 The local authority should not charge providers disproportionate penalties for providing late, inaccurate 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.
- 13.4 The local authority should not carry out audit regimes which are disproportionate or are unnecessarily burdensome to providers.
- 13.5 The providers 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.
- 13.6 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 restrictions.
- 13.7 The provider must keep their information up to date on the Provider Portal.

14. Charging

- 14.1 Government funding is intended to cover the cost to deliver 15 or 30 hours a week of free, high quality, flexible childcare. It is not intended to cover the cost of meals, consumables, additional hours or additional services.
- 14.2 The provider can charge for meals and snacks as part of a free entitlement place and they can also charge for consumables such as nappies or sun cream and for services such as trips and 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.
- 14.3 The provider should deliver the free entitlements consistently so that all children accessing any of the free entitlements will receive the same quality and access to provision, regardless of whether they opt to pay for optional hours, services, meals or consumables.
- 14.4 The local authority 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. The provider should be completely transparent about any additional charges.
- 14.5 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.
- 14.6 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.
- 14.7 The provider cannot charge parents "top-up" fees (the difference between a provider's usual fee and the funding they receive from the 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.
- 14.8 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.

15. Funding

- 15.1 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. (see also 15.14)
- 15.2 Funding will continue to be allocated in accordance with the provider timetable on the VLE (the provider timetable is subject to change following the outcome of any further consultation on the timing of payments).
- 15.3 Rates:
The Early Years Single Funding Formula (EYSFF) determines the baseline and deprivation rates by which the council funds providers for free funded places. New providers are informed of such rates upon first receipt of the headcount form and at the start of the financial year. Providers will be consulted on any future proposals. Further information on the EYSFF can be found in the Statutory Guidance, Section 7: Early Years Single Funding Formula or by contacting the NEF Central Finance Team.
- 15.4 Minimum Hours:
Providers can offer the 15 hours over a minimum of 2 days per week. This is also the minimum number of days per week a provider has to operate on to be eligible to offer the funded places.
- 15.5 Maximum Hours:
The maximum number of hours a provider can claim from South Gloucestershire Council (“the Council”) for a funded child is as follows:
- 2 year old and 3 / 4 year old universal provision 15 hours per week calculated on the basis of the child attending for 38 weeks per year. Funding must not be more than 570 hours over a 52 week period. No more than 15 hours per week will be funded under any circumstances.
 - 3 / 4 year olds with universal 15 hours and 15 hours extended provision 30 hours per week calculated on the basis of the child attending for 38 weeks per year. Funding must not be more than 1140 hours over a 52 week period. No more than 30 hours per week and/or 10 hours per day will be funded under any circumstances.
- 15.6 Hours shared between providers:
Should a parent/carer claim more than the permitted maximum free entitlement hours per term at more than one provider, the Council will apportion the total hours between providers.
- 15.7 Attendance:
Providers must maintain an up to date record of attendance for all children for whom they provided funded places and make it available to the Council when required, along with other monitoring information. The Council shall ensure that providers are not penalised by withdrawing funding for short term absences, but it shall use its discretion in relation to

recurring or extended periods of absence, taking into account the reason for absence and the impact on the provider.

15.8 Short term absence:

Providers can retain free entitlement if a child is absent for up to 5 consecutive days without a written explanation from a parent/carer, or if a child is absent for 5-20 consecutive days, provided they have a written explanation from the parent/carer. If a child is absent for more than 20 consecutive days, providers should notify the Council to decide whether funding should be stopped.

On days where a child is absent due to sickness, holiday or adverse weather conditions, it is at the discretion of the provider as to whether to offer the funded hours at a later date. However, the provider must not withhold funded hours paid for by the Council and still charge the parent/carer on such days.

15.9 Notice Periods:

If a parent/carer withdraws their child, without giving notice part way through a term, providers can claim funding for their published notice period up to a maximum of 4 weeks (a maximum of 60 hours, if the child was accessing the full 15 hours and a maximum of 120 hours, if a child is accessing the 30 hours extended provision). The parent/carer should be made aware that this is likely to reduce free entitlement hours they can claim at their new provider and that they may subsequently be billed for the excess hours.

If a parent/carer withdraws without giving less than 4 weeks' notice before the end of term, the notice would run into the following term. This means the provider may claim funding if the parent/carer has signed the parental declaration form committing to attend the new term. If the parent/carer has not signed the parental declaration form, then the providers claim in lieu of notice. This is limited to the remaining weeks of the current term. It is a private matter if the provider wishes to pursue unfunded notice periods from the parent/carer.

15.10 Leavers

It is the responsibility of the provider that the child has left to inform the NEF Central Finance Team of the last date of attendance. Any remaining funding will be returned to the Council.

15.11 Days where the provider is unable to operate:

On days where the provider is unable to operate, for reasons such as training or adverse weather conditions, the provider should offer an alternative to the funded hours missed if reasonably practical. In such circumstances, parents/carers can be charged in the same manner as if the provision was open and the funded hours could still be accounted for on this day. This is only if it is not practically possible for the provider to make any alternative arrangements.

