

Enfield Council's Funding Entitlement Guidance April 2024

Overview

The purpose of this FE guidance is to assist all Early Years Providers in the London Borough of Enfield in their understanding of how the funding for two, three and four-year olds is administered.

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

The agreement applies to the funding entitlement offers for disadvantaged two-year-olds, the 15-hour entitlement for parents of three- and four-year-olds (the universal entitlement) and the funding entitlements for working parents of two, three- and four-year-olds (the extended entitlement 15hours childcare for eligible parents of two-year-olds from April 2024).

The DfE expects the standard headings and wording provided in the Agreement Section 2 to be used in all provider agreements. Local authorities should then include further detail to set out local level process where indicated.

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

This agreement guidance will be kept under review and updated as and when necessary. References to legislation will be amended from time to time, without express change in the agreement and/or provider agreement.

The 'Provider Agreement' consists of the legally binding sections of this FE Guide guidance. The Funding Agreement Terms and Conditions must be completed via the Provider Portal.

This version of the Guide has been reviewed and replaces the last guidance issued.

How to use this FE guide

The role of the Local Authority responsibilities
Statutory Duties
The National and Local Picture

Key Provider Responsibilities

Key Provider Responsibilities
Changes to a Provider's Details/Ownership

Safeguarding

The Local Authority
The Provider

Eligibility and Grace Periods

Three and Four-Year Olds
Grace Periods
Two Year Olds
Universal Credit
Providing Information to Families
Tax-free childcare
30hours childcare in Foster Care
30 hours Childcare (maternity/paternity/adoption)

Flexibility

Flexibility
Flexibility of the Offer

Partnership Working

Partnership Working

Special Educational Needs and Disability

Special Educational Needs and Disabilities
Where a Child has a Statement of Special Educational Needs or an Education, Health and Care (EHC) Plan
Additional or Reduced Sessions

Social Mobility and Disadvantage

Social Mobility and Disadvantage

Quality

Quality
Requires Improvements can no longer be considered good enough
Staff Training
The Local Directory of Providers for the Free Entitlement
Conditions for Inclusion of the Directory

Business Planning

Business Planning

Charging

Charging
Charging and the Funding Entitlement
Key principles
Charging policies and/or Parental contracts
Payment Due Dates
Sickness, Holidays, Bank Holidays and Inset Days
Closure for Central and Local Government Elections
Cancellation of a place
Price Increases
Deposits

Catering/Refreshments
Uniforms and Clothing
Trips and Outings
Late or Non-payment of Fees
Voluntary Contributions
Invoices
Funding
Compliance
Audit of providers
Staggered intake for the Autumn Term
Providers
Maintained Nursery
Maintained Reception
Delayed Admission

Funding

The Funding Process – the Free Entitlement
Basis of Funding
Information Required to Support Funding Claims
Interim Payment
Weeks per Funding Period and Term Dates
Headcount Dates
Second Payments
Information Requests
Correction of Errors made in Claims

Termination and Withdrawal of Funding

Termination and Withdrawal of Funding
Rejection of Applications for Inclusion in the Directory
Removing Providers from the Directory
Providers withdrawing from the Directory
Appeals Process
The right of appeal if rejected or removed from the Directory

Process and Complaints

Complaints Process
Parental/Guardian Declaration Form
Children attending two Providers
Starters and Leavers/Children changing Provision
Changes to a child's hours/sessions
Cross-border arrangements
Providers offering less than 38 weeks Funded Entitlement in a year and/or less than 15 hours in a week
How payments are made to providers
Resolving disputes between a provider and Enfield Council regarding the terrific twos and Funded entitlement
Withdrawing of funding
Termination of Funding
The Annual Census of Early Years Providers

How to Use this Nursery Funding Entitlement (NF) Guide

This FE Guide should be read in conjunction with the Department for Education's Early Entitlements operational guidance any other relevant guidance linked to the Funding Entitlement documentation issued by the DfE. [Early years entitlements: local authority funding operational guide 2024 to 2025](#) including further guidance relevant to the funding of the early years entitlements.

All providers who wish to offer the Funding Entitlement should be fully aware of, and comply with, the requirements of the Statutory Guidance.

It is important that you become familiar with this guide as a tool to help you ensure that you are delivering the Terrific Twos, Funding Entitlement and 30 Hours offers in the correct manner.

The Funding Entitlement early years entitlements are delivered through a wide range of childcare Providers including maintained nursery classes, Academies, Free Schools, the Private, Voluntary and Independent Sector Providers (PVI's), Childcare on Domestic premises and Childminders.

This guide is a working document that looks at the context and process of delivering the Funding Entitlement offers; detailing who is eligible, what your responsibilities are as a childcare Provider and how you may apply for funding. The FE Guide also explains the level of quality expected from childcare Providers, in terms of both business operation and curriculum delivery and what can happen if Providers are unable to make the necessary improvements.

By signing the Funding Agreement, you are making a commitment to comply with the Funding Agreement and with this FE Guide.

The role of the Local Authority Responsibilities

The Childcare Act 2006 sets out the government's commitment to give every child the best start in life and parents greater choice about how to balance work and family life.

The Act places a duty on all local authorities in England to improve outcomes for young children, to reduce inequalities between them and to secure sufficient childcare to enable parents to work.

The Childcare Act also places a key role on local authorities in shaping the childcare market within their local area, working with Providers to create a strong, sustainable, and diverse childcare market that meets the needs of parents.

It is the responsibility of local authorities to ensure there continues to be a diverse range of high quality, integrated, inclusive Providers and Childminding Agencies delivering services which provide choice for parents, including flexibility around all the Funding Entitlement offers.

Enfield Council also has the responsibility of administering the Funding Entitlement offers. The funding is paid directly to Providers and is calculated on the number of hours each eligible child attends the provision.

Childminders registered with a Childminding Agency will be paid directly by Enfield Council, the individual Childminders are responsible for the administration of the funding requirement.

Quality assurance visits by agencies to their childminders.

The Ofsted registered agencies will determine the shape and content of their quality assurance arrangements. However, for Early Years Childminders, this must include an assessment against delivery learning and development and welfare requirements of the EYFS, including safeguarding. The agencies will determine how they are to be rated by grade providers who are registered with them and, if so, what scale or system they use should be shared with Enfield Council.

Statutory Duties

All local authorities have a statutory duty under Section 6 of the Childcare Act 2006 (the “Act”) to secure sufficient childcare to enable parents to work, or to undertake education and training leading to work.

This is delivered through the ‘Early Years Funding Entitlement’. This is a Universal service that should give all children access to high quality Early Years provision to help every child achieve their full potential.

Section 7 of the Act (as substituted by Section 1 of the Education Act 2011) places a duty on local authorities to secure Early Years provision free of charge. Regulations made under Section 7 set out the type and amount of free provision and the children who benefit from the free provision.

Section 9A of the Act (as inserted by the Children and Families Act 2014) Regulations made under Section 9A limit the requirements local authorities can impose when they make arrangements to deliver early education places for nine months, two, three and four-year olds.

Section 12 of the Act places a duty on local authorities to provide information, advice and assistance to parents and prospective parents on the provision of childcare in their area and other services which may be of benefit to parents, prospective parents or children and young persons in their area.

Section 13 of the Act places a duty on local authorities to provide information, advice and training to childcare Providers.

Enfield Council allows childcare providers in the borough the opportunity to advertise on the ‘Directory of Providers’ who are or will be offering the:

- Free childcare places to eligible children aged three and four years of age (‘Universal Funding Entitlement’);
- Free childcare places to eligible children aged two years of age (Enfield’s ‘Terrific Twos’ offer¹).
- Free childcare places to eligible children aged three and four years of age (30 Hours – Extended Funding Entitlement)
- Free childcare places to eligible children to eligible parents of two-year-olds (15hours Funding Entitlement) from April 2024
- Free childcare places to eligible children to eligible parents of 9-month to 36-month-olds (15hours Funding Entitlement) from Sept 2024

The National and Local Picture

Enfield Council is committed to working in close partnership with childcare Providers across all sectors in order to achieve flexible, high-quality provision which meets the needs of children and promotes parental choice, but which also balances this with supporting Provider sustainability and a thriving Early Years market.

Key Provider Responsibilities

All Providers delivering any of the Funding Entitlements (Terrific Twos, Funding Entitlement Universal and/or Extended for 3- and 4-years olds including the Two-Year-Old Funding from April 2024, and nine months Funding from Sept 2024) in Enfield are required to have adequate and suitable insurance cover and, if requested by Enfield Council, to produce a valid insurance certificate. As a minimum, the provider must comply with all relevant legislation and insurance requirements.

- Public liability insurance with a limit of indemnity of not less than [ten] million pounds (£10,000,000)
- Employer’s liability insurance with a limit of indemnity of not less than [five] million pounds (£5,000,000)

The Provider should deliver the Funding Entitlement consistently to all parents, whether in receipt of 15 or 30 hours and regardless of whether they opt to pay for optional/additional services or consumables. This means that the Provider should be clear and communicate to parents’ details about the days and times that they offer funded sessions, along with their services and charges.

Those children accessing the Funding Entitlement should receive the same quality and access to provision.

Changes to a Provider's Details/Ownership

Providers must inform Ofsted and Enfield's School and Early Years' Improvement Service (Informed Families) of any change in their details e.g. a change of ownership or premises, changes to the Voluntary Management Committee and/or Registered Provider in order that the Family Information Directory can be updated promptly.

Providers must update the School and Early Years' Improvement Service with any changes to the following information when it occurs: -

- Main contact details for the setting, including the name of the person-in-charge and e-mail address.
- Opening hours, availability during school holidays and the ability to provide short term/emergency care.
- The ability of the provision to cater for children with needs e.g. children who have English as an additional language, or children with disabilities or special educational needs, including accessibility issues.
- Details of the languages spoken by staff within the setting.
- The ability to cater for children from religious or cultural communities.
- And details of school / provision pickups, if applicable.
- Additional hours

Safeguarding

The Local Authority

The local authority has overarching responsibility for safeguarding and promoting the welfare of all children and young people in their area. The local authority has several statutory functions under the 1989, 2004 and 2006 Children Acts which make this clear, and the 'Working Together to Safeguard Children' guidance sets these out in detail.

The Provider

The Provider must follow the Statutory Guidance to 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.

