

Delivery of Free Early Education and Care for two, three and four year olds



**A Guide for Academies and Local
Authority Maintained Schools**

October 2022

 **Kirklees**
COUNCIL

Contents

Section 1: Introduction.....	5
Statutory guidance.....	5
This Guide.....	5
Two year old entitlement.....	5
30 Hours free childcare.....	5
Academies.....	5
Section 2: The Kirklees List of Approved Early Education and Care Providers.....	6
Quality of provision.....	6
Joining the Kirklees list of Approved Providers for two, three and four year olds.....	7
The Council's responsibilities for maintaining the Kirklees list of Approved Providers.....	7
Removal from the Kirklees list of Approved Providers [Academies only].....	7
Withholding payments [Academies only].....	8
Re-inclusion of Academies removed from the list of Approved Providers.....	8
Decisions.....	8
Complaints and appeals.....	8
Section 3: Provider Responsibilities.....	9
Quality and Safeguarding.....	9
Flexibility.....	9
Partnership working.....	10
Special educational needs and disabilities.....	10
Social mobility and disadvantage.....	10
British values.....	10
Funding claim deadlines, relevant changes and keeping records.....	11
Charging.....	11
Providing 38 weeks.....	12
Starting new Children [staggered intakes].....	13
Attendance monitoring.....	13
Non-attendance [reason for absence unknown].....	13
Reduced attendance.....	14
Evidence of monitoring attendance.....	14
Extended holidays.....	14
Illness.....	14
Unforeseen closures.....	14
Planned closures.....	15
Data Protection Act 2018: Privacy Notice.....	15
Issuing the Privacy Notice.....	15

Section 4: Children’s Eligibility	16
The universal entitlement for all three and four year olds	16
The extended entitlement for working parents of three and four year olds	16
The extended entitlement for three and four year children in foster care	17
The entitlement for two year olds	17
Early Years Pupil Premium [EYPP].....	18
Disability Access Funding [DAF]	19
Section 5: Procedures for Claiming Funding.....	20
The Provider Portal.....	20
Termly Census.....	20
Estimate Claims (relevant to Academies Only)	20
Estimate claims for 30 hours.....	21
Deadline for submitting estimate claims	21
Children leaving during the term	21
Duplicate claims.....	22
Very exceptional circumstances.....	22
Application process for funding where very exceptional circumstances apply	22
Claims for Children who do not have a place at any other provision [after Census].....	22
Deadline for children starting after Census Day and applications to transfer a FEEC place	23
30 hours [extended entitlement].....	23
How parents apply for 30 hours	23
When parents should apply for 30 hours.....	24
Temporary Eligibility Codes for 30 hours.....	24
Re-checking eligibility for 30 hours.....	24
Grace Periods for 30 hours	24
Stretching the entitlement (providing funded hours all year round including school holidays)	25
Supporting parents to understand stretch	26
Stretching: Changes to attendance days or Children starting later in term	26
Stretching: Moving to another Provider or School	26
Parent Agreement.....	27
Completing the Parent Agreement.....	27
Changing the Parent Agreement.....	28
Ending the Parent Agreement.....	29
Completing the Parent Agreement for Children stretching.....	29
Designated Nursery Class or Governor led community service?	29
Submitting the termly Census	30
Claiming funding for eligible two year olds [Provider Portal]	30
Submitting the termly funding claim [Headcount]	30

Updating the termly funding claim [Headcount]	31
Termly funding confirmation form.....	31
Changes to the Census and termly funding claims.....	31
Late claims	31
Disability Access Funding [DAF]	32
How to claim Disability Access Funding	32
Neighbouring Local Authority arrangements	32
Section 6: Funding and Audit.....	34
Funding rates.....	34
Estimated annual budget statement.....	34
How funding is calculated	35
Payments to Academies	35
Reconciliation of funding	36
Audit	36
Appendix A.....	38
Termly checklist - what schools need to do and when.....	38
Appendix B.....	39
Governance Structure for Free Early Education and Care Funding.....	39

All documents below are available to download from www.kirklees.gov.uk/fundingdocuments

Provider guidance and documents

- Provider Portal Guide.
- The Kirklees Agreement (relevant to academies only).
- Early Education Funding & Childcare Sufficiency Submission Deadlines and Payment Dates Calendar [key dates; headcount, deadlines, payments, term dates]
- Funded weeks table
- Ethnicity and special educational needs codes
- Guidance on children missing from early learning and childcare providers
- Referral form for missing children
- Guidance on requesting to transfer an Early Education and Care Place in very exceptional circumstances

Parent information and forms

- Parent Agreement including Key Facts Statement and Information on stretching
- Privacy Notice
- 30 hours eligibility check consent form
- Disability access funding application form

Section 1: Introduction

Statutory guidance

In September 2018, the revised *Early Education and Childcare: Statutory guidance for Local Authorities* [*“Statutory Guidance”*] came into force.