15.12 Lunch:

The duration of any lunch break can be included as part of the funded hours. Where it is reasonably practical for the setting, parents/carers should be given the option of providing a packed lunch. Providers can make a reasonable charge for food that is supplied as part of a

meal; the charge to parents accessing a free place should be the same as to other parents. This will avoid any bias and bad feeling. Funding for lunches for 2, 3 and 4 year olds is not provided by the Council unless the child is eligible for Free School Meals and is a registered pupil at a maintained nursery or school, and attends the early years provision both before and after lunch.

15.13 Parent Declaration Form (EY4P):

Free entitlement funding may only be claimed in respect of children for whom the provider holds a current signed parent declaration form (EY4P). This shows the agreed number and pattern of free entitlement hours to be attended and must be signed by the parent/carer and provider on a termly basis. The form must be completed before the child starts their sessions.

Providers must check documentation that verifies age appropriate funding. Providers are responsible for ensuring all parents sign and understand the conditions of the EY4P (Parental Declaration Form) provided by NEF Central Finance Team. The privacy notice must be available for parents/carers to read.

15.14 Claim Process:

There are 3 terms per year for accounting purposes with the following start and end dates:

- Spring Term 1 January – 31 March (12 weeks)
- Summer Term 1 April – 31 August (13 weeks)
- Autumn Term 1 September – 31 December (13 weeks)

Providers are required to submit 3 claims per term in accordance with a published timetable.

- Estimated claim (70%) – an estimate of the total number of hours that children are expected to attend during a term.
- Actual claim – the actual number of hours that children will attend during a term based on those children in attendance in a headcount week.
- Final claim – the actual number of hours attended by children who started/left after the headcount date and were included in the actual claims. Failure to submit a claim by the published deadline may result in that claim being paid on the next available published payment deadline but may not be processed (see 15.15).

15.15 Headcount form:

The headcount form is an auditable document and must be completed accurately and in full. The provider is responsible for submitting the correct details through a portal. Late or incomplete headcount submissions and requests for subsequent amendments may not be processed. If incomplete returns are submitted, this may result in payments not being made on time.

The Local Authority has the discretion but does not have to honour late headcount claims and amendment submissions or subsequent requests to correct errors for under claims.

16. Compliance

- 16.1 The local authority can carry out checks and audits on providers to ensure compliance with the requirements of delivering the funded entitlement. The provider should maintain accurate financial and non-financial records relating to the funded provision of places.
- 16.2 Providers must allow officials from the council to visit the premises at all reasonable times and make available the provider's records upon reasonable request to ensure that the provider is using public funds paid to them for the provision of free childcare places in an appropriate and lawful manner and in accordance with the term of this Agreement.
- 16.3 Providers are required to maintain a specific bank account for their setting, funding will only be paid into this account.
- 16.4 Providers must retain records regarding children for whom the funding is provided for a minimum period of 6 years after the child has left the setting.
- 16.5 An annual Early Years Census and Childcare Sufficiency Assessment must be completed by the provider, in full during the term time requested by the Council. The parameters of the Census are determined by the DfE. Fair notice will be given to providers, but failure to return the Census forms by the date stated by may result in funding being suspended by the Council.
- 16.6 In compliance with the Equality Act 2010, information on ethnicity, gender and disability will be submitted by providers as requested via the termly headcount form, the annual Early Years Census and any other methods determined by the Council.

17. Termination and Withdrawal of Funding

17.1 Providers may have payments suspended or terminated for:

- suspension of Ofsted registration
- suspension of the childminder agency by Ofsted
- suspension of the childminder by the childminder agency
- breach of statutory requirements
- safeguarding concerns
- breach of this Agreement
- The childminding agency failing to meet the requirements set down by Ofsted

17.2 The Authority will advise the provider that funding is being withdrawn.

17.3 The provider can appeal against a decision to withhold funding.

18. Appeal Process

- 18.1 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.
- 18.2 Providers can appeal against a decision to refuse access to, or the removal from free funded childcare places in writing in the first instance to the Strategic Head School Place Planning, South Gloucestershire Council

19. Complaint Process

- 19.1 South Gloucestershire Council are committed to ensuring that providers receive the information, advice and guidance they require to meet the requirements laid down by the law, statutory guidance and this Provider Agreement.
- 19.2 If providers or parents/carers believe that the requirements of the law, statutory guidance or this Providers Agreement are not met, they can in the first instance complain to:
- South Gloucestershire Council
Department for Children, Adults and Health
Early Years
PO Box 1955
Bristol
BS37 0DE
- 19.3 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.
- 19.4 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.

20. Useful Documents

It is important that you have carefully read the documents listed below. Copies of the following publications can be obtained free of charge by telephoning the DfE Publications Centre on 0800 602 2260 or fax 0845 603 3360 or by emailing dfepubs@prolog.uk.com

- Early Education and Childcare: Statutory Guidance for Local Authorities
- Special Educational Needs Code of Practice
- Early Years Foundation Stage Statutory Framework (EYFS) (Published March 2014 updated March 2017) and as reviewed and updated by the DfE
- Working together to Safeguard Children

Hard copies of documents can be obtained from the DfE at:

DfE Publications

PO Box 5050
Sherwood Park
Annesley
Nottingham
NG 15 0DJ

Relevant OFSTED publications

Relevant OFSTED publications are available from www.ofsted.gov.uk Publications

Other useful publications/resources

The following useful documents can be obtained from the DfE:

- Next Steps for Early Learning and Childcare. Building on the 10 Year Strategy
- Information on the Dedicated Schools Grant (DSG)

21. Useful Contacts

Contact Centre Service: 01454 868008

Provider/parent/carer queries on free funded places for 2, 3 and 4 year olds, eligibility, local agreement, advice and guidance.