Paediatric First Aid

At least one person who has a current paediatric first aid (PFA) certificate must be always on the premises and available when children are present and must accompany children on outings. The certificate must be for a full course consistent with the criteria set out in the EYFS Statutory Guidance Annex A. Childminders, and any assistant who might be in sole charge of the children for any period, must hold a full current PFA.

PFA training must be renewed every three years and be relevant for workers caring for young children and where relevant, babies. Providers should display (or make available to parents) staff PFA certificates or a list of staff who have a current PFA certificate.

The Local Authority may delay funding payments if major breaches of safeguarding and Child Protection concerns are raised, and if no staff at any one time hold a valid First Aid certificate.

Eligibility

The Provider should check original copies of documentation to confirm a child has reached the eligible age on initial registration for all Funding 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 in accordance with the Data Protection Act 2018.

The Provider should offer places to eligible two-year-olds on the understanding that the child remains eligible until they become eligible for the Universal Entitlement for three- and four-year-olds.

The local authority must ensure that a child has a Funding Entitlement place no later than the beginning of the term following the child and the parent meeting the eligibility criteria for the Funding Entitlements.

The 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 the Provider has received written consent from the parent, they should verify the eligibility code on the provider portal.

The Provider or the local authority must confirm the validity of 15 or 30 hours eligibility code to allow Providers to offer 15 - 30 hours places for eligible two, three- and four-year-olds. The local authority can provide a validity checking service to Providers who may be experiencing problems verifying the 15-30 hours eligibility code via the Provider Portal. The Eligibility Checking Service (ECS) allows all local authorities to make instant checks for code validity.

Providers must remind parents that they cannot take up their 15 hours or their additional 15hours (30hours) until the code has been verified as an eligible code for funding.

Thereafter, the local authority will complete audit checks to review the validity of eligibility codes for children who qualify for 15 or 30 hours childcare at 6 fixed points in the year, both at half-term and at the end of term (in line with the dates as listed below). It is the local authority's responsibility to notify a Provider where a parent has fallen out of eligibility and inform them of the Grace Period end date. – see table point grace period

Audit	LA audit date from statutory guidance	Suggested LA audit window	Validity end dates	Grace Period End date
Spring: Midterm	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: Midterm	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.

The following Providers are eligible to receive funding in respect of the Terrific Twos and the Funding Entitlements offers (Universal, Extended, including the 2 Year Old Funding Entitlement from April 2024) and to can be included within the local Directory of Providers:

- an Early Years Provider registered on the Ofsted Early Years Register and has received a Certificate of Registration and meets the Early Years Foundation Stage Statutory Guidance;

- a Childminder registered on the Ofsted Early Years Register and meets the Early Years Foundation Stage Statutory Guidance;
- a Childminder registered with a Childminder Agency that is registered with Ofsted and meets Early Years Foundation Stage Statutory Guidance;
- Independent Schools registered with the DfE and meets the Early Years Foundation Stage Statutory Guidance or;
- Non-maintained special Schools and meets the Early Years Foundation Stage Statutory Guidance;

All children who meet the criteria are entitled to take up high quality early education, regardless of their parents' ability to pay.

Three and four-year olds (Universal)

All three and four-year olds are entitled to receive up to 570 hours a year over no fewer than 38 weeks of the year with the Funding Entitlement. The entitlement commences at the start of the term after the child turns three.

Should a child take up their entitlement part-way through the year, the Provider will adjust the number of hours to reflect the portion of the year remaining.

The relevant dates are as follows:

A child born between:	Will be eligible for the Funding Entitlement from:
1 April – 31 August (inclusive)	The start of the Autumn Funding Period commencing in September
1 September – 31 December (inclusive)	The start of the Spring Funding Period commencing in January
1 January - 31 March (inclusive)	The start of the Summer Funding Period commencing in April

Two, Three and four-year olds (Extended)

Two, Three and four-year olds who are eligible for the 15- or 30-hours childcare are entitled to receive up to 570 or 1140 hours a year over no fewer than 38 weeks of the year. This entitlement commences at the start of the term after the child turns three or the start of the term after application, whichever is later.

Should a child want to take up their entitlement part-way through the year, they must have applied before the deadline for that chosen term and be within the age range. The Provider will adjust the number of hours to reflect the portion of the year remaining.

The relevant dates are as follows;

A child born between:	Need to apply by:	Funding commences
1 st January – 31 st March	31 st March	April
1 st April – 31 st August	31 st August	September
1 st September – 31 st December	31 st December	January

In Enfield, all children who will be five during the following academic year, (i.e. between 1st September and the following 31st August), are eligible for a place in a maintained reception class from 1st September each year. Accordingly, children cease to be eligible for the Funding Entitlement at the end of the preceding Summer Funding Period and therefore if a child remains in a setting after this date, parents should pay for all the hours that the child attends.

Like the Universal 15 hours Entitlement, parents cannot claim 30 hours childcare once their child has reached compulsory school age (the term following their fifth birthday). It is important that provider's check the age of the child as well as the code. Parents cannot claim their 30 hours in addition to a full-time reception place in a state-funded school.

If a four or five-year-old child is not taking up a full-time reception class place, they are only entitled to the Funding Entitlement hours until they reach compulsory school age (the beginning of the term following their fifth birthday).

They can choose to continue to take up their child's Universal funded and Extended hours at a Private, Voluntary or Independent childcare Provider until their child reaches compulsory school age (the term following the child's fifth birthday) if they choose not to take up their child's right to a place in a state-funded school reception class in the September following their child's fourth birthday;

This entitles the child to receive the Universal **and** Extended 30 hours (if the parents are eligible) funding at the provision until the child reaches compulsory school age.

A place in a school nursery does not guarantee admission to the school and parents must apply for a place at the school if they want their child to transfer to the reception class. They cannot take the additional funded hours once their child is taking up a full-time place in a state-funded school reception class.

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 (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. A child will also enter the Grace Period if the parents do not reconfirm upon their assigned reconfirmation date and will do so until the parent reconfirms.

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

The local authority should continue to fund a place for a child who enters the Grace Period as set out in the Early Education and Childcare Statutory guidance for Local Authorities 2018. Parents must reconfirm their codes every 3 months from the date the code was issued.

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

Two-year olds (Terrific Twos)

Eligible two-year olds (as detailed below) are entitled to receive up to 570 hours a year over no more or fewer than 38 weeks of the year. The entitlement commences the term following the child's second birthday or after the parent applies, whichever is later. Funding cannot be backdated to the start of term.

2-year-old can get Funded Early Education and Childcare if the parent is in receipt of benefits. (See Informed Families Website)

2-year-olds can also get Funded Early Education and Childcare if they:

- are looked after by a local authority
- have an Education, Health and Care (EHC) plan
- get Disability Living Allowance
- have left care under an Adoption Order, Special Guardianship Order or a Child Arrangements Order

You may also get Funded Early Education and Childcare if you are receiving support under the **Immigration and Asylum Act** and have either:

- **claimed asylum** in the UK and are waiting for a decision (known as 'part 6')
- been **refused asylum** in the UK (known as 'Section 4')

A 2-year-old you care for may also get Funded Early Education and Childcare if:

- your household income is £15,400 a year or less after tax, and you have either:
- leave to remain with 'no recourse to public funds' on **family or private life grounds**
- the right to live in the UK because you're the main carer of a British Citizen (known as a **'Zambrano Carer'**)
- **See Informed Families Website for additional information**

A 2-year-old meeting the definition of vulnerable child under Section 17 of the Children's Act 1989 with No Recourse to Public Funds (NRPF) as a consequence of their immigration status, or their lack of immigration status may also get Funded Early Education and Childcare.

Should a child take up their entitlement part-way through the term, the Provider will adjust the number of hours to reflect the portion of the term remaining.

Assessing eligibility for parents in receipt of Universal Credit if they are found not to be eligible

Parents who wish their child to start a two-year-old Entitlement place from 1 April onwards (children starting in summer term, or any subsequent term) and who are in receipt of Universal Credit will be subject to an earned income threshold equivalent to £15,400.

The relevant dates are as follows:

A child born between:	Will be eligible for the Terrific Twos from:
1 April – 31 August (inclusive)	The start of the Autumn Funding Period commencing in September
1 September – 31 December (inclusive)	The start of the Spring Funding Period commencing in January
1 January - 31 March (inclusive)	The start of the Summer Funding Period commencing in April

Two-year olds who have met the eligibility criteria set out above will continue to receive funding for a place once they have taken it up even if subsequent changes in the family's circumstances means that the child ceases to meet the criteria at a later date.

The date of request is the date on which the parent submits their information (name, national insurance number, date of birth) and gives permission for their eligibility to be checked. The local authority **should** ensure that the date of request is recorded, and that eligibility is checked as soon as possible after the date of request.

The date of request provides the reference point from which the parent's most recent three universal credit assessment periods must be determined. Therefore, when carrying out a manual check using evidence provided by the parent, the three-relevant universal credit assessment periods would be the three complete assessment periods which immediately preceded the date of request.

The Department for Education's (DfE) eligibility checking system provides a mechanism for local authorities to verify whether children meet the eligibility criteria under Universal Credit above.

Eligibility is assessed as follows:

- If the parent's net earned income in their first assessment period (period 1) does not exceed threshold 1, (£1,283.34) the child is eligible.
- If the parent's net earned income exceeds threshold 1, then the sum of the parent's net earned income in the assessment period immediately preceding period 1 (period 2) and period 1 is compared to threshold 2 (£2,566.67). If that total net earned income does not exceed threshold 2, the child is eligible.
- If the parent's net earned income exceeds threshold 2, then the sum of the parent's net earned income in the assessment period immediately preceding period 2 (period 3) and period 1 and period 2 is compared to threshold 3 (£3,850). If that total net earned income does not exceed threshold 3, the child is eligible.

Note that:

- Period 2 or 3 cannot be assessed on their own independently of period 1. Likewise, period 3 cannot be assessed with period 1 unless period 2 is included.
- Where the parent has completed less than three assessment periods, the steps above will apply up to, but not including the step when there is no complete assessment period preceding period 1 or 2.