This statutory guidance from the Department for Education is for English local authorities on their duties pursuant to section 2 of the Childcare Act 2016 and sections 6, 7, 7A, 9A, 12 and 13 of the Childcare Act 2006.

The Childcare Act of 2006 made the term ‘Childcare’ inclusive of education for Children under compulsory School age. Section 7 of the 2006 Act requires Local Authorities [LAs] to secure sufficient free Early Years provision for eligible two, three and four year olds.

This Guide

The terms and conditions outlined in this Guide and the Kirklees Agreement are reviewed in consultation with the Early Years Reference Group. Details of the group’s membership and governance are shown in appendix B.

Two year old entitlement

Requirements and guidance which only relates to the two year old entitlement is highlighted in [blue](#) throughout the document.

30 Hours free childcare

The Childcare Act of 2016, section 1 places a duty on the secretary of state to secure the equivalent of 30 hours free childcare over 38 weeks of the year for qualifying children. Section 2 allows the Secretary of State to discharge her duty under section 1 of the Act by placing a duty on English local authorities to secure free childcare for qualifying children.

Academies

This Guide shall apply to an Academy under the Academies Act 2010, if pupil data **is provided** to the Council’s School Data Quality Team. Throughout this document references to Providers and Schools also apply to Academies; all references relating to Academies only, are highlighted in [red text](#).

Section 2: The Kirklees List of Approved Early Education and Care Providers

The free entitlement is delivered by Providers in the private, voluntary and independent sectors and Schools maintained by the Local Authority. Providers must be registered with Ofsted on the Early Years register unless they are exempt from registration. All Providers must be registered with Kirklees Council to be included in the Kirklees list of Approved Providers.

Private, voluntary and independent providers include:

- Day Nurseries
- Playgroups and Pre-Schools
- Holiday schemes
- Out of school clubs
- Nursery units of Independent Schools
- Nursery units of Free Schools
- Nursery units of Academies
- Childminders

Local authority providers include:

- Nursery and early years units within a maintained School
- Maintained Nursery Schools

Quality of provision

Local Authorities are required to fund early education and childcare provision purely on the basis of their Ofsted Judgement as follows:

Two year olds	<ul style="list-style-type: none">• Providers judged Good and Outstanding by Ofsted.• Where there are not sufficient places Requires Improvement Providers will be considered.
Three and four year olds	<ul style="list-style-type: none">• Providers judged Requires Improvement, Good and Outstanding by Ofsted.

Joining the Kirklees list of Approved Providers for two, three and four year olds

1. Once a School has registered with the Department for Education [DfE] they may join the Kirklees list of Approved Providers for two, three and four year olds.
2. Schools must comply with the terms and conditions outlined in this Guide and the Kirklees Parent Agreement.
3. In addition to the above, Academies must also comply with the terms and conditions outlined in the Kirklees Agreement.

The Council's responsibilities for maintaining the Kirklees list of Approved Providers

4. In maintaining the Kirklees list of Approved Providers, the Council will:
 - Provide details of Providers offering free early education and care places to parents.
 - Provide support and guidance to Schools to meet their responsibilities of the conditions outlined in this Guide, the Kirklees Parent Agreement and the Kirklees Agreement [Academies only].
 - Provide support and guidance to Schools on delivering a more flexible free entitlement.
 - Keep Schools updated on changes to legislation, guidance, procedures and processes.

Removal from the Kirklees list of Approved Providers [Academies only]

5. The Council will, subject to paragraph 6, remove Academies from the approved list of Providers if an Academy fails to meet the terms and conditions outlined in this Guide, the Parent Agreement and/or the Kirklees Agreement.
6. The Council will first inform an Academy of any breach of their Kirklees Agreement capable of remedy, allowing the Academy to rectify the breach within a specified timescale.
7. If the Academy does not rectify the breach or breaches within a reasonable period stipulated in writing by the Council the Academy will be given 10 Provider Working Days¹ written notice of removal from the Kirklees list of Approved Providers and thereafter free early education and care funding to the Academy will cease.
8. Academies who receive an 'Inadequate' Ofsted judgement are at risk of being removed from the Kirklees list of Approved Providers for two, three and four year olds with immediate effect. Consequently, free early education and care funding will cease where Children leave the provision as a result of the 'Inadequate' judgement and funding for new Children will not be provided.
9. Academies who receive a 'Requires Improvement' Ofsted judgement are at risk of being removed from the Kirklees list of Approved Providers for two year olds with immediate effect, consequently free early education and care funding for new two year old Children will not be provided unless the Council considers there to be a sufficiency need in the area.

¹ Provider Working Days is defined in the Kirklees Agreement and the Parent Agreement and means the days when the School is usually open for business.