Planning & Policy: 01454 862368

Business & Finance Development Officer: Eligibility and application process.

Early Years Team: 01454 863355

Contact your Setting Support Officer or request support from an Early Intervention Officer.

Early Years Finance: 01454 863394

Finance Officer: Processing headcount claims, payments to providers, advice and guidance.

22. Provider Agreement

Provider Agreement on free Childcare Places 2022/23

Delivering Funded Nursery Education for 2, 3 and 4 year olds

Please complete this section in BLOCK CAPITALS and in BLACK INK

Where you are providing personal information please refer to section 9.7

Provider Name	
Provider address where children attending	
Provider Postcode	
Name of person in day to day charge and position held (e.g. manager (owner), manager (employee))	
Provider Telephone Number	
Provider Email Address	
Contact Details (optional) If you complete this section, it authorises South Gloucestershire to publish your contact details on our website. This will help parents identify providers in their local area. Please x if you agree to any of them being displayed.	Address <input type="checkbox"/> Phone Number <input type="checkbox"/> Email Address <input type="checkbox"/>
Type of Establishment (please indicate)	Provider Sector (please put a cross on one only)
Registered Charity (Charity Commission Registration Number):	Childminder Agency Private Provider
Committee led, not for profit Organisation (Name of Organisation):	Voluntary Managed Committee
Partnership (Name of Partners):	Maintained School Nursery
Other (Please Describe)	Governor Run
	Independent School
	Academy
Provision Offered 2022/23 academic year (Optional). If you complete this section it authorises South Gloucestershire to publish the details of the provision you are offering on our website. This will help parents identify providers that will meet there needs.	Please put a cross against each type of provision offered
Provision Offered 2022/23 academic year (Compulsory). Providers will also be responsible for keeping their information in compulsory fields on the Portal up to date as further releases of the Portal become available.	2 Year Old Free Childcare 15 Hours
	3 Year Old Universal Childcare 15 Hours
	3 Year Old Extended Childcare 15 Hours
	Tax Free Childcare
Day Care Type (e.g. Day Nursery)	

Please provide your OFSTED Registration Number (URN): If applicable. This does not apply to childcare providers who are exempt from registration	
--	--

Please complete and return Section 22 pages 26 and 27 of the Provider Agreement to the NEF Central Finance Team:

South Gloucestershire Council
 Chief Executive and Corporate Resources
 Finance & Customer Services
 Nursery Education Funding
 PO Box 1953
 Bristol
 BS37 0DB

Or print and scan to: corpcypfinance@southglos.gov.uk

The person authorised to sign for your establishment must sign the following declaration:

- I certify that this provision conforms to all the conditions of eligibility for registration for 2022/23 and that this provider will ensure all elements are met
- I have read carefully the various documents referred to in this Agreement
- I agree to the terms and conditions in the Provider Agreement 2022/23
- I understand that, as a provider, if we fail to meet the conditions set, the Council will withdraw funding and require the repayment of the whole or part of any funding we have been paid in respect of the provision of free places

Setting Name:

Contact Name:

Position:

Signature:

Date:

Data Protection South Gloucestershire Council Privacy Statement see section 9.7

Parent declaration for the free entitlements 2022/23

1: Your Child's Details

Child's Legal Family Name:		Child's Legal Forename(s):	
Name by which the child is known (if different from above):			
Date of Birth:		Gender:	
Address:		Postcode:	

Your chosen provider will need to see proof of your child's date of birth.

Please tick which document you will provide with this form:

Birth Certificate	Passport
-------------------	----------

2: Your Details (parents/carers)

Parent / Carer 1	Parent / Carer 2
Legal Family Name:	Legal Family Name:
Legal Forename:	Legal Forename:
Date of Birth:	Date of Birth:
NI or NASS Number:	NI or NASS Number:

3: Your Child's Eligibility

To be completed with assistance from your chosen provider(s) if needed. Please tick below

2-year-old application	3- & 4-year old application
-------------------------------	--

Some 2-year-olds are entitled to 570 free hours a year. All 3- and 4-year-olds are entitled to 570 hours a year (universal entitlement) and some 3- and 4-year-olds from working families may be entitled to an additional 570 hours (extended or 30 hours entitlement) a year. See note 1, page 6.

Disability Access Fund

If your child is 3 or 4, is receiving child Disability Living Allowance and is receiving the free entitlement, he or she is eligible for the Disability Access Fund (DAF). DAF is paid to your child's early years provider. The purpose of DAF is to support providers to make reasonable adjustments and build the capacity of their setting to support children with disabilities. See note 3 on page 6.

Is your child eligible for and in receipt of Disability Living Allowance (DLA)? Please tick below

Yes	No
-----	----

Early Years Pupil Premium

Additional funding may be available through the Early Years Pupil Premium (EYPP), paid to early years providers for the provision of extra support for your child. EYPP is used to improve teaching and learning facilities and resources so as to impact positively on your child's progress and development. See notes 2 on page 6 or speak to your childcare provider.