For the purposes of checking eligibility, net earned income is defined in the same way as "earned income" in the Universal Credit 2013 regulations in accordance with section 43(3) of the Welfare Reform Act 2012. This includes earnings from contracted employment, trades, professions, vocations, elective offices or any other paid work, and deductions for income tax, national insurance etc. The way in which income is assessed jointly for couples also mirrors that in the Universal Credit. This ensures that when checking eligibility for the two-year-old entitlement, earnings are treated in the same way as calculations for 'take home pay' under Universal Credit.

Providing information to families

It is the responsibility of the Provider to explain the Terrific Twos, the Funding Entitlement and 15 and 30 Hour offers to working parents and to advise parents that the Provider will make a claim for funding on their behalf to the local authority.

Providers are also required to explain to families, and make available in writing if required, the following information as a minimum:

- The eligibility of a child to either: the Terrific Twos, Funding Entitlement or 30 hours
- The various ways in which a family might access the child's funding entitlement;
- That from the information they receive, Parents can clearly see that they are receiving either: their Terrific Twos, or the Funding Entitlement universal 15 hours or 15 or 30 hours for working parents, offer completely free;
- Parents are made aware of the Providers Admissions Policy;
- The reason for needing a copy of the Birth Certificate (or equivalent);
- The Parental Declaration;
- Legal Declaration of Parent or Carer
- How the local authority uses their personal data;
- A copy of the Setting's latest Ofsted inspection report or provide parents with clear instructions as to how this report can be accessed on-line;
- The Setting's complaints procedure for parents who are not satisfied that their child has not received their early education place or with any aspect of the way in which they have received it.
- If the Provider cannot provide the full entitlement (15 hours a week over 38 weeks) then parents must be made aware that Enfield Council is under no obligation to offer the rest of the of the child's Terrific Twos, Funding Entitlement or 30 Hours at a different Setting. Parents may still choose to access this provision and receive less than the Full Entitlement.
- Arrangements for splitting funding between Providers and the importance of telling each Provider if they are receiving Terrific Twos, Funding Entitlement or 30 Hours childcare from more than one Provider.
- Amounts and application of standard penalty fees when a parent is persistently late in collecting a child;

Tax-Free Childcare

Working parents are also able to apply for Tax-Free Childcare through the digital childcare service. For every £8 parents pay into their childcare account, the Government will add an extra £2, up to a maximum of £2,000 per child per year, or £4,000 per year, if the child is disabled. Parents can then use these funds to pay for registered childcare outside of the Funding entitlements.

The eligibility criteria for Tax-Free Childcare are broadly aligned with 30 hours childcare. The main differences are that Tax-Free Childcare is available for children under 12, or 17 if disabled, and is not available to parents in receipt of tax credits, Universal Credit or childcare vouchers. As part of their childcare service application, parents in receipt of tax credits, Universal Credit or childcare vouchers can choose whether they want to keep these benefits and apply for 30 hours childcare only or apply for Tax-Free Childcare as well as 30 hours childcare. Parents can use Tax-Free Childcare alongside 30 hours childcare to cover additional childcare costs, e.g. during school holidays.

Childcare providers need to sign-up to the Childcare Service to receive Tax-Free Childcare payments. All providers registered with a regulator (e.g. Ofsted) will have received an invitation to apply containing the information they need to sign up. Providers who need assistance with the sign-up process should contact the childcare service helpline on 0300 123 4097.

30 hours Childcare in Foster Care

Parents wishing to reserve a 30 hours place will present the childcare provider with their 30 hours eligibility code. The parent's eligibility code will be 11 digits long and usually begin with the number '500' or '501'. There might be some circumstances where a parent's code will begin with '11'. These are temporary codes that will allow parents to claim 30 hours for a short period until they can apply through the digital childcare service. Foster parents who apply through their responsible local authority will receive codes beginning with '400'.

Children in Foster Care will be able to receive 30 hours childcare, if the following criteria are met:

- 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 parent foster families, the foster parent engages in paid work outside their role as a foster parent.
- And in two parent foster families, both partners engage in paid work outside their role as a foster parent. If one partner is not a foster parent, then they must be in qualifying paid work and earn a minimum of the equivalent to 16 hours at national minimum/national living wage.

The application form will be completed by the foster parent and be counter-signed by a designated person determined by the responsible local authority to confirm eligibility.

Foster parents will be required to reconfirm their eligibility every three months to mirror the existing process and support the work enabling objective of the 30 hours policy. Agreement that the foster parents can take up the extended hours should be recorded and the care plan for the child should be updated as appropriate.

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.

The Provider should work with the local authority and share information about the times and periods at which they are able to offer Funding 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 provision.

Flexibility of the offers

The aim of the flexible offer is to ensure that children are able to take up their full entitlement to early education at times that support their learning, and at times which met the needs of the parents.

Providers offering flexible options must offer a pattern that is agreed with the parents, that gives parents a choice as to how they access the Funding Entitlements.

Parents can access their 15 hours over a maximum of two participating Private, Voluntary, or Independent, Childcare on Domestic Premises or Childminder Providers (unless there are exceptional circumstances agreed by Enfield Council).

For the benefit of the Provider and the child, flexible options should be agreed. Any agreement must be in writing and include an agreed notice period for changes to be allowed to the agreed pattern up to 52 weeks a year and can be delivered outside of maintained school term times.

Providers must work within the following standards:

- No session to be longer than 10 hours
- No minimum session length (subject to the requirements of registration on the Ofsted Early Years Register)
- Sessions not to start before 6.00am or after 8.00pm
- Sessions can take place on any day of the week, including Saturday and Sunday
- A maximum of two sites in a single day
- Meet the quality requirements as set out in regulations and in the statutory guidance
- No artificial breaks

As a minimum, Providers must ensure that parents are able to access their child's early education entitlement place for more than two hours in a single day

Providers who offer early education places over a longer period than 38 weeks by taking fewer hours a week over more weeks of the year must explain to, and agree this with parents, so they are fully aware of the situation.

Providers may choose to offer the Stretch Offer. Providers may stretch the entitlement over more than 38 weeks (and up to 52 weeks). This means children accessing fewer hours per week, subject to a maximum of 570 hours per year.

Partnership Working

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

- i. Local authorities and Providers
- ii. Providers working with other Providers, including Childminders, Schools and organisations
- iii. Providers and parents
- iv. Local authorities and parents

The local authority should 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 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 how a child's overall care will work in practice when their Funding 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

The local authority must strategically plan support for children with Special Educational Needs and/or Disabilities (SEND) to meet the needs of all children in their local area as per the Special Educational Needs and Disability code of practice: 0 to 25 years (January 2015).

The local authority must be clear and transparent about the support on offer in their area, through their Local Offer, so parents and Providers can access that support.

Providers must ensure all staff are aware of their duties in relation to the SEND Code of Practice and the Equality Act 2010.

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.

Providers in receipt of funding for the provision of the Funding Entitlement must have regard to the Special Educational Needs and Disability (SEND) Code of Practice 2015. Providers can apply for EY SEN Inclusion Funding (SENI) see SENIF Guidance.

Providers must have a SEND policy which promotes inclusion and includes admissions. PVI's should appoint a Special Educational Needs Co-ordinator (SENCO), with the relevant qualifications and/or experiences whilst Childminders need to be able to provide evidence that they have access to a SENCO.

Advice and support on identification and interventions for children with additional needs in an early years' Setting can be obtained from the multi-agency professionals who form part of the agenda of the SEND forum.

A Provider offering the Funding Entitlement to a child with an SEN statement or EHC Plan of SEN/D must allow the local authority maintaining the statement (the authority area in which the child lives) access to the premises to monitor the provision specified in the statement or plan.

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 (DAF) to deliver effective support, whilst making information available about their SEND offer to parents.

The Disability Access Fund (DAF) is intended to aid children with a disability to access the Funding entitlement. Therefore, Enfield Council must issue DAF payments to providers as soon as possible within that term when the child takes up the universal 15hours entitlement for three and four years olds. Where a child is still eligible for the DAF, providers should receive a second payment one year later; that is one year after they first received the DAF.

Distributing DAF to early years providers

All early year's providers who are eligible to receive funding for the entitlement for 3- and 4-year-olds are also eligible to receive DAF payments.

Local authorities must fund all settings providing a place for DAF-eligible children at the annual rate per eligible child. Funding allocations for DAF are now based on DLA receipt data. Rates published on the Informed families website.

It may be the case that local authorities receive more DAF funding from government than they distributed. In such circumstances, local authorities are expected to spend any additional funding in line with the principles and aims of the fund. The DAF is payable as a lump sum and should not be pro-rated according to hours taken up.

Local authorities should distribute DAF funding in its entirety to providers, and it should not be offset against any other funding which the local authority may ordinarily be providing for children eligible for the DAF.

If a child eligible for the DAF is splitting their Funding entitlement across 2 or more providers, local authorities should ask parents to nominate the main setting. Local authorities should pay the DAF for the child to that nominated main setting.

If a child receiving DAF moves from one setting to another, the new setting is not eligible to receive DAF funding for this child until the anniversary of the first payment has passed. DAF funding received by the original setting will not be recouped.

In cases where a child who lives in one local authority attends a setting in another local authority, eligibility checking and funding the DAF for the child is the responsibility of the local authority in which the setting is based.

Where a Child has a Statement of Special Educational Needs or an Education, Health and Care (EHC) Plan

For a child with a statement of special educational need or an EHC Plan, the local authority area in which the child lives are responsible for maintaining the statement/Plan, even if the child attends a Provider in the area of another local authority.

Where an Eligible Child with a Statement or an EHC plan, is in the care of a Provider registered to deliver the Funding Entitlement, the funding in respect of the Funding Entitlement will be claimed through the local authority in which the Provider is located, even if the statement/EHC plan is maintained by a different local authority.

The Provider must make arrangements to claim payment for the additional costs of any special educational provision from the local authority maintaining the child’s statement or EHC plan (regardless of whether this is the local authority from which funding was claimed). Enfield Council will assist with this where they can.

In Summary:

Type of Funding:	Paid by:
Funding Entitlement	Local authority area in which the Provider is based
Funding for additional costs of special educational provision	Local authority area in which the child lives

Social mobility and disadvantage

The local authority promotes 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.

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.

The Local authority will inform only the child’s parent and the provider of the eligibility checks carried out regarding EYPP.