10. The Council reserves the right to inform parents accessing their free early education and care at the Academy of the removal from the approved Provider list[s].

Withholding payments [Academies only]

11. The Council reserves the right to adjust or withhold any payments due to the Academy following an Inadequate Ofsted judgement, suspension of Ofsted registration or where there is a risk of insolvency, or where the Council receives any information which leads the Council to conclude that it would be appropriate to withhold payment. If an overpayment occurs the Council will issue an invoice.

Re-inclusion of Academies removed from the list of Approved Providers

12. Any Academy which has been removed from the list may be re-admitted if the grounds for removal are no longer applicable. It is the Academy's responsibility to contact the Council to request re-inclusion with the exception of paragraph 13 below.
13. Where the removal was due to a 'Requires Improvement' Ofsted judgement which has since improved to a 'Good' or 'Outstanding' Ofsted judgement the Council will automatically re-admit the Academy onto the Kirklees list of Approved Providers for two year olds.

Decisions

14. Decisions regarding removal from the Kirklees list of Approved Providers will be considered by the Quality and Sufficiency Review Group.

Complaints and appeals

15. Any Academy who has been given notice to remove them from the Kirklees list of Approved Providers may complain within 5 Working Days by writing to:
Service Director: Kirklees Council, Learning and Early Support, PO Box 1720, Huddersfield, HD1 9EL.
16. A response will be sent to the Academy in writing within 10 Working Days.
17. If the Academy is still not satisfied and wishes to appeal the decision to remove them from the Kirklees list of Approved Providers, they may do so within 5 Working Days of receiving the response to their complaint by writing to:
Service Director: Kirklees Council, Learning and Early Support, PO Box 1720, Huddersfield, HD1 9EL.
18. The appeal hearing will be convened to examine all the evidence in the appeal papers supplied by the Council and the Academy. The Academy will be able to attend if they wish to do so and will be informed of the decision in writing within 5 Working Days of the appeal hearing.
19. In the event the Academy is not satisfied with their treatment under the complaints and appeals procedure they are entitled to make a complaint to the Local Authority Ombudsman.
20. There can be no appeal if the removal is due to a change in Ofsted judgement.

Section 3: Provider Responsibilities

Schools must meet all the requirements in this section in order to be included in the Kirklees List of Approved Providers.

Quality and Safeguarding

1. Schools must ensure continuous quality improvement of their Early Years provision by identifying areas for development and incorporating these into the School Development Plan.
2. Schools must meet the requirements of the Early Years Foundation Stage [EYFS] Framework.
3. Schools must take account of the EYFS Statutory Guidance and Keeping Children Safe in Education Statutory guidance for schools and colleges September 2022. They must have clear safeguarding policies and procedures in place that are in line with Kirklees 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 school must also have regard to 'Working Together to Safeguard Children' 2018 guidance.

Flexibility

4. Schools should offer flexible packages of free hours, subject to the following standards which will enable children to access regular, high quality provision in keeping with the evidence of the benefits of doing so, whilst maximising flexibility for parents and ensuring a degree of stability.
 - no session to be longer than 10 hours
 - no minimum session length (subject to the requirements of registration on the Ofsted Early Years Register)
 - not before 6.00am or after 8.00pm
 - a maximum of two sites in a single day
5. Evidence shows that continuous provision is in the best interests of the child. Where it is reasonably practicable Schools should ensure that children are able to take up their free hours in continuous blocks and avoid artificial breaks being created throughout the day, for example over the lunch period.
6. Free places can be delivered:
 - up to 52 weeks of the year
 - outside of maintained school term times
 - at weekends
7. Where there is capacity and parental demand parents can take up their child's free place in patterns of hours that "stretch" their child's entitlement by taking fewer hours a week over more weeks of the year, for example 11 hours a week for 51 weeks of the year for the universal 15 hour entitlement or 22 hours a week for the extended 30 hour entitlement.
8. The School should work with the Council and share information about the times and periods at which they are able to offer free entitlements to support the Council to secure sufficient stretched and flexible places to meet parental demand.
9. The School should publish their admissions criteria and ensure parents understand which hours/sessions can be taken as free provision. Not all schools will be able to

offer fully flexible places but should work with parents to ensure that as far as possible the pattern of hours are convenient for parents' working hours.

10. Schools must not encourage the movement of Children between Providers mid-term [to support stability for Children].

Partnership working

11. The School should work in partnership with parents, carers and other providers to improve provision and outcomes for children in their setting. An interactive toolkit² has been developed to help Schools set up or join a partnership, maximise the benefits of working together and tackle the challenges joint working can bring.
12. The School should discuss and work closely with parents to agree how a child's overall care will work in practice when their free entitlement is split across different providers, such as at a maintained school and childminder, to ensure a smooth transition for the child.