Do you wish to apply for EYPP for your child? Please tick below

Yes	No
-----	----

4: Document Check

Documentary proof of DoB Type (e.g. Birth Certificate, Passport):		Document recorded by (name of staff member):	
Date document recorded (dd/mm/yyyy):		30 hours eligibility code: (e.g. 12345678912)	
		2-year-old eligibility code:	

5: Setting and Attendance Details

You need to agree and complete this declaration form with each setting your child attends for their early education entitlement in order to ensure that funding is paid fairly to each of them.

Your child can attend a maximum of two sites in a single day and if your child attends more than one setting we will distribute the funding appropriately between the settings.

My child is attending the following settings:

Setting Name(s) As registered with Ofsted	Please enter total free entitlement hours attended per day					Total number of hours per week	Number of weeks this term
	Mon	Tue	Wed	Thur	Fri		
A							
B							
C							
Total Daily Free Hours Attended							

If your child is splitting their free entitlement across two or more settings please nominate the main setting where the local authority should pay the DAF:

.....

6: Parent/Carer/Guardian with Legal Responsibility Declaration

Declaration: I (name)

of (address)

.....

.....

I confirm that the information I have provided above is accurate and true. I understand and agree to the conditions set out in this document and I authorise (Name of Provider/s)

.....

to claim free entitlement funding as agreed above on behalf of my child.

I confirm that should my child leave this provision I will abide by the notice period of this provider (up to a maximum of 4 weeks). If I do not abide by the notice period, I understand that I may not be able to access my full free entitlement for a particular term.

I confirm that I have received detailed information on fees charged for hours attended outside of my free entitlement hours and fees for any additional service offered i.e. lunch, trips etc. and that I understand I will have to pay fees for those services.

Parent/Carer/Guardian with legal responsibility		Childcare Provider	
Signed		Signed	
Print name		Print name	
Date		Date	

In collecting your data for the purposes of checking your eligibility for the 2-year-old, or 3 & 4-year-old universal and extended free entitlements, Early Years Pupil Premium (EYPP) or Disability Access Fund (DAF) (see notes 1 – 3), South Gloucestershire Council is exercising the function of a government department. South Gloucestershire Council is authorised to collect this data pursuant to Section 13 of the Childcare Act 2006.

Data Privacy

The Data Protection Act 2018 (the Act) puts in place certain safeguards regarding the use of personal data by organisations, including the Department for Education, local authorities, schools and other early education providers. The Act gives rights to those about whom data is held (known as data subjects), such as pupils, their parents and teachers. This includes:

- The right to know the types of data being held
- Why it is being held; and
- To whom it may be disclosed

Should you have any concerns relating to how your information or the information relating to your child/ren is being or will be used, please contact your provider or South Gloucestershire Council. Please note that information about whether a child is in receipt of Disability Living Allowance is, under the Act, Special Category Data which should be handled appropriately. Further information is available at:

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/principles/data-minimisation/?q=principle+3>

Privacy Notice - Data Protection Legislation

Our setting is a data controller for the purposes of the Data Protection Act. The personal information you provide is used to:

- Administer Nursery Education Grant;
- Support your child's teaching and learning;
- Monitor and report on your child's progress;
- Provide appropriate pastoral care, and
- Assess how well your child's setting is doing.
- Statistics (won't identify you or your child)

The information will be retained for 6 years following the last year your child was entitled to funding.

If you require more information about how the Local Authority (LA) and/or DfE store and use your information, then please go to the following websites:

[Data protection policy | South Gloucestershire Council](#)

-[this link](#) to the gov.uk webpage on how the department collects and shares data

Data Protection Legislation. This information is being collected for the purpose of administering the Free Entitlement for two, three and four year olds and for use by the Department for Education. The information collected may also be used for the wider purpose of providing statistical data used to assist with monitoring provision and/or determining need in order to target resources. We will not give information about you to anyone outside the setting without your consent unless the law and our rules allow us to.

If you are unable to access these websites please contact the setting first directly and then the Local Authority as follows:

Business and Finance Development Officer
 Planning and Policy
 Education Learning and Skills
 South Gloucestershire Council
 Email: twovearoldfunding@southglos.gov.uk

Parent Notes

Eligibility Criteria for the Free Entitlements

Note 1: eligibility criteria for the free entitlements for 2- 3-and 4-year-old children and tax free childcare can be found online:

www.southglos.gov.uk/freechildcare

Note 2: Early Years Pupil Premium (EYPP) is an additional sum of money paid to childcare providers for 3- and 4-year-olds of families in receipt of certain benefits or caring for looked after children. Further information can be found on our website [Early years pupil premium | South Gloucestershire \(southglos.gov.uk\)](https://www.southglos.gov.uk/early-years-pupil-premium).

Note 3: 3- and 4-year-old children who are in receipt of child Disability Living Allowance (DLA and are receiving free early education are eligible for the **Disability Access Fund (DAF)**. DAF is paid to the child's setting as a fixed annual sum of £800.

Further information about DAF and EYPP is included in the Operational Guide for Local Authorities 2022-2023, which can be found in sections 7 and 8 of the link below

[Early years entitlements: local authority funding of providers operational guide 2022 to 2023 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/early-years-entitlements-local-authority-funding-of-providers-operational-guide-2022-to-2023)

Alternatively, for more information please speak to your childcare provider or The Contact Centre at South Gloucestershire Council Tel 01454 868008

Parent declaration for the free entitlements 2022/23

1: Your Child's Details

Child's Legal Family Name:		Child's Legal Forename(s):	
Name by which the child is known (if different from above):			
Date of Birth:		Gender:	
Address:		Postcode:	

Your chosen provider will need to see proof of your child's date of birth.