Early Years Pupil Premium

The early years pupil premium is paid to providers, including childminders, by the local authority for each eligible child. Providers can choose how they spend the extra funding to improve the outcomes of the eligible children. Childminders who are registered with childminder agencies may choose to pool their early years pupil premium with other childminders in the agency to buy shared resource, for example access to training, specialist support etc.

Identifying eligible children

Early years providers are ultimately responsible for identifying eligible children, so that local authorities can provide the appropriate funding. Providers should be encouraged to speak to parents to find out who is eligible for EYPP funding, especially to the parents of children who took up the early education entitlement for two-year olds as many of these children will attract EYPP when they turn three, including informing the LA via email of any adopted children, special guardianship order or children with arrangements order attending their provision including any evidence.

It will be the responsibility of the local authority’s Virtual School Head to identify the children who are currently in local authority care.

Eligibility checking

Local authorities must check EYPP eligibility when a parent or provider tells them the child may be eligible. An EYPP eligibility check should not be done more than a term in advance of the child taking up their Funding entitlement, in case the family's circumstances change. Once a provider starts receiving EYPP funding in respect of a child, they will not lose it while the child is taking up the early years' Funding entitlement.

Local authorities should inform only the child's parent(s) or legal carer(s), and the provider, or providers, of the child's early years education, of the outcome of eligibility checks.

Local Policy

The funding will remain with the provider for the term, if the child leaves and starts attending another setting midterm, the provider will receive the funding the following term.

Quality

The Childcare Act 2006 places a duty on local authorities to improve outcomes for all children and reduce inequalities. This duty requires local authorities to have a broad and intensive strategy for the effective delivery of the Statutory Framework for the Early Years Foundation Stage (EYFS). Quality is the key to securing and improving the outcomes for children and gives them a better start in their early years. This can only be achieved through continuous quality improvement.

Requires improvement can no longer be considered good enough.

Our measure of quality is based solely on a Provider's most recent Ofsted inspection and Ofsted is the sole arbiter of quality.

Terrific Twos will only be funded in provision with a 'Requires Improvement' where in the judgement of the Early Years' Service, there are not sufficient places available within 'good' or 'outstanding' provision or if the Parent elects to attend a Setting with a 'Requires Improvement grade'. (See Enfield Early Years Intervention and Support Strategy)

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 year's providers must meet to ensure that children learn and develop well and are kept healthy and safe. Ofsted are the sole arbiter of quality for all Funding 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.

Local authorities have a legal duty to provide information, advice and training on meeting the requirements of the EYFS, meeting the needs of children with SEND and on effective safeguarding and child protection for providers who are rated less than 'Good' by Ofsted or newly registered providers. Provision must be offered in accordance with the national parameters on quality as set out in the Early Education and Childcare Statutory Guidance for Local Authorities and the EYFS statutory framework.

It is essential that quality underpins everything that we do, the way that we do it, where we do it and everyone we do it for. But it's not simply about achieving a standard and leaving it there. There's no room for complacency. All Providers need to keep working on continuous quality improvement within their provision.

High quality provision comes from effective practice, leadership and management; a childminder/team commitment to a shared vision of what excellence means to children and families; the promotion of professional development; and a drive towards business innovation.

This can be achieved by:

- Responding to recommendations from your Ofsted inspection;
- Responding to recommendations for your EYFS delivery;
- Evidencing that you and/or your whole staff team are engaged in continuous professional development and this is reflected in improvements to the quality of the Setting;
- Evidencing that your Setting offers an inclusive service to all children and families;

- Showing evidence of having systems, policies and procedures, which reflect the provision of a high quality childcare service;
- Evidencing that the services you offer meet the needs of Parents, carers and families;
- Showing evidence of working in partnership with other professionals to meet the individual needs of children within your Setting.

The Local authority 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 the Early Education and Childcare Statutory Guidance for Local Authorities and the EYFS statutory framework.

As a local authority, we champion the delivery of high-quality services which truly reflects local needs. A key part of that means ensuring that we only have the very highest quality Providers delivering the Terrific Twos, Funding Entitlements universal, and extended entitlements for working parents. A 'Requires Improvement' and 'Not Met' Ofsted grading is no longer considered good enough and we will continue to work with all Providers in line with the EY core offer to continue to raise the quality of childcare within the borough. There is also an expectation that all Providers who deliver the Terrific Twos, Funding Entitlement and the extended entitlements for working parents have a desire for continual improvement in the delivery of their services.

Staff Training

It is recommended that Providers including Childminders can undertake up to five Inset Days per year for whole staff training, subject to Parents being given adequate notice. i.e. notice at least from the start of the Funding Period within which the Inset Day falls, although preferably, from the start of the new academic year in September. Where possible, it is recommended that Providers shall try to arrange Inset Days in line with local schools to assist Parents with their childcare arrangements. In all these situations, the sessions affected are effectively 'lost' and Parents cannot request alternative sessions as a right. Providers may wish to offer alternative sessions, subject to availability, but this should follow a clearly defined policy and/or within the Parental contracts so that all Parents are fully aware of the situation and what they are entitled to and that the terms are applied equitably across all Parents.

The Local Directory of Providers for the Funding Entitlement

Enfield Council will use reasonable endeavours to maintain an up-to-date Directory of all Providers within the borough who have elected to receive Funding in respect of providing the Terrific Twos and the Funding Entitlements.

All Providers including Childminding Agencies are given the opportunity to advertise on the Family Information Directory (FID)

Enfield Council will fund places with any Provider who meets the Early Years Statutory Guidance and Ofsted criteria.

No funding will be paid to a provider in respect of any period in which they are not included in the Directory and any funding paid in respect of any such period is recoverable.

The local authority in which the child is educated, rather than the one in which they live, pays for the funding.

The level of funding Enfield Council receives is calculated by the DfE using the information collected during the annual Early Years Census in January. The DfE requires funding for nursery aged children to be based on participation.

The development of the Single Funding Formula took into account the cost of providing the Early Years Foundation Stage (EYFS) in all sectors and aims to fund average costs related to staffing,

premises, running costs such as equipment and consumables together with management and administration, as well as providing an element of the Funding to promote quality.

Individual Providers also receive deprivation funding within the Funding Entitlement which takes into account social deprivation. This is based on the Income Deprivation Affecting Children Index (IDACI) for each child mapped against their postcode within the Boroughs 30% area of deprivation. The Funding for deprivation is allocated to a Setting based on the IDACI scores for children (ages 2,3&4 years old universal and extended hours) which is paid once a term within actuals funding payments.

Responding to requests for census information from Enfield Council in a timely manner is important as failure to do so may adversely affect the level of Funding made available to Enfield Council by Central Government. It is for this reason that completion of the census forms one of the conditions of the Provider Agreement.

Conditions for Inclusion of the Directory

Providers must interpret this clause in conjunction with the conditions detailed in Enfield's Early Years Intervention and Support Strategy and within the Provider Agreement.

If a Provider fails to meet any of the conditions of the Terrific Twos, Funding Entitlement and the extended entitlements for working parents or claims funding for children not on roll Enfield Council can require the repayment of the whole, or part of, any Funding that has been paid in respect of the provision of free places. This will be achieved through the process set out below.

Providers will be included in the Directory of Providers once Enfield Council is notified by Ofsted of the Provider's Early Years registration number and the Funding Agreement has been signed and returned. Enfield Council will remove from the directory any Provider who fails to submit to inspection by Ofsted or any Providers who receive an 'inadequate', ineffective or 'Not Met' Ofsted grade as detailed within Enfield's Early Years Intervention and Support Strategy.

Business Planning

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

The local authority should not charge providers disproportionate penalties for providing late or incomplete information leading to additional administration in the processing of Funding 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.

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

The provider should ensure they submit timely and accurate information, including, but not limited to, headcount data, census data, Failure to do so may result in inaccurate, delayed or suspended funding.

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

Charging

Government funding is intended to cover the cost to deliver 15 or 30 hours a week of Funding, high quality, flexible childcare. It is not intended to cover the cost of meals, consumables, additional hours or additional services.

The provider can charge for meals and snacks as part of a Funding entitlement place and they can also charge for consumables such as nappies or sun cream and for services such as trips and yoga. These charges must be itemised for the parent. Where parents are unable or unwilling to pay for

meals and consumables, providers who choose to offer the Funding 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.

The provider should deliver the Funding entitlements consistently so that all children accessing any of the Funding entitlements will receive the same quality and access to provision, regardless of whether they opt to pay for optional hours, services, meals or consumables.

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 Funding place. The provider should be completely transparent about any additional charges. The provider should publish their admissions criteria and ensure parents understand which hours/sessions can be taken as Funding 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 refundable deposit to secure their child's Funding place but should refund the deposit in full to parents within a reasonable time scale.

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 Funding places) the provider may require parents to pay a deposit and charge for additional services.

Providers cannot require parents to pay a registration fee as a condition of taking up their child's Funding place.

The provider should ensure their invoices and receipts are clear, transparent and itemised, allowing parents to see that they have received their Funding 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.

Charging and the Funding Entitlement

Providers must give careful consideration to both pricing and charging and the inter-relationship with their admissions policy when Parents are accessing the offers as part of their wider childcare needs

Key Principles

The key principles relating to charging policies and/or Parental contracts are:

- All Providers must have a written policy and/or Parental contracts covering any or all fees or penalties which could be incurred by the Parent accessing the Terrific Twos, Funding Entitlement or the extended entitlements.
- All Terrific Twos and Funding Entitlements hours must be delivered at no cost (either direct or indirect) to Parents.
- We recommend that any fees chargeable above the Terrific Twos, Funding Entitlement and extended entitlements are provided to Parents in writing;
- Additional services over and above the Terrific Twos and Funding Entitlements may be charged (for example lunch or extracurricular activities) although these cannot be compulsory for a child only accessing the Terrific Twos and Funding Entitlements.
- All Additional Services and Provider policies relating to how the Provider manages the childcare place in their provision should be set out clearly in writing which should be signed by both the Provider and the Parent(s)
- Charging policies and/or Parental contracts shall not be solely restricted to the Terrific Twos and the Funding Entitlements but shall cover other aspects of the provision;

- Providers must not require Parents to pay up-front fees to be refunded at a later date.

Provider's Charging Policy and/or Parental contracts

The only charges a Provider is entitled to levy against a Parent who only accesses the Terrific Twos and Funding Entitlements is the standard penalty fees that will be applied where Parents are persistently late in picking up their child. This charge can be applied even if the child is only accessing the Terrific Twos and Funding Entitlements, as this additional time falls outside of the Terrific Twos and Funding Entitlements agreed hours.