Special educational needs and disabilities

13. The School must ensure all staff members are aware of their duties in relation to the Special Educational Needs and Disability code of practice: 0 to 25 years [January 2015] and the Equality Act 2010.
14. The School 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.

Social mobility and disadvantage

15. The School 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 to improve outcomes for this group.

British values

Schools must:

16. Meet the independent school standard in relation to the spiritual, moral, social and cultural development of pupils.
17. Actively promote fundamental British values of democracy, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs.
18. Not promote as fact views or theories which are contrary to established scientific or historical evidence and explanations.

² <http://www.familyandchildcaretrust.org/dfes-30-hour-mixed-model-partnership-toolkit>

Funding claim deadlines, relevant changes and keeping records

Schools must:

19. Complete and submit all free early education and care funding claims via the Provider Portal and data collection returns to the Council within the specified timescales, relevant dates are highlighted on the '*Early Education Funding & Childcare Sufficiency Submission Deadlines and Payment Dates Calendar*' available to download from the website³;
20. Meet claim deadlines, where Schools have submitted a claim on time but omitted a Child or made an error, changes may be accepted after the claim deadline up until the deadline for new children starting after Census Day/Headcount Day. Claims after this date will not be accepted unless there are exceptional circumstances, Schools must still provide the Children their free entitlement.
21. Complete and submit the termly School Census and if applicable the annual Early Years Census [refer to Section 5, paragraphs 104-106] to the Council in accordance with the requirements set by the School Data Quality Team, FECC Team and the DfE⁴ **Academies submit their School Census [including nursery Children] either directly to the DfE or the School Data Quality Team.**
22. Inform the Council of any significant changes to the School details, such as responsible contacts, opening hours and any other relevant information.
23. Keep all free early education and care funding records for seven financial years⁵ [the current year and six previous years] with the exception of copies of Child identification which must be kept for a minimum of two years.
24. Inform the Council of any permanent change to a funded Child's attendance and submit a 'Notification of a Child Leaving a Funded Place' form if a Child leaves during a funded period; [include a brief reason e.g., safeguarding, moved out of area, change for job].
25. Inform the Council of any permanent change to a funded Child's details e.g., a change of address or legal name.

Charging

26. Government funding is intended to cover the cost to deliver 15 or 30 hours a week of free, high quality, flexible childcare. It is not intended to cover the cost of meals, consumables, additional hours or additional services.
27. The School can charge for meals and snacks as part of a free entitlement place and they can also charge for consumables such as nappies, sun cream and trips. These charges must be voluntary for the parent. Where parents are unable or unwilling to pay for meals and consumables, Schools who choose to offer the free entitlements are responsible for setting their own policy on how to respond, with options including waiving or reducing the cost of meals and snacks or allowing parents to supply their own meals.

³ www.kirklees.gov.uk/fundingdocuments

⁴ Local Authorities receive funding for two, three and four year olds based on the number of Children included on the Early Years and School Census returns. Failure to submit the return by the deadline will result in reduced funding to the Council and may limit the hourly funding rate paid to Schools.

⁵ Financial year: April to March. Records include: attendance registers, Parent Agreements, copies of Child Identification, copies of parents' invoices, Disability Access Funding Application Forms, 30 hours Eligibility Check Consent Forms.

28. The School should deliver the free entitlements consistently so that all children accessing any of the free entitlements will receive the same quality and access to provision, regardless of whether they opt to pay for optional hours, services, meals or consumables.
29. The Council will not intervene where parents choose to purchase additional hours of provision or additional services, providing that this does not affect the parent's ability to take up their child's free place. The School should be completely transparent about any additional charges.
30. The School can charge parents a deposit to secure their child's free place but should refund the deposit in full to parents within a reasonable time scale.
31. The School cannot charge parents "top-up" fees (the difference between a school's usual fee and the funding they receive from the local authority to deliver free places) or require parents to pay a registration fee as a condition of taking up their child's free place.
32. The School should ensure their invoices and receipts are clear, transparent and itemised, allowing parents to see that they have received their free entitlement completely free of charge and understand fees paid for additional hours. The School will also ensure that receipts contain their full details so that they can be identified as coming from a specific school.
33. The important principle is to include on the invoice the wording '*Free Early Education and Care funded by Kirklees Council,*' and the hours provided free in the invoice period. This applies to both computerised and handwritten invoices.
34. Invoices should avoid including a monetary value against the FEEC hours. However, it is recognised that Schools use different software to produce invoices, and this may not be possible; therefore, where there is no other option, a monetary value could be included alongside the number of free hours.
35. Copies of invoices must be retained for inspection during an audit visit.