Please tick which document you will provide with this form:

Birth Certificate	Passport
-------------------	----------

2: Your Details (parents/carers)

Parent / Carer 1	Parent / Carer 2
Legal Family Name:	Legal Family Name:
Legal Forename:	Legal Forename:
Date of Birth:	Date of Birth:
NI or NASS Number:	NI or NASS Number:

3: Your Child's Eligibility

To be completed with assistance from your chosen provider(s) if needed. Please tick below

2-year-old application	3- & 4-year old application
-------------------------------	--

Some 2-year-olds are entitled to 570 free hours a year. All 3- and 4-year-olds are entitled to 570 hours a year (universal entitlement) and some 3- and 4-year-olds from working families may be entitled to an additional 570 hours (extended or 30 hours entitlement) a year. See note 1, page 9.

Disability Access Fund

If your child is 3 or 4, is receiving child Disability Living Allowance and is receiving the free entitlement, he or she is eligible for the Disability Access Fund (DAF). DAF is paid to your child's early years provider. The purpose of DAF is to support providers to make reasonable adjustments and build the capacity of their setting to support children with disabilities. See note 2 on page 9.

Is your child eligible for and in receipt of Disability Living Allowance (DLA)? Please tick below

Yes	No
-----	----

Early Years Pupil Premium

Additional funding may be available through the Early Years Pupil Premium (EYPP), paid to early years providers for the provision of extra support for your child. EYPP is used to improve teaching and learning facilities and resources so as to impact positively on your child's progress and development. See note 3 on page 9 or speak to your childcare provider.

Do you wish to apply for EYPP for your child? Please tick below

Yes	No
-----	----

4: Document Check

Documentary proof of DoB Type (e.g. Birth Certificate, Passport):		Document recorded by (name of staff member):	
Date document recorded (dd/mm/yyyy):		30 hours eligibility code: (e.g. 12345678912)	
		2-year-old eligibility code:	

5: Setting and Attendance Details Autumn 2022

You need to agree and complete this declaration form with each setting your child attends for their early education entitlement in order to ensure that funding is paid fairly to each of them.

Your child can attend a maximum of two sites in a single day and if your child attends more than one setting we will distribute the funding appropriately between the settings.

My childis attending the following settings:

Setting Name(s) As registered with Ofsted	Please enter total free entitlement hours attended per day					Total number of hours per week	Number of weeks this term
	Mon	Tue	Wed	Thur	Fri		
A							
B							
C							
Total Daily Free Hours Attended							

If your child is splitting their free entitlement across two or more settings please nominate the main setting where the local authority should pay the DAF:

.....

6: Parent/Carer/Guardian with Legal Responsibility Declaration Autumn 2022

Declaration: I (name)

of (address)

.....

.....

confirm that the information I have provided above is accurate and true. I understand and agree to the conditions set out in this document and I authorise (Name of Provider/s)

.....

to claim free entitlement funding as agreed above on behalf of my child.

I confirm that should my child leave this provision I will abide by the notice period of this provider (up to a maximum of 4 weeks). If I do not abide by the notice period, I understand that I may not be able to access my full free entitlement for a particular term.

I confirm that I have received detailed information on fees charged for hours attended outside of my free entitlement hours and fees for any additional service offered i.e. lunch, trips etc. and that I understand I will have to pay fees for those services.

Parent/Carer/Guardian with legal responsibility		Childcare Provider	
Signed		Signed	
Print name		Print name	
Date		Date	

In collecting your data for the purposes of checking your eligibility for the 2-year-old, or 3 & 4-year-old universal and extended free entitlements, Early Years Pupil Premium (EYPP) or Disability Access Fund (DAF) (see notes 1 – 3), South Gloucestershire Council is exercising the function of a government department. South Gloucestershire Council is authorised to collect this data pursuant to Section 13 of the Childcare Act 2006.

Data Privacy

The Data Protection Act 2018 (the Act) puts in place certain safeguards regarding the use of personal data by organisations, including the Department for Education, local authorities, schools and other early education providers. The Act gives rights to those about whom data is held (known as data subjects), such as pupils, their parents and teachers. This includes:

- The right to know the types of data being held
- Why it is being held; and
- To whom it may be disclosed

Should you have any concerns relating to how your information or the information relating to your child/ren is being or will be used, please contact your provider or South Gloucestershire Council. Please note that information about whether a child is in receipt of Disability Living Allowance is, under the Act, Special Category Data which should be handled appropriately. Further information is available at:

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/principles/data-minimisation/?q=principle+3>

Also please read Privacy Notice – Data protection Legislation on page 9

5: Setting and Attendance Details Spring 2023

You need to agree and complete this declaration form with each setting your child attends for their early education entitlement in order to ensure that funding is paid fairly to each of them.

Your child can attend a maximum of two sites in a single day and if your child attends more than one setting we will distribute the funding appropriately between the settings.

My childis attending the following settings:

Setting Name(s) As registered with Ofsted	Please enter total free entitlement hours attended per day					Total number of hours per week	Number of weeks this term
	Mon	Tue	Wed	Thur	Fri		
A							
B							
C							
Total Daily Free Hours Attended							

If your child is splitting their free entitlement across two or more settings please nominate the main setting where the local authority should pay the DAF:

.....