Information about these penalties **must** be provided to parents **prior** to the child commencing attendance at the provision and at least on an annual basis thereafter and when a provision changes their levels of penalty. The standard penalty fees must be in writing and agreed with the Parents and signed by both the Provider and the Parents.

We recommend that Providers offering services to the Parents in excess of the Terrific Twos and Funding Entitlements also provide Parents with a clear schedule of charges **prior** to a child commencing attendance at the provision, and at least on an annual basis thereafter, or where a provision changes their level of charges.

Schedule of charges should indicate (where appropriate):

- Hourly rates;
- Sessional rates;
- Day rates;
- Weekly rates;
- Monthly rates;
- Rates for any additional charges (lunches, travel, uniform, etc);
- Discounts available (advance payment, sibling discounts, standing orders, etc).
- Deposits

Parents must be given at least one month's notice of any changes to the Setting's Charging Policy/Parental contract. All changes shall be advised to Parents in writing and must request that these changes are acknowledged in writing by Parents to avoid the risk of future disputes.

Payment Due Dates

Charging policies and/or Parental contracts, for childcare over and above the Terrific Twos and Funding Entitlements, should clearly detail when payments are due to be made and whether these payments should be in advance.

Sickness, Holidays, Bank Holidays and Inset Days

The Provider's Charging Policy and/or Parental contract must clearly detail what will happen in the event of a child being absent through sickness, unplanned circumstances or through being taking on holiday during a Terrific Twos and Funding Entitlements Funding Period. Where a child is absent for more than two weeks under any of the above situations, the Provider must notify the Informed Families by email. In such situations, Informed Families will advise any course of action that the Setting needs to follow.

Providers may claim for sessions which fall on a Bank Holiday if that day falls within the published school terms dates and forms part of the normal weekly number of sessions that the child is attending. Enfield Council will advise eligible Bank Holiday dates when appropriate at the start of the financial year. If in doubt, Providers shall seek clarification from Informed Families.

Policies must detail what will happen in the event of adverse weather or similar disruption to services offered.

The Local Authority will ensure that providers are not penalised for short term absences of children, for example sickness, arriving late or leaving early, or a family emergency through withdrawing funding, however the funding team will use their discretion where absence is recurring or for extended periods taking into account the reason for the absence and the impact on the provide providers.

The local authority policy will allow providers claiming funding when a child is absent from a setting. (period of 2 weeks sickness) and will ensure that providers are not penalised through withdrawal of funding for short term closures of a setting, for example, as a result of local or national elections or damage to the premises.

Closures for Central and Local Government Elections

Depending on their lease/rental agreement, some Settings are obliged to close where their premises are used as Polling Stations during central and local elections. As above, where this occurs, these sessions are effectively 'lost' and Parents cannot request alternative sessions as a right. Providers are under no obligation to offer alternative sessions but, if they do, this must follow a clearly defined policy and/or Parental contracts so that all Parents are fully aware of the situation and what they are entitled to. The policy must be applied equitably across all Parents.

Withdrawing Funding

Providers will not be penalised through withdrawal of funding for short term closures of a setting, for example because of local or national elections or damages to the premises.

If a provider would normally be open and delivering Funding places to children but is closed during census week due to exceptional circumstances, for example severe bad weather, the provider can still make a census return for the children who would have been taking up Funding hours had the provider not been closed.

The Local authority must fund children who are eligible for the childcare entitlements.

In **all** cases where funding is withdrawn, the local authority will give the provider a written explanation of the decision to withdraw funding. For providers whose funding has been withdrawn despite the provider being of the required quality or awaiting their first Ofsted inspection, Local authorities' complaints procedure must be followed if a provider wishes to challenge the decision.

Local authorities **should** also:

- as far as reasonably practicable, ensure that eligible children who move into the local authority area from another local authority area are able to take up their Funding place, regardless of when during the term this is. Local authorities should be clear with providers and childminders registered with a childminder agency on how they will be funded when a child takes up their Funding place outside of any regular headcount for funding purposes.
- make clear their local policy on funding providers in situations where children change providers within the local authority area during the term and encourage providers to work together to support children's learning and well-being when children change providers.
- ensure that providers are not penalised for short term absences of children, for example sickness, arriving late or leaving early, or a family emergency through withdrawing funding, but use their discretion where absence is recurring or for extended periods considering the reason for the absence and the impact on the provide.
- ensure that providers are aware of the local authority policy in the area in which they practice on reclaiming funding when a child is absent from a setting.
- ensure that providers are not penalised through withdrawal of funding for short term closures of a setting, for example, because of local or national elections or damage to the premises.

Cancellation of a place

The Provider's policy/contract must clearly state the amount of notice that a Parent should give before withdrawing their child from the Setting and what happens where a deposit is held by the Provider (for hours over and above the Terrific Twos and Funding Entitlements offers).

The Provider's policy/contract must clearly state the amount of notice that a Provider must give before withdrawing a child's place. The policy/contract must state a minimum notice of a term to allow the Parent time to find alternative provision. Any notice to Parents should clearly state the reasons for the place being withdrawn, and what right of appeal the Parent has.

Price Increases

Parents should be notified in writing and in advance of any price increases for any hours or Additional Services over and above the Terrific Twos and the Funding Entitlements.

The notice period for price increases should be clearly detailed in the Provider's Charging Policy/Parental contract. Parents should be given a minimum of one month's notice of any changes.

Deposits

Providers can charge a refundable deposit to parents accessing the Funding entitlements for all the funding entitlements (9months, 2s, 3&4s). The purpose of the deposit is to give providers certainty that a parent will take up the place. Local authorities should work with providers to determine a reasonable timescale for refunding deposits in full to parents. Local authorities and providers should make clear to parents that if a parent fails to take up their place, the provider is not obliged to refund the deposit. Local authorities can use their discretion to determine if charging a deposit will prevent take-up, for example, for the two-year-old entitlement for disadvantaged families.

Where hours are accessed over and above those defined as the Terrific Twos and Funding Entitlements Hours charges as determined by the Provider may be levied, subject to prior agreement with Parents.

Catering/Refreshments

Meals, consumables and additional activities

Government funding is intended to deliver 15 or 30 hours a week of Funding, high quality, flexible childcare. It is not intended to cover the costs of meals, other consumables, additional hours or additional activities.

Parents can therefore expect to pay for any meals offered by the provider alongside their Funding entitlement. Parents can also expect to pay for other consumables or additional activities offered by the provider, such as nappies or trips. Where parents choose to purchase additional hours of provision, consumables or additional activities, this is a private matter between the provider and the parent. However, providers must offer alternative options for parents. This could include, for example, allowing a parent to bring in their own consumables or a packed lunch, where the meal offered is not suitable for children with specific dietary needs or the parent prefers a lower cost option. Providers should be mindful of the impact of additional charges on the most disadvantaged parents.

Local authorities should ensure that providers do not 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).

Core costs of running a business that delivers government-funded childcare are not consumables used by the child or additional services provided to the child.

These include, but are not limited to, insurance, Ofsted registration, maintenance, business rates, training costs, rent and energy bills. These are core costs of running a business and we expect these to be covered by government funding and that parents should not be charged.

Uniforms and Clothing

The Provider should not charge compulsory fees for uniforms or clothing to Parents solely accessing the Terrific Twos or the Funding Entitlements. Where hours are accessed over and above those defined as the Terrific Twos or Funding Entitlements, charges as determined by the Provider may be levied, subject to prior agreement with Parents.

Trips and Outings

Providers may charge for Additional Services such as trips or outings where these activities are over and above the requirements of the Terrific Twos or Funding Entitlements offers however these must be optional and if the Parent decides not to take such services this must not affect the child's usual arrangements. We recommend that Providers are conscious of each Parent's ability to pay, particularly where they are only accessing the Terrific Twos or the Funding Entitlements. This will be monitored by the Annual Audit.

Late or Non-payment of Fees

Where Parents access hours over and above those for the Terrific Twos or the Funding Entitlements, the Provider's Charging Policy and/or Parental contract should clearly detail what will happen in the event of non-payment of fees.

Additionally, as detailed within this guidance, a penalty fee (if stated in the Provider's Charging Policy and/or Parental contract) may be applied where Parents are persistently late in picking up their child, even if the child is only accessing the Terrific Twos or the Funding Entitlements if this additional time falls outside of the Terrific Twos or the Funding Entitlements agreed hours.

Invoices

All Providers must provide Parents with invoices/receipts that clearly show that they have not been charged for the Terrific Twos or the Funding Entitlement hours. The invoices/receipts must clearly show what hours the Parents have accessed in relation to the Terrific Twos or the Funding Entitlement hours and how any fees relate to additional services or hours.

Funding

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

Compliance

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

Audit of Providers and Charging Policies and/or Parental contracts

Enfield Council will from time to time and at least once in every Funding year (Annual Audit) make Audit visits to Providers to carry out checks in order to ensure that **funding paid** to Providers in respect of the Funding Entitlements are administered appropriately. The visits may be unannounced, however we aim to contact providers prior to an **audit** being carried out, Providers are entitled to see proof of identification of the auditor(s), entry to undertake the Audit cannot be refused.

Providers must keep a record of attendance in respect of all children for whom they provide funded services. Provider records must clearly show the full name, date of birth, address and date and hours of attendance of each child at the provision.

The Provider must ensure that the register and Parental Declarations are available on the premises at all times when the Setting is open.

Accurate and up to date accounts to be kept by the provider (including but not limited to original invoices, bills and receipts). Monitoring information must also be kept by the provider which shows how the Terrific Twos, Funding Entitlement and 30 Hours funding has been applied. Such information should be kept for a period of seven years after the end of each term.

Audit visits may include checks on other aspects related to the provision of the Funding Entitlements such as the Provider's Charging Policy and/or Parental contracts and the provision of other funding to Providers.

Where Enfield Council does not reasonably believe the policy and/or Parental contracts conforms to the issued guidance (for example the Statutory Guidance and this FE Guide), it will work with the Provider to improve the policy and/or Parental contracts and the Provider shall cooperate fully with any reasonable requests made by Enfield Council in this regard.