Providing 38 weeks

36. The universal entitlement of 570 hours of free early education and care each year is commonly accessed by taking 15 hours each week for 38 weeks of the year.
37. The academic year (September to July) is 39 weeks or 195 days. Five days are INSET (In Service Training) days; therefore, the actual number of term-time weeks that are funded is 38 weeks or 190 days.
38. In the financial year (April to March) the number of term-time weeks can be more or less than 38 dependent on when Easter falls therefore the Council measures 38 weeks over an academic year.
39. The Council funds a set pattern of 12 weeks for the summer and spring terms and 14 weeks for the autumn term regardless of the actual number of term-time weeks.
40. Schools have flexibility to set the dates in which they offer funded places therefore they do not have to be the same as the Kirklees School term-time dates.
41. A School's chosen 'funded period' (dates for funded children) must be notified to parents in advance of the start of the funded period/term. If parents choose to access hours on a date outside the 'funded period' which results in the child exceeding their free entitlement, then a charge can be made.
42. If less than 38 weeks are provided, Schools should claim the exact number of weeks provided.
43. To summarise, as long as a School's funded period covers 38 weeks / 190 days over an academic year the requirements will be met.

Starting new Children [staggered intakes]

44. Parents will want their Child to start at the beginning of term, so they receive the full entitlement. Schools may stagger new intakes for practical reasons, however Schools who operate staggered intakes should be prepared to listen to the needs of parents and balance the interests of all parties.
45. Staggered intakes should not exceed the first two weeks of term. Exceptions may be made for longer periods to manage the transitional arrangements for children with additional needs. [Note: The Council reserves the right to adjust funding where Schools act unreasonably].
46. If a parent requests to use their entitlement during the staggered intake period at their previous Provider and the School is unable to offer an earlier start date then the termly funding can be split between both providers.
47. Funding cannot be split for staggered intakes into a School reception place as early years funding is not available in the term a Child starts their reception place.

Attendance monitoring

48. Schools should promote good attendance and must record the attendance of all funded Children in a register which meets the requirements of Ofsted.
49. Schools must have regard to the safeguarding of young, particularly vulnerable Children and should act appropriately when no reasonable explanation can be obtained from parents about a Child's absence. Schools should have regard to the Kirklees Children Missing from Education (CME) procedures which can be found on the website⁶.
50. Additional guidance on missing children and how to refer to the Children Missing in Education [CME] Team can be found on the website⁷. Schools should have regard to the Kirklees Children Missing from Education (CME) procedures which can be found on the website⁸.

Non-attendance [reason for absence unknown]

51. Attendance records of funded Children should be monitored regularly. If the reason for a Child's absence is unknown for two consecutive days or more the School must contact the parent and remind them their place is funded by the Council and should be accessed as stated on the Parent Agreement.
52. If the Child has not attended after 5 Provider Working Days, a letter should be sent to the parent explaining that if their child does not attend within the next 5 Provider Working Days or they do not make contact to explain why their child is absent, their place will be ended. It is recommended that Schools include in the letter that a referral will be made to the Children Missing in Education Team if no contact is received from the parents.
53. If the Child has still not attended by the 10th Provider Working Day and the School has been unsuccessful in contacting the parent, the School must give the required notice of 20 Provider Working Days, in writing, to end the place.
54. If the Child is absent for the final 20 Provider Working Days of term, reduced notice periods will apply because the School must end the place at the end of term, consequently funding cannot be claimed in the following term. It is the Schools discretion whether to accept the Child if they return.
55. When a place is ended the School must inform the Council immediately by completing the '*Notification of Child Leaving a Funded Place*' form on the Provider Portal. Include a brief reason e.g., safeguarding, moved out of area, change for job.

⁶ www.kirklees.gov.uk/fundingdocuments

⁷ www.kirklees.gov.uk/fundingdocuments

⁸ www.kirklees.gov.uk/fundingdocuments

56. Copies of all correspondence should be kept.

Reduced attendance

57. If Children do not attend for the number of hours stated on the Parent Agreement this should also be monitored. Parents should be contacted within a 10 Provider Working Day period of reduced attendance and reminded their Child should be attending for the number of weekly hours on the Parent Agreement.
58. If attendance does not improve, a letter should be sent to the parent after 10 Provider Working Days explaining that if they do not return to using the number of hours they have chosen their funded hours will be reviewed and reduced the following term.
59. Copies of all correspondence should be kept, and a note should be made on the register.
60. If an audit highlights non-attendance or reduced attendance and no evidence is available to suggest the parent has been contacted, funding may be recouped.
61. Exceptions will be made for Children with additional needs and families in very challenging circumstances.

Evidence of monitoring attendance

62. A log should be kept recording the date and details of all contact made with parents [i.e., phone calls and letters] and copies of all letters sent should be kept for evidence.