6: Parent/Carer/Guardian with Legal Responsibility Declaration Spring 2023

Declaration: I (name)

of (address)

.....

.....

confirm that the information I have provided above is accurate and true. I understand and agree to the conditions set out in this document and I authorise (Name of Provider/s)

.....

to claim free entitlement funding as agreed above on behalf of my child.

I confirm that should my child leave this provision I will abide by the notice period of this provider (up to a maximum of 4 weeks). If I do not abide by the notice period, I understand that I may not be able to access my full free entitlement for a particular term.

I confirm that I have received detailed information on fees charged for hours attended outside of my free entitlement hours and fees for any additional service offered i.e. lunch, trips etc. and that I understand I will have to pay fees for those services.

Parent/Carer/Guardian with legal responsibility		Childcare Provider	
Signed		Signed	
Print name		Print name	
Date		Date	

In collecting your data for the purposes of checking your eligibility for the 2-year-old, or 3 & 4-year-old universal and extended free entitlements, Early Years Pupil Premium (EYPP) or Disability Access Fund (DAF) (see notes 1 – 3), South Gloucestershire Council is exercising the function of a government department. South Gloucestershire Council is authorised to collect this data pursuant to Section 13 of the Childcare Act 2006.

Data Privacy

The Data Protection Act 2018 (the Act) puts in place certain safeguards regarding the use of personal data by organisations, including the Department for Education, local authorities, schools and other early education providers. The Act gives rights to those about whom data is held (known as data subjects), such as pupils, their parents and teachers. This includes:

- The right to know the types of data being held
- Why it is being held; and
- To whom it may be disclosed

Should you have any concerns relating to how your information or the information relating to your child/ren is being or will be used, please contact your provider or South Gloucestershire Council. Please note that information about whether a child is in receipt of Disability Living Allowance is, under the Act, Special Category Data which should be handled appropriately. Further information is available at:

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/principles/data-minimisation/?q=principle+3>

Also please read Privacy Notice – Data protection Legislation on page 9

5: Setting and Attendance Details Summer 2023

You need to agree and complete this declaration form with each setting your child attends for their early education entitlement in order to ensure that funding is paid fairly to each of them.

Your child can attend a maximum of two sites in a single day and if your child attends more than one setting we will distribute the funding appropriately between the settings.

My childis attending the following settings:

Setting Name(s) As registered with Ofsted	Please enter total free entitlement hours attended per day					Total number of hours per week	Number of weeks this term
	Mon	Tue	Wed	Thur	Fri		
A							
B							
C							
Total Daily Free Hours Attended							

If your child is splitting their free entitlement across two or more settings please nominate the main setting where the local authority should pay the DAF:

.....

6: Parent/Carer/Guardian with Legal Responsibility Declaration Summer 2023

Declaration: I (name)

of (address)

.....
.....

confirm that the information I have provided above is accurate and true. I understand and agree to the conditions set out in this document and I authorise (Name of Provider/s)

.....

to claim free entitlement funding as agreed above on behalf of my child.

I confirm that should my child leave this provision I will abide by the notice period of this provider (up to a maximum of 4 weeks). If I do not abide by the notice period, I understand that I may not be able to access my full free entitlement for a particular term.

I confirm that I have received detailed information on fees charged for hours attended outside of my free entitlement hours and fees for any additional service offered i.e. lunch, trips etc. and that I understand I will have to pay fees for those services.

Parent/Carer/Guardian with legal responsibility		Childcare Provider	
Signed		Signed	
Print name		Print name	
Date		Date	

In collecting your data for the purposes of checking your eligibility for the 2-year-old, or 3 & 4-year-old universal and extended free entitlements, Early Years Pupil Premium (EYPP) or Disability Access Fund (DAF) (see notes 1 – 3), South Gloucestershire Council is exercising the function of a government department. South Gloucestershire Council is authorised to collect this data pursuant to Section 13 of the Childcare Act 2006.

Data Privacy

The Data Protection Act 2018 (the Act) puts in place certain safeguards regarding the use of personal data by organisations, including the Department for Education, local authorities, schools and other early education providers. The Act gives rights to those about whom data is held (known as data subjects), such as pupils, their parents and teachers. This includes:

- The right to know the types of data being held
- Why it is being held; and
- To whom it may be disclosed

Should you have any concerns relating to how your information or the information relating to your child/ren is being or will be used, please contact your provider or South Gloucestershire Council. Please note that information about whether a child is in receipt of Disability Living Allowance is, under the Act, Special Category Data which should be handled appropriately. Further information is available at:

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/principles/data-minimisation/?q=principle+3>

Also please read Privacy Notice – Data protection Legislation on page 9

Privacy Notice - Data Protection Legislation

Our setting is a data controller for the purposes of the Data Protection Act. The personal information you provide is used to:

- Administer Nursery Education Grant;
- Support your child's teaching and learning;
- Monitor and report on your child's progress;
- Provide appropriate pastoral care, and
- Assess how well your child's setting is doing.
- Statistics (won't identify you or your child)

The information will be retained for 6 years following the last year your child was entitled to funding.