If Enfield Council is not reasonably satisfied with a Provider's Charging Policy and/or Parental contracts, it reserves the right to remove Providers from the Directory of Providers for the Funding Entitlements according to this guidance.

Eligibility

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

Staggered Intakes for Autumn Term

Staggered Intakes can impact in three differing ways.

- Where a child is accessing a Provider for the first time;
- Where a child is accessing a maintained nursery Setting for the first time;
- Where a child has been offered a place in a maintained reception class.

Providers

Where a Provider operates a staggered intake, or settling-in period, for a child accessing the Funding Entitlements for the first time, the maximum time allowed under the Funding Entitlements offers for inducting a child into a Setting is four weeks.

A Provider is not under an obligation to stagger the intake for a child who is already receiving childcare at the Setting prior to becoming eligible for the Funding Entitlements offers.

If the child is at the Setting on Headcount Day and is eligible for either the Terrific Twos or the Funding Entitlements offers, the Provider can claim, and will receive, funding for the whole period despite the staggered intake (subject to the child not leaving the Setting after Headcount Day – Starters and Leavers / Children Changing Provision)

All PVI Settings will be required to provide separate information for children at their Setting who will be five between 1st September and 31st August to ensure that all children are included on the statutory census data. This information will be used to validate and ensure all children accessing education provision have been accounted for and included on the statutory data collection.

Maintained Nursery

Providers must state in their Charging Policy, Parental contracts or documentation (at the beginning of the Autumn Funding Period) that, if Parents wish their child to remain at the Setting prior to their staggered admission into the Maintained Sector, they will be expected to meet the cost of any sessions attended by the child until the staggered admission takes place as the child is officially on roll at the maintained nursery

Maintained Reception

If a child ceases to be eligible for the Funding Entitlement at the end of the preceding Summer Funding Period but remains in a Setting after this date, Parents should pay for all the hours that the child attends.

There are instances where a child may remain in a PVI Setting and the position with regard to the Funding Entitlement requires further clarification in these circumstances:

Within Enfield, Parents may choose to defer their reception place although this place will only be kept available until the end of the Autumn Term. Thereafter the place may be offered to another child. This is a Parental choice but as the place is already funded in the maintained reception class and the place is kept available for the child, funding will not be reimbursed by the local authority under the Funding Entitlement and therefore Settings will need to seek payment from the Parents for any hours taken;

Where a Parent continues to require a place in the PVI Setting over and above the provision in the maintained school, this would then be considered to be a private arrangement between the Parent and the Setting. The Setting would not be reimbursed by the local authority and Settings would need to seek payment from the Parents;

Due to the current restriction of Reception class places within Enfield, some children may need to remain in PVI Settings until a school reception place is being offered. (this does not apply to children who have been offered a Reception class place and have a staggered intake) In these cases, the local authority will ensure that the PVI Setting is funded accordingly within the existing Funding Entitlement criteria and the Setting must then reimburse the Parent(s) for any advance payment made. In these cases, the Parent(s) would still be required to pay the Provider for any hours over and above the maximum 15 hours of the Funding Entitlement.

Children begin school during the academic year in which they become five. The academic year begins in September. The place may be part-time to start with or full time depending on the arrangements made by the individual school concerned.

Delayed Admission

While most parents are happy for their child to start school in the September following their fourth birthday, some parents may request that their child is admitted outside their age group. If a parent wishes to explore the possibility of their summer born child being educated out of their normal school year (delaying the start of school for a year) they must discuss this with the head teacher before applying.

Compulsory school age

Compulsory school age is set out in section 8 of the Education Act 1996 and the Education (Start of Compulsory School Age) Order 1998 (SI 1998/1607).

A child reaches compulsory school age on the prescribed day following his fifth birthday (or on his fifth birthday if it falls on a prescribed day). The prescribed days are, 31 March, 31 August and 31 December.

Admission of children below compulsory school age and deferred entry to school

The School Admissions Code requires schools to provide for the admission of all children in the September following their fourth birthday. They must make it clear in their admission arrangements that, where they have offered a child a place at a school:

- The child is entitled to a full-time place in the September following their fourth birthday
- The child's parents can defer the date their child is admitted to school until later in the school year, but not beyond the point at which they reach compulsory school age and not beyond the beginning of the final term of the school year for which the offer was made; and
- Where the parents wish, the child may attend part-time until later in the school year, but not beyond the point at which they reach compulsory school age.

The admission of summer born children outside their normal age group

Parents may request their child is admitted out of their normal age group. This includes the parents of summer born children (children born from 1 April to 31 August) who may request their child is admitted to reception rather than year 1 at the point they reach compulsory school age. Admission authorities must make clear in their admission arrangements the process for requesting admission out of the normal age group.

Where such a request is made, the admission authority must make a decision on the basis of the circumstances of the case and in the child's best interests. They must also consider the views of the head teacher of the school concerned and must set out clearly the reasons for their decision.

Where a request is agreed, they must process the parent's application as part of the main admissions round (unless the request was made too late for this to be possible) and must not give it lower priority on the basis that the child is being admitted out of their normal age group.

Like the universal 15 hours entitlement, parents cannot claim 30 hours Funding childcare once their child has reached compulsory school age (the term following their fifth birthday).

that they can choose to continue to take up their child's Funding place at a private, voluntary or independent childcare provider until their child reaches compulsory school age (the term following the child's fifth birthday) if they choose not to take up their child's right to a place in a state-funded school reception class in the September following their child's fourth birthday;

If a four or five-year-old child is not taking up a full-time reception class place they are only entitled to the Funding hours until they reach compulsory school age (the beginning of the term following their fifth birthday).

The provider should ensure their invoices and receipts are clear, transparent and itemised, allowing parents to see that they have received their Funding entitlement completely free of charge and understand fees paid for additional hours.

Children who have been admitted to primary school and are attending a state-funded school reception class are not entitled to any additional free hours outside their school reception class place as local authorities can meet their duty to secure the universal entitlement through reception class provision.

Funding early education

Where a parent chooses to defer or delay their child's entry to school, the child remains entitled to a funded early education place of 15 hours a week for 38 weeks of the year until they are admitted to school.

School admissions

School admission authorities and local authorities must comply with the School Admissions Code 2014. Published admission arrangements must make clear to parents that a separate application must be made for any transfer from nursery to primary school and from infant to junior school.

Admission of children below compulsory school age and deferred entry to school

The School Admissions Code requires admission authorities to provide for the admission of all children in the September following their fourth birthday. They must make it clear in their admission arrangements that, where they have offered a child a place at a school:

- The child is entitled to a full-time place in the September following their fourth birthday
- The child's parents can defer the date their child is admitted to school until later in the school year, but not beyond the point at which they reach compulsory school age and not beyond the beginning of the final term of the school year for which the offer was made; and
- Where the parents wish, the child may attend part-time until later in the school year, but not beyond the point at which they reach compulsory school age.

The admission of summer born children outside their normal age group

Parents may request their child is admitted out of their normal age group. This includes the parents of summer born children (children born from 1 April to 31 August) who may request their child is admitted to reception rather than year 1 at the point they reach compulsory school age. Admission authorities must make clear in their admission arrangements the process for requesting admission out of the normal age group.

Where such a request is made, the admission authority must make a decision on the basis of the circumstances of the case and in the child's best interests. They must also take into account the views of the head teacher of the school concerned and must set out clearly the reasons for their decision.

Parents cannot claim Funding childcare including the 30 hours once their child has reached compulsory school age (the term following their fifth birthday). Parents cannot claim their entitlement addition to a full-time reception place in a state-funded school.

If a four or five-year-old child is not taking up a full time reception class place they are only entitled to the Funding hours until they reach compulsory school age (the beginning of the term following their fifth birthday).

Where a parent chooses to defer or delay their child's entry to school and continue to access 15 hours of funded early education within an Enfield non-maintained child care provider such as a Childminder, Pre -school, or Day Care Nursery are asked to complete one of the following forms

If it is the intention for the parent to defer a place at a Local authority school parents are requested to complete Deferral Form A - for a Local Authority School Reception Place

If it is the for the parent to use an independent school they are requested to completed Deferral Form B- for an Independent School Reception Place

The Funding Process -The Funding Entitlement

Families must not be required to pay any fee for any element of their child's Terrific Twos or the Funding Entitlements, either directly or indirectly, nor have any conditions imposed as part of the acceptance of a child into a place, however charges maybe requested for additional services and extra curricula activities.

A Provider cannot:

- Attach conditions to the Funding place: Parents must not be obliged to purchase additional hours in order to secure Funding provision;
- Charge for the Funding hours or 'top up' the difference between what a Provider would normally charge and what the Provider receives from the local authority;

Set up and clear away time is excluded by the government from the hours of Funding claimed, which must reflect the education provided.

Basis of Funding

By accepting funding, the Provider acknowledges and agrees to the following:

- The funding shall be used solely towards the financing of the Funding Entitlements within a Setting;
- The basis of the calculation of funding is the number of hours accessed by an Eligible Child;
- Providers receive funding based on the number of Eligible Children registered at their Setting on the termly Headcount Dates and the actual number of hours each Eligible Child attends;
- The funding is exclusive of any VAT;
- Families do not have to take up their full entitlement in respect of any child. Parents may choose to take less hours although this should be discussed and agreed at least on a termly basis, so Parents are fully aware of their entitlement and Providers are fully aware as to when the child is due to attend the Setting;
- For any child not taking up the full entitlement, the Provider will be paid a pro rata amount of the payment made for the full entitlement to reflect the hours which the child uses;
- Any funding paid in respect of a period in which the Setting was not eligible for funding will be recovered by Enfield Council following the process in 5.9

Enfield Council will determine annually the levels of payment locally, following discussions with the Schools Forum, dependent in the main on the level of funding provided by central government to the council.

Information Required to Support Funding Claims

Providers must retain adequate supporting information to claim funding for any child. As a minimum, such information will include:

- Attendance Registers;
- Parental Declarations;
- Copies of Birth Certificates, or other approved documentation demonstrating proof of date of birth (such as NHS Card or Passport);
- Copies of proof of postcode e.g. utility bill;
- Invoices to families that clearly show that Parents have not been charged for accessing either the Terrific Twos or the Funding Entitlement.

The Provider must ensure that all records and personal data are kept safe, secure and in accordance with Data Protection law. If any records are normally kept off the premises, the Provider, at its own expense, must inform families where they are kept and provide evidence that this is the case.