Extended holidays

63. Children may be absent due to extended family holidays; parents must inform the School of the period their child will be absent. A maximum of 20 Provider Working Days will be funded for an extended holiday. If a child does not return from holiday by the twentieth Provider Working Day, the **Non-attendance** guidance should be followed [paragraphs 51-56].
64. If it is known that the holiday will be longer than 20 Provider Working Days at the outset, then funding will end after 20 Provider Working Days. The School can choose to keep the place open at their discretion for when the Child returns subject to availability.
65. When a place is ended the School must inform the Council by completing the '*Notification of Child Leaving a Funded Place*' form on the Provider Portal.

Illness

66. Children may be absent due to illness which may be long term. Where possible parents should inform the School of the anticipated period their Child will be absent. If the period extends beyond 20 Provider Working Days' during a funded period, the parent should provide a doctor's note and the School must inform the Council. The place should be kept open if requested by the parent and will continue to be funded in subsequent terms unless it is anticipated that the Child will not return within 12 months.

Unforeseen closures

67. It is accepted that Schools may have no choice but to close for an occasional day; for example, if it is not possible to meet staff ratios due to illness, the heating breaks down in winter or for fire or flood.

68. In these cases, funding will be given provided the number of days does not exceed 5 Provider Working Days in any one funded period/term [days may not be consecutive], however Schools must put strategies in place to rectify the problem promptly.
69. Where possible, Schools should make every effort to provide the funded Children with additional hours to replace those they have missed during the period of closure.
70. Schools will not be funded for longer periods of closure lasting for 5 Provider Working Days or more.
71. The period of closure must be notified to the Council as soon as possible so that funding can be adjusted where relevant.
72. Infectious disease related closures and partial closures: where Schools have had to temporarily close or partially close at the direction of Public Health or because it is not possible to meet staff ratios, early years funding will not be reduced or clawed back. A School could, if they have availability, offer the hours at another time for funded only children but there is no expectation that this happens. For parents paying for additional hours during term time or during the holidays Schools should still apply the usual free entitlement hours for that term to their invoice

Planned closures

73. Planned closures will not be funded; for example, training days, building/redecoration work, public and bank holidays and religious observances. Claim submissions must be adjusted accordingly to reflect the actual weeks to be provided in the funded period/term. Schools may be asked at any time to supply the dates they are offering free early education and care sessions.
74. At the discretion of the authorised officer for the Council, funding may be provided if circumstances are deemed to be exceptional for example if an additional public holiday takes place or during periods of industrial action.

Data Protection Act 2018: Privacy Notice

75. Schools, Providers, Local Authorities [LAs] and the Department for Education [DfE] are all 'data controllers' under data protection law [the General Data Protection Regulation, the Data Protection Act 2018, and other associated data protection legislation], in that they determine the purpose[s] for which 'personal data' [i.e., data about living individuals from which they can be identified] is processed and the way in which that processing is done.
76. Data controllers have to provide 'data subjects' [individuals who are the subject of personal data] with details of who they are, the purposes for which they process the personal data, and any other information that is necessary to make the processing of the personal data fair, including any third parties to whom the data may be passed on to. This is done by what is referred to as a 'Privacy Notice.'

Issuing the Privacy Notice

77. Parents / Carers / Children need to be made aware of the 'Privacy Notice' which is published on the Council website⁹.
78. Schools must have a process in place to issue the 'Privacy Notice,' this can be done in a number of ways, for example: as part of an induction pack, on the School notice board, on the School website, or sent via email.

⁹ www.kirklees.gov.uk/fundingdocuments

Section 4: Children's Eligibility

The universal entitlement for all three and four year olds

1. Every child is entitled to 570¹⁰ hours each year to be taken over no fewer than 38 weeks and up to 52 weeks of the year from the relevant date following their third birthday, as set out in the table below, until they reach compulsory School age [the beginning of the term following their fifth birthday].

If the Child's 3rd birthday falls between:	Their free place can begin from:
1 January and 31 March	the start of the term beginning on or following 1 st April after the Child's 3 rd birthday [summer term]
1 April and 31 August	the start of the term beginning on or following 1 st September after the Child's 3 rd birthday [autumn term]
1 September and 31 December	the start of the term beginning on or following 1 st January after the Child's 3 rd birthday [spring term]

The extended entitlement for working parents of three and four year olds

2. Eligible children are entitled to an additional 570 hours each year to be taken over no fewer than 38 weeks and up to 52 weeks of the year.
3. A child will be entitled to the additional free hours from the term after both of the following conditions are satisfied.
 - a) the child meets the age criteria as defined in the table above; and
 - b) the child's parent has a current positive determination of eligibility from HMRC.
4. The eligibility criteria are as follows:
 - the parent of the child (and their partner where applicable) should be in qualifying paid work. Each parent or the single parent in a lone parent household will need to expect to earn the equivalent of 16 hours at the national living wage or their national minimum wage rate over the forthcoming quarter.
 - where one or both parents are in receipt of benefits in connection with sickness or parenting, they are treated as though they are in paid work.
 - where one parent (in a couple household) is in receipt or could be entitled to be in receipt of specific benefits related to caring, incapacity for work or limited capability for work that they are treated as though they are in paid work.
 - where a parent is in a 'start-up period' (i.e., they are newly self-employed) they do not need to demonstrate that they meet the income criteria for 12 months in order to qualify for the extended entitlement.
 - if either or both parents' income exceeds £100,000, they will not be eligible for the extended entitlement.