If you require more information about how the Local Authority (LA) and/or DfE store and use your information, then please go to the following websites:

[Data protection policy | South Gloucestershire Council](#)

-[this link](#) to the gov.uk webpage on how the department collects and shares data

Data Protection Legislation. This information is being collected for the purpose of administering the Free Entitlement for two, three and four year olds and for use by the Department for Education. The information collected may also be used for the wider purpose of providing statistical data used to assist with monitoring provision and/or determining need in order to target resources. We will not give information about you to anyone outside the setting without your consent unless the law and our rules allow us to.

If you are unable to access these websites please contact the setting first directly and then the Local Authority as follows:

Business and Financer Development Officer

Planning and Policy

Education Learning and Skills

South Gloucestershire Council

Email: twovearoldfunding@southglos.gov.uk

Parent Notes

Eligibility Criteria for the Free Entitlements

Note 1: eligibility criteria for the free entitlements for 2- 3-and 4-year-old children and tax free childcare can be found online:

www.southglos.gov.uk/freechildcare

Note 2: **Early Years Pupil Premium (EYPP)** is an additional sum of money paid to childcare providers for 3- and 4-year-olds of families in receipt of certain benefits or caring for looked after children. Further information can be found on our website [Early years pupil premium | South Gloucestershire \(southglos.gov.uk\)](#).

Note 3: 3- and 4-year-old children who are in receipt of child Disability Living Allowance (DLA and are receiving free early education are eligible for the **Disability Access Fund (DAF)**. DAF is paid to the child's setting as a fixed annual sum of £800.

Further information about DAF and EYPP is included in the Operational Guide for Local Authorities 2022-2023, which can be found in sections 7 and 8 of the link below

[Early years entitlements: local authority funding of providers operational guide 2022 to 2023 - GOV.UK \(www.gov.uk\)](#)

Alternatively, for more information please speak to your childcare provider or The Contact Centre at South Gloucestershire Council Tel 01454 868008

ANNEXE 2

Criteria for 2 Year Old Funding

2 year olds who meet the eligibility criteria set out below are entitled to a funded place for 15 hours per week

Eligible 2 year olds can commence a funded place from the start of the first term after their second birthday, or at any point after. This entitlement shall remain until the child becomes eligible for a funded place from the start of the term after the child turns 3 years old. From 1 April 2015, 2 year old funding became participant based and 2 year olds will be funded by the authority where they are receiving early education/childcare.

A 2 year old will be eligible for funding if the family are entitled to one of the following benefits:

1. Working Tax Credits and have an annual gross earnings of no more than £16,190
2. Universal Credit - if you and your partner have a combined income from work of less than £15,400 a year after tax
3. Income Support
4. Income based Job Seekers Allowance
5. Income related Employment and Support Allowance
6. The Guarantee Element of State Pension Credit (from 30 April 2005)
7. Support under Part VI of the Immigration and Asylum Act 1999
8. the Working Tax Credit 4-week run on (the payment you get when you stop qualifying for Working Tax Credit)

Or if the child meets any of the following:

1. The child is on the Child Protection Register
2. The child has a current statement of Special Educational Needs (SEN) or an Education, Health and Care Plan
3. The child attracts Disability Living Allowance (DLA)
4. The child is looked after by a Local Authority
5. The child has left care through a special guardianship, adoption or residence order.

Or if the parent is a non-EEA citizen who cannot claim benefits and is getting support under the Immigration and Asylum Act and meets any of the following:

1. Claimed asylum in the UK and are waiting for a decision (known as 'part 6')
2. Been refused asylum in the UK (known as 'section 4')
3. Leave to remain with 'no recourse to public funds' on family or private life grounds if household income is £15,400 a year or less after tax
4. The right to live in the UK because you're the main carer of a British citizen (known as a 'Zambrano Carer') if household income is £15,400 a year or less after tax

ANNEXE 3

The Universal Offer for 3 and 4 Year Olds

All 3 and 4 year olds are entitled to a funded place for 15 hours per week.

Three year olds can start in a funded place from the start of the term after their third birthday, or at any point after that.

Parents can choose to take up a school place for their child at the beginning of the school year (1 September) in which their child will reach the age of 5 years old.

In law, a child does not have to attend school until the beginning of the term after the child's fifth birthday. That is the compulsory school age.

Parents can choose to keep a funded pre-school place until their child is admitted to a school at the compulsory school age.

It is not possible to claim for a funded pre-school place once a child is attending school whether on a full-time or part-time basis.

ANNEXE 4

The Extended Entitlement for Working Parents of 3 and 4 Year Olds

In addition to the universal entitlement to a funded place for 15 hours per week there is an extended entitlement of a further 15 hours per week (30 hours in total) for working parents who meet the eligibility criteria. Parents who meet the following eligibility criteria will receive funding the term after the HMRC approve eligibility or the term after the child's 3rd birthday, whichever is the latter:

They earn or expect to earn the equivalent to 16 hours at National Minimum or Living Wage over the coming 3 months.

This equates to £152.00 a week (or c£7,904 a year) for each parent over 23 years old or £146.88 a week (or c£7,637 a year) for each parent between 21 and 22 years old and £76.96 a week for apprentices in their first year (or c£4,001a year).

This applies whether they are in paid employment, self-employed or on zero hours contract.

Where a parent is in the 'start up period' (i.e. they are newly self-employed) they do not need to demonstrate that they meet the income criteria for 12 months.