Funding for related children (Childminders)

The definition of 'childcare' in the Childcare Act 2006 excludes care provided for a child by parents or any other relatives. The Government has interpreted this to mean that childminders are not permitted to claim the Funding entitlement for their own children or other relatives, whom they may already be looking after.

Interim Payment

Each Provider can request their estimated budgets by School and Early Years' Service for the Funding Entitlements offers before the start of each financial year covering each of the three Funding Periods, using data on the take-up for the three Funding Periods in the previous financial year.

At the beginning of each Funding Period, Providers will receive a payment from Early Years' Service equivalent to a percentage of their estimated hours (usually 60%) for that particular Funding Period, dependent on the timing of the Headcount Day and the anticipated payment date.

At the beginning of each Funding Period, Childminders will receive a payment from Schools and Early Years' Service equivalent to a percentage (usually 60%) of their actual hours, Childminders are required to submit their estimates and actuals on the estimates deadline dates each term for that Funding Period. This is to reduce the risk to the Local Authority with regards to over funding payments being made, which requires the Local Authority to reclaim payments being made and could result in legal actions being taken.

The Funding Periods for the both the Terrific Twos, Funding Entitlement and estimated hours (30hours) offers are:

Summer Funding Period	April – July (inclusive)
Autumn Funding Period	September – December (inclusive)
Spring Funding Period	January - March (inclusive)

Weeks per Funding Period and Term Dates

Unless advised otherwise by the Early Years' Service, all Providers must be open for the number of weeks per Funding Period (term) as informed by Enfield Council.

The Early Years' Service, will continue to advise Providers, on at least an annual basis, of future term dates that will be used by schools in the borough and provide a start date and end date for each Funding Period between which, Providers are expected to deliver the number of weeks detailed above.

Headcount Dates

A headcount must be carried out at least on a termly basis. Enfield Council will publish and notify Providers of future Headcounts Dates.

Second Payments

For the Funding Entitlements the balance of the estimated hours will be calculated to reflect the actual number of children attending the provision. Based on the headcount data, Providers will receive adjusted amounts to cover the remainder of the term.

If a child is absent on the Headcount Date the child can still be included on the register to receive funding if the Parents indicating the reasons for the child's absence on Headcount Day and the register indicates a valid reason for absence.

The Provider shall not make a claim in respect of a child who has permanently left the Provision before the date of the headcount.

If the Provider does not supply the termly headcount information within the given timescale, Enfield Council reserves the right to delay funding or withhold funding if a funding claim is not submitted within the same LA's financial tax year (April – March)

For the first Funding Period after registration onto the Directory of Providers, Ofsted newly registered Providers will not receive an interim payment unless actuals are submitted alongside their estimates. If this is not possible the second payment, based on the setting's headcount will cover the funding for the whole funding period.

Information Requests

Providers must return all information requested by Enfield Council in respect of Terrific Twos, Funding Entitlement and 30 Hours Terrific Twos, Funding Entitlement and 30 Hours within the stated timescales.

Providers must meet the requirements concerning the timing of submission of other information as requested by Enfield Council in respect of Early Years Provision. All requests will only be made for justifiable reasons.

Correction of Errors made in Claims

Providers must ensure that all claims comply with the terms of the Provider Agreement and are in accordance with this FE Guide. Where a Provider becomes aware that a child is attending another Provider which is also claiming funding, they must immediately inform the School and Early Years' Improvement Service who will investigate to ensure that funding is paid correctly in respect of that child.

Enfield Council will reclaim funding paid to Providers where it is later found that claims in excess of the maximum entitlement for any individual child have been paid. If future payments are due, the amount due will be adjusted to compensate the overpayment, if no future payment is due, Enfield Council will request, in writing, repayment for the amount within a reasonable time. If the repayment is not made within 30 days of the request, legal action may be taken by Enfield Council.

The Provider takes full responsibility for the supply of information to enable the calculation of funding. Enfield Council shall not be responsible for payment of additional Funding where it is found after the closing date for a Funding claim that the Provider has claimed for fewer hours than an Eligible Child actually received.

Data Protection

The Data Protection Act and the GDPR places obligations on data controllers and regulates the processing of information relating to individuals. The Local Authority must comply with the data protection regulations when processing personal information.

Termination and withdrawal of funding

Suspension of registration by Ofsted, safeguarding issues, or any acts Terrorism Extremism or Radicalisation may result in the termination of the arrangement and withdrawal of funding. Provers must actively promote fundamental British values and not promote as evidence-based views or theories which are contrary to established scientific or historical evidence and explanations.

Rejection of Applications for Inclusion in the Directory

Enfield Council will only reject applications where the applicant does not meet the minimum standards of the statutory framework for the early year's foundation stage

Enfield Council will not reject an application on the grounds that there is already sufficient provision within an area.

Where a Provider's application is rejected, Enfield Council will use reasonable endeavours to give the Provider a written explanation of the decision and ensure that all paperwork relating to a Provider's application is retained.

Removing Providers from the Directory

If a Provider ceases to meet the required Ofsted standards and eligibility requirements as set out in the Statutory Guidance or conditions as set out in the Provider Agreement, a judgement may be made by the Early Years' Service as to whether the Provider's information should be removal from the Directory.

Where a Provider's Ofsted rating changes to mean it is no longer eligible to provide the Terrific Twos or the Funding Entitlements all Parents of Eligible Children must be written to by the Provider at its own expense, advising the Parents of the situation and the actions being taken by the Provider to resolve the issues.

Where a Provider is removed from the Directory, all the Parents of Eligible Children must be immediately informed of the removal and the implications of this action by the Provider at its own expense. The Provider at its own expense must also provide all the Parents of Eligible Children with contact details of Informed Families in order that help can be provided to Parents to find alternative provision where the Funding remains available.

Providers will only be eligible for re-entry onto the Enfield Directory of Providers following an Ofsted judgement of at least 'Requires Improvement'.

Providers withdrawing from the Directory

Where a Provider decides that they wish to withdraw from the Directory of Providers, for whatever reasons, the Provider must inform individual Parents by letter giving at least a term's notice to enable Parents to make alternative arrangements.

The Provider must provide all Parents with contact details of Informed Families in order that help can be provided to Parents to find alternative provision.

Appeals process

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

The right of appeal if rejected or removed from the Directory

A Provider must notify Enfield Council of their intention to appeal the decision, in writing, within 10 working days of the date of our notification letter of rejection or removal.

Enfield Council will notify the Provider of the date of the appeal hearing within 10 working days of receiving their appeal request. Enfield Council will invite the Provider to attend the appeal hearing and to submit any written evidence to support the appeal. Details of the procedure and the format of the appeal will be provided.

Evidence from both the Provider and Enfield Council must be circulated to all parties at least 10 working days before the appeal hearing.

Notification of the decision of the appeals panel will be provided within 5 working days of the appeal hearing.

If the Provider is dissatisfied with their treatment under the appeals process, and/or the decision of the appeals panel, they may make a complaint to Enfield Council. However, any complaint can only be made after the full appeals procedure with the Schools and Early Years' Improvement Service has been exhausted.

Process and Complaints

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 Funding 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

Parental / Guardian Declaration Form

Providers should maintain Parental Declarations for all children accessing the Funding Entitlements within their Setting. These Declarations should set out the hours and patterns of access to the Funding Entitlements that has been agreed between the Parent and Provider and are required to evidence the hours claimed as part of the Provider's funding application

A Parental Declaration must be completed and signed in respect of every child when they first access either the Terrific Twos or the Funding Entitlements. A new form should be completed and signed where any details recorded are changed, such as a new address or an increase / decrease in hours.

It is the Provider's responsibility to ensure that all the information on the Headcount claim form matches the information given by Parents on the Parental Declaration form (e.g. addresses, postcodes, dates of birth, number of hours). Verification of this information should be kept for Audit purposes.

Providers must ensure that children claim only for the number of hours they are genuinely going to attend in any given week. Where there are long periods of unexplained absence or, at the time of an Audit a child is found to be claiming more hours than they are attending, the Schools and Early Years' Improvement Service will claim back any excess funding from the Provider.

It is the Provider's responsibility to monitor children's attendance and record in an appropriate register. If a child has regular periods of unexplained absence, you must contact their Parents / guardians.

Parental Declarations must be kept to evidence funding entitlement and must be produced to Enfield Council upon request.

An example of an appropriate Parental Declaration can be found at Appendix 1 and for ease of monitoring, it is recommended that all Providers adopt this format. If for whatever reason a Provider does not wish to use this example, then they must ensure that any alternative documentation records all the required information.

The Parental Declaration provides confirmation to both the Parents and the Provider of the agreed hours that will be accessed for the term. Any subsequent amendment / cancellation should be agreed by both parties, with appropriate notice given where possible. Amendment / cancellation may be caused by:

- The family leaving the area;
- Changes to the family's circumstances, i.e. a new job / unemployment;
- Child with long term sickness;
- To accommodate changing shift patterns;
- Provision not appropriate to the child's particular needs.

It is also recommended that when a Parental Declaration is completed for the first time, that Provider also ask Parents to complete the Ethnic Group part of the form. This enables Enfield Council to monitor the take up and achievement of different community groups and uses this information to target more effectively those who are not taking up their Terrific Twos or the Funding Entitlements.

Children attending two Providers

When a Provider is notified by the Parents, or otherwise discovers, that a child is attending another Setting who is also claiming the Terrific Twos or the Funding Entitlements for the child, the Provider must immediately inform the School and Early Years' Improvement Service. In such cases, the funding may be subject to apportionment where, in aggregate, more than 15 or 30 hours (pending eligibility) per week are being claimed. Where this is the case, the Parent shall be required to pay for any sessions over and above the 15 or 30 Hours, including the hours taken up with another Provider. No funding will be paid to a private, voluntary, or independent, childcare on domestic premises or childminder Provider should a child be found to be attending a Council maintained school. Maintained nursery class places are not available for less than five half day sessions each week (totalling 15 hours) and therefore, should a Parent require additional hours at a private, voluntary, or independent, childcare on domestic premises or childminder Provider, these will need to be paid for or the additional 15 hours maybe claimed pending on eligibility.