¹⁰ This equates to 15 hours a week for 38 weeks of the year. Children may stretch their entitlement over more than 38 weeks (and up to 52 weeks). This means taking fewer hours per week.

5. The child's parent must apply for the additional free hours through the Government's online Childcare Service¹¹. Eligibility for the additional free hours is determined by HMRC.

The extended entitlement for three and four year children in foster care

6. From September 2018, the extended entitlement was rolled out to some three and four year old children in foster care, the criteria are:
 - accessing the extended hours is consistent with the child's care plan; and
 - the foster parent(s) is/are engaging in paid work outside their role as a foster parent, or one parent is working and the other is in receipt of benefits: or
 - where there are two parents but only one is a foster carer, they must be engaging in paid work outside their role as a foster parent and their partner must meet the standard eligibility income criteria (earning equivalent to 16 hours at national minimum/national living wage). Or one parent is working (meeting the relevant employment/income criteria) and the other is in receipt of benefits.
7. Applications are processed by the local authority responsible for the child's care.
8. Foster parents applying for their own children will need to use the Government's online Childcare Service¹².

The entitlement for two year olds

Children who meet the following criterion are eligible:

- Looked After by the Local Authority.
- They have left care through Special Guardianship Order, Child Arrangements Order or Adoption Order.
- They have an Education, Health and Care plan
- They receive Disability Living Allowance.
- They have a Child Protection Plan*.
- They have a Child in Need Plan*.

The criterion marked with an asterisk [*] are local criterion and are subject to removal at any time. All other criterion is statutory.

Parents with a two year old who receive one or more of the following benefits are also eligible:

- Income Support.
- Income based Job Seekers Allowance (JSA).
- Income related Employment and Support Allowance (ESA).
- Support under part 6 of the Immigration and Asylum Act 1999.
- The guarantee element of State Pension Credit.
- Universal Credit if the parent (and their partner) have a combined income from work of £15,400 or less a year, after tax.
- Child tax credits if the parent (and their partner) has an income of £16,190 or less a year, before tax.
- Working Tax Credit run-on, which is paid for 4 weeks after a parent stops qualifying for Working Tax Credit.

If parent/carers immigration status is 'no recourse to public funds,' then they may still get free childcare if household income is no more than £26,500 for families outside of London with one child or £30,600 for families outside of London with two or more children. Parents cannot have

¹¹ <https://www.gov.uk/apply-30-hours-free-childcare>

¹² <https://www.gov.uk/apply-30-hours-free-childcare>

more than £16,000 in savings or investments. If one parent in a family has no recourse to public funds and the other has recourse to public funds then recourse to public funds takes precedence and parents should apply via normal route. Those who may be eligible include:

- Children of Zambrano Carers (right to live in the UK because they are the main carer of a British citizen).
- Children of families with no recourse to public funds with a right to remain in the UK on grounds of private and family life under Article 8 of the European Convention on Human Rights.
- Children of a subset of failed asylum seekers (supported under section 4 of the Immigration and Asylum Act 1999 – ‘the 1999 Act’).
- Families receiving support under Section 17 of the Children Act 1989 who are also subject to a no recourse to public funds restriction
- Chen carers (primary carer of a self-sufficient EEA national child)
- Families holding a [BN\(O\) passport](#)
- Spousal visa holders
- Work visa holders
- Student visa holders
- Those with no immigration status
- Those with a UK Ancestry Visa
- Those with temporary protection status under Section 12 of the Immigration and Nationality Act
- Those with pre-settled status who do not meet the qualifying right to reside test

9. Children are eligible from the start of the term following their second birthday as per the table below:

If the Child's 2nd birthday falls between:	Their free place can begin from:
1 January and 31 March	the start of the term beginning on or following 1 st April after the Child's 2 nd birthday [summer term]
1 April and 31 August	the start of the term beginning on or following 1 st September after the Child's 2 nd birthday [autumn term]
1 September and 31 December	the start of the term beginning on or following 1 st January after the Child's 2 nd birthday [spring term]

Early Years Pupil Premium [EYPP]

10. Schools can claim extra funding through the Early Years Pupil Premium to support Children's development, learning and care.
11. The Early Years Pupil Premium provides extra funding for three and four year old Children whose parents are in receipt of certain benefits or who have been in care or adopted from care.
12. Children who meet the following criterion are eligible:
 - Looked After by the Local Authority.
 - They have left care through a Special Guardianship Order, Child Arrangements Order or Adoption Order.
13. Children of parents who receive one or more of the following benefits are also eligible:
 - Income Support.