The parent (and their partner where applicable) should be seeking the free childcare to enable them to work.

Where one or both parents are on maternity, paternity, shared parental or adoption leave, or if they are on statutory sick leave.

Where one parent meets the income criteria and the other is unable to work because they are disabled, have caring responsibilities or have been assessed as having limited capability to work. They must be receiving at least one of the following benefits. This also includes foster parent families:

- For Universal Credit purpose, they are assessed as having limited capability for work
- National Insurance credits because of incapability or limited capability for work
- Carer's Allowance
- Employment and Support Allowance
- Incapability Benefit
- Severe Disablement Allowance

The scheme was extended in 2018 to include children in foster care providing the following eligibility criteria are met.

- The child need to meets the age criteria above.
- That accessing the extended hours is consistent with the child's care plan, placing the child at the centre of the process and decision making, and
- That, in single foster parent families, the foster parent holds additional paid employment outside of their role as a foster carer.

- And in two foster parent families, both partners hold additional paid employment outside of their role as a foster carer.

Parents will not meet the criteria when:

Either parent has an income of more than £100,000

If one or both parents is a non-EEA national and the parent applying does not have recourse to public funds.

Parents will lose eligibility if they no longer meet the above criteria. In these circumstances they will receive a 'grace period' – this means they will be able to keep their funded extended childcare for a short period at their current provider. Once the grace period has lapsed, the parent should still be entitled to the universal 15 hour entitlement. The Grace periods are as follows:

Table 1 – Suggested local authority audit dates

Audit	LA audit date from statutory guidance	Suggested LA audit window	Validity end dates	Grace Period End date
Spring: Mid-term	11 February	11 – 18 February	1 Jan – 10 February	31 March
Summer: Start of term	1 April	24 March - 1 April	11 Feb – 31 March	31 August
Summer: Mid-term	27 May	27 May – 2 June	1 April – 26 May	31 August
Autumn: Start of term	1 September	24 August - 1 September	27 May – 31 August	31 December
Autumn: Mid-term	22 October	22 October – 29 October	1 September – 21 October	31 December
Spring: Start of term	1 January	24 December - 6 January	22 October – 31 December	31 March

Note: HMRC will not issue validity end dates which fall between the 23rd month and 6th of the following month inclusive.

NB Children cannot start at a new provider or move providers when their eligibility code is in the Grace period. The child must have a valid code and cannot be in their grace period at the end of the term before and when they start at a setting. Parents can apply from when their child is 2 years and 36 weeks old.

When their child turns 3	When they can get 30 hours from	Recommended time to apply
1 September to 31 December	1 January	15 October to 30 November
1 January to 31 March	1 April	15 January to 28 February
1 April to 31 August	1 September	15 June to 31 July

Parents can apply outside of these recommended dates but they might not receive their code in time or may have to reconfirm before the child starts as the code has expired.

Guidance on eligibility criteria and when to apply can be found at: [30 hours free childcare - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/30-hours-free-childcare)

ANNEXE 5

Data Protection Additional Explanatory Notes for Local Authorities and Providers

Data Protection

Data from which it is possible to identify children (in any medium, including within a MIS) is personal data. Such personal data must be managed in accordance with the requirements of the Data Protection Act 2018 (the Act). Data Controllers must ensure that their data handling rules comply with the Act and that staff understand these. Local authorities should advise providers about their responsibility to hold data in accordance with the Act including the requirement to issue parents with a fair processing notice explaining how their data and data about their child is to be used.

The Act puts in place safeguards regarding the use of personal data by organisations, including the department, local authorities and schools. The Act gives rights to those (known as data subjects) about whom data is held, such as pupils, their parents and teachers. This includes:

- the right to know the types of data being held
- why it is being held
- to whom it may be communicated

A 'privacy notice' is a good way to be able to meet data subjects' rights and therefore the department recommends that these are used to explain to children and staff how their data is being used in the census collections including the school workforce, early years census and school census. The department has drafted template [privacy notices](#) that providers and local authorities may wish to use. However, the template notices will need to be reviewed and, where necessary, amended to reflect business need. Ideally the privacy notice will include [this link](#) to the gov.uk webpage on how the department collects and shares data.

It is strongly recommended that the privacy notice be included as part of an induction pack for staff and made available to parents via the provider's website, as well as potentially featured on the staff notice board / intranet. They do not need to be issued on an annual basis as long as new children and staff are made aware of the notices and they are readily available electronically or in paper format.

Legal Duties under the Data Protection Act 2018 (the Act): data security

Providers and local authorities have a legal duty under the Act to ensure that personal data is processed securely. Processing is the collection, handling (use), storage, transmission and deletion of data. Further information is available from the [Information Commissioners Office](#).

If personal data is not properly safeguarded it could damage your reputation and compromise the safety of individuals. Your responsibility as a data controller / processor extends to those who have access to your data beyond your organisation if working on your behalf, that is, if external IT suppliers can remotely access your information. The '[10 steps to cyber security](#)' and '[Responsible for information](#)' pages provide further guidance and advice. It is vital that all staff with access to personal data understand the importance of protecting it; that they are familiar with your security policy; and that they put security procedures into practice. It is recommended that you provide appropriate initial and refresher training. Further information on handling data securely is available in the [DfE guidance on data protection for schools consider cloud software services](#).