Starters and Leavers/Children Changing Provision

Local authorities must ensure that, from a Parent's perspective, Eligible Children are provided with their Terrific Twos and Funding Entitlements as soon as they start with a Provider, including if they change Providers late in the term unless this breaks the terms of the Parental Declaration.

Providers must inform the Early Years' Service when a child arrives at, or leaves, their Setting after each term's Headcount Day (known as Starters and Leavers). Providers must submit this information

to Enfield Council within five working days of the Parent informing the Provider that the child will be starting or leaving. The Starters and Leavers form must be completed on the provider portal.

When a child moves between different Providers, Enfield Council (Early Years' Service) will calculate the apportionment of funding between these Providers. Enfield Council will deduct the appropriate amount from the first Provider and give the appropriate amount to the second Provider taking into account the term lengths, and the sessions undertaken by the child at the Setting.

All adjustments must be made via the provider portal. Where the information from both Providers does not agree, Enfield Council will use reasonable endeavours to clarify the position with both Providers before deciding on the correct adjustment.

If a child leaves a Setting, depending on the amount of time remaining in the Funding Period and the amount in question, Enfield Council reserves the right to either request that a Provider sends in a cheque to clear the adjustment, or this amount will automatically be deducted from the first payment made for the following period.

Changes to a child's hours/sessions

Providers must inform the Early Years' Service when a child changes the number of hours they are claiming. Providers must ensure that a child does not exceed the maximum number of hours that they are eligible to claim for each year, particularly if the child is also accessing childcare at another Setting.

Cross-border Arrangements

Funding is paid by the authority for the area where the child is educated, rather than the authority for the area in which they live. Providers within the London Borough of Enfield may claim for all eligible two, three and four-year olds on their register irrespective of where they live. The parent must apply within the Borough they live to apply for the two-year-old funding; providers must obtain proof of eligibility from parent before offering a funded place.

If a child also attends another Setting that is not within the London Borough of Enfield, the Provider must ensure that no more than the maximum 15 or 30 hours funded hours are claimed across the two Settings.

Enfield Council will use reasonable endeavours to ensure that no duplication of funding is made between neighbouring authorities.

Providers offering less than 38 weeks Funding Entitlement in a year and/or less than 15 Hours in a week

Providers are expected to offer 15 hours per week of the Terrific Twos and/or the Funding Entitlements over 38 weeks each year.

However, it is recognised that some providers are not able to open for 15 hours or the full 38 weeks a year and so may not be able to offer the full Terrific Twos and/or Funding Entitlements (for example, independent schools opening for only 36 weeks of the year, or a playgroup which only opens for 12 hours per week due to shared premises).

Any new provider offering less than the full entitlement and wishing to access funding from Enfield Council must contact the Early Years' Service in writing, explaining the circumstances that prevents the provider expanding its service to the above requirements. The Early Years' Service may, at its discretion, allow the provider onto the Directory and award funding based on the reduced level of service.

Providers offering the Terrific Twos and/or the Funding Entitlements for less than 15 hours per week and/or 38 weeks per year, must make parents fully aware of this fact and the potential consequences to them as a result, before the parents agrees to place their child in the setting. The Provider must make clear to parents that whilst they are entitled to take up this lesser entitlement at the provider of their choice, they must be made aware that Enfield Council will not fund any balance of the Terrific Twos or the Funding Entitlements at an alternative provider and that the option available to them within the guidance as stated, does not apply.

If a reduced number of weeks is agreed by the School and Early Years' Service, the minimum number of weeks that a Provision must be open in order to offer nursery education under the Terrific Twos and/or the Funding Entitlements in Enfield is 38 weeks. The Local Authority must not condense the funded early education entitlement into less than 38 weeks

A Provider who is receiving funding to deliver a reduced entitlement must not charge Parents for additional hours of provision. This does not apply to Independent schools.

Independent Schools

All three- and four-year-olds (universal entitlement): Local authorities are required by legislation to: Secure Funding places offering 570 hours a year over no fewer than 38 weeks of the year 4,5 and up to 52 weeks of the year, for every eligible child in their area from the relevant date, until the child reaches compulsory school age (the beginning of the term following their fifth birthday).

Children who have been admitted to primary school and are attending a state-funded or independent school reception class are not entitled to any additional Funding hours outside their school reception class place as local authorities can meet their duty to secure the universal entitlement through reception class provision.

How Payments are made to Providers

Providers must maintain a specific bank account for their Setting in the name of the Setting. Enfield Council will only pay funding into that account.

The Provider must ensure that Enfield Council has the correct, up to date account details. All payments will only be made electronically via the BACS system.

Payments to Providers are conditional upon receipt by the School and Early Years' Service of a signed Funding Agreement and the information specified within the guidance.

Resolving disputes between a Provider and Enfield Council regarding the Terrific Twos and the Funding Entitlement

Providers must notify Enfield Council of their intention to appeal a decision, in writing, within 10 working days.

The Provider will be notified of the date of the appeal within 10 working days of receiving the appeal request. Enfield Council will invite the Provider to attend the appeal hearing and to submit any written evidence to support the appeal. Details of the procedure and the format of the appeal will be provided. Evidence from both the Provider and Enfield Council must be circulated to all parties 10 working days before the appeal hearing.

Notification of the decision of the appeals panel will be provided within 5 working days of the appeal hearing.

If the Provider is dissatisfied with their treatment under the appeals process, and/or the decision of the appeals panel, they may make a complaint to Enfield Council. However, any complaint can only be made after the full appeals procedure with the Early Years' Service has been exhausted

Withdrawal of Funding

Enfield Council may have the right to withdraw or withhold funding under the following circumstances:

- Where a Provider voluntarily withdraws from the Directory of Providers;
- Where a Provider fails to meet the requirements as set out in the Early Years' Intervention and Support Strategy;
- Where a Provider receives an Ofsted judgement of Inadequate or Not Met. (Funding may be withdrawn from the date of their Ofsted inspection judgement is published)
- Where a Provider closes during a Funding Period, or there is a substantial change to the activities, business, operation or management of the Provider (including but not limited to a change of control or ownership), the Provider must notify the Early Years' Service, in writing within 10 working days. In this case Enfield Council has the right to withdraw funding from the closing date, or the date of the substantial change. Any advance payments made must be returned to Enfield Council;
- Where there is a financial irregularity of the Provider which is not rectified within the timescales specified by Enfield Council;

- Where a Provider fails to meet the conditions set out in the Provider Agreement or the Statutory Guidance in which case Enfield Council may require the repayment of all of the funding that has been paid in respect of either the Terrific Twos, Funding Entitlement or 30 hours offer for the current Funding Period, and/or any overpayment made to a Provider in a previous Funding Period which has not already been recovered;
- Where reasonable co-operation with Enfield Council's personnel is withheld;
- Where the Provider fails to comply with the conditions of this FE Guide;
- Where a Provider has used any of the funding for any activity not connected to the Terrific Twos or the Funding Entitlements;
- Where a Provider has committed bribery or corruption under the Prevention of Corruption Acts 1889 to 1916 or given any fee or reward the receipt of which is an offence under the Local Government Act 1972;
- Any other circumstances or events that in the reasonable opinion of Enfield Council, are likely to adversely affect the Provider's ability to deliver the Terrific Twos or the Funding Entitlements.
- Where a provider under the Counter Terrorism and Security Act 2015 does not meet the Duty and promotes extremism within their provision.

A Provider removed from the Directory of Providers by Enfield Council has the right to appeal through the appeals process.

Termination of Funding

Where a Provider is removed from the Directory of Providers for any reason as stated with this guidance (Removing Funders from the Directory), funding will be terminated immediately, or at a fixed future date as agreed by Enfield Council for the benefit of the children and families involved at the Setting.

Additionally, funding can be terminated:

- If funding from the Department for Education, or other relevant Government Body, is discontinued for whatever reason;
- If the Provider ceases to operate for any reason, or is declared bankrupt;
- If the Provider has an administrative receiver or receiver appointed for the whole or any part of its assets or any order made, or resolution passed for its administration or winding up.
- **If the Provider's Ofsted or DfE registration has been cancelled/terminated**

The Annual Census of Early Years Providers

Each January, all Providers are required to take part in the DfE's 'Annual Census of Early Years Providers'.

Providers must co-operate fully with this census and ensure that documentation is returned in a timely manner. Any Provider that does not co-operate will be removed from the Directory and will lose the right to the Terrific Twos and the Funding Entitlements. If the Provider does not complete the census within a timely manner to the extent that Enfield Council is not able to claim funding from the DfE for the children attending that Provider's setting, Enfield Council reserve the right not to fund the Provider for the period of time affected.

The early year's census collects data on:

- Children who are taking up the universal 15 hours Funding entitlement and separately the additional 15 hours of Funding provision (the extended Funding entitlement) including the child's eligibility code;
- Whether a child is in receipt of Disability Access Funding from the local authority expect for children taking up their Funding entitlement in independent school reception classes.

The early year's census will also collect data items on provider opening and closing times and staff qualifications.

Childminding Agencies

The childminding agencies are required to inform the LA of the childminders that are registering with the agency, it is the agencies responsibility to inform Enfield Schools and Early Years' Service of any Enfield childminders registered with them so that we can keep a list of these childminders. It will also be the agencies responsibility to inform us if the childminders registration has been cancelled, suspended or if the childminder has resigned and if the agency terminate their registration with Ofsted

or their registration is cancelled. (i.e. when they register or cancel/suspend/terminate a childminder's registration) and what type of information (e.g. name, address, date of registration etc.) agencies must share with each organisation or person

Voluntary removal of registration with Ofsted by a childminder agency and the implications for registered providers and parents

In addition, an agency will want to notify any local authorities in which it or its registered childminders operate to ensure that the local authorities can take any appropriate action, for example cease routing early education funding through the agency or make alternative provision for children placed with childminders registered with that agency.

Childminding agency declaration when working with Enfield School and Early Years Improvement Service

It is the duty of an Ofsted registered childminding agency, and will be liable, to give Enfield Local Authority the following information: Details of all Enfield childminders registered with the agency, to Informed Families: Full name, address, date of registration, what registers they are registered on, any conditions on their registration the number of places they offer, the age ranges they work with and their hours of operation (Agencies will have to provide the relevant local authority with a range of information about the childminders they register. This will help local authorities discharge their section 6 and section 7 duties under the Childcare act)