- Income based Job Seekers Allowance (JSA).
 - Income related Employment and Support Allowance (ESA).
 - Support under part 6 of the Immigration and Asylum Act 1999.
 - The guarantee element of State Pension Credit.
 - Child Tax Credit provided not they are not eligible to Working Tax Credit and their gross annual income is no more than £16,190.
 - Working Tax Credit run-on, which is paid for 4 weeks after a parent stops qualifying for Working Tax Credit.
 - Universal Credit, provided the parent's annual net earned income is equivalent to and not exceeding £7,400, as assessed on up to three of the parent's most recent Universal Credit assessment periods.
14. Early Years Pupil Premium funding is not applicable to the extended entitlement hours.

Disability Access Funding [DAF]

15. Schools can claim Disability Access Funding to support three and four year old children with a disability to access the free entitlement.
16. A lump sum payment is available annually to providers who have eligible funded three and four year old children in receipt of Disability Living Allowance [DLA].
17. Children do not need to take up all their entitlement of 570 hours to be eligible for DAF.
18. Four year olds in reception class are not eligible for DAF.
19. For more details and how to apply refer to section 5.

Section 5: Procedures for Claiming Funding

The Provider Portal

1. In addition to children being entered into your School Management Information System [Integris or SIMS], all claims for funding should be submitted via the [Provider Portal](#)
2. The Provider Portal Guide provides detailed guidance on how to use the Provider Portal to check eligibility for 30 hours and submit funding claims; the guide is available to download from the website¹³.

Termly Census

3. All Schools are required by law¹⁴ to submit a Census return each term, the same Census dates are also used as the Headcount to determine free early education and care funding for all providers. The Census dates are as follows:

Term	Headcount / Census Day
Summer	The third Thursday in May
Autumn	The first Thursday in October
Spring	The third Thursday in January

4. Subject to paragraph 19, Schools will be funded for the full term for all eligible Children who are registered at the School on Census Day for the number of funded hours the Children are accessing at that time, provided a Parent Agreement is in place. New Children starting after Census Day will be funded for the remaining number of weeks in the term.
5. [Subject to paragraph 19, Schools will be funded for the full term for all eligible two year old Children who are registered at the School on Census Day for the number of funded hours the Children are accessing at that time, provided a Parent Agreement is in place. New Children starting after Census Day will be funded for the remaining number of weeks in the term.](#)

Estimate Claims (relevant to Academies Only)

6. Estimate payments are based on the number of estimated weekly hours submitted by the Academy on the Provider Portal.
7. All Children included in the estimate claim must have a completed and signed parent agreement in place.
8. An estimate claim should include the total number of **weekly** funded hours for all the funded Children expected to be attending in the following term. For example, 10 Children each attending for 15 hours a week and 5 Children each attending 30 hours a week, the estimate would be 300 hours.
9. Before including a new two year old on the estimate claim Academies should ensure that the Child is eligible by checking their voucher code is valid on the Provider Portal.
10. If a parent/guardian cannot provide the voucher code, Academies should contact the Free Early Education and Care [FEEC] Team¹⁵ to confirm the Child is eligible.

¹³ www.kirklees.gov.uk/fundingdocuments

¹⁴ Section 99 of the Childcare Act 2006 (The Childcare (Provision of Information About Young Children) (England) Regulations)

¹⁵ Free Early Education and Care [FEEC] Team E-mail: feecsteam@kirklees.gov.uk Telephone: 01484 225752

11. Academies who prefer **not** to receive an estimate payment should e-mail: feecteam@kirklees.gov.uk

Estimate claims for 30 hours

12. All children included in the 30-hour estimate must have a '30 hour Eligibility Check Consent Form' completed and signed in addition to having a completed and signed parent agreement in place.
13. Academies must check that the 30-hour eligibility code is valid for the term that the estimate is being submitted for example, the code 'validity end date' must be after the start of term.
14. The FEEC Team conduct validity checks on estimate claims, where claims are significantly higher than in previous terms Academies may be asked to submit their actual claim to support their estimate.

Deadline for submitting estimate claims

15. The deadlines for estimate claims are highlighted in orange and brown on the '*Early Education Funding & Childcare Sufficiency Submission Deadlines and Payment Dates Calendar*'
16. The date highlighted in **orange** is the **estimate claim deadline**.
17. The date highlighted in **brown** is the **estimate claim update deadline**.
18. Academies can choose whether or not to use the estimate claim update deadline, it is recommended Academies submit a revised estimate claim if there is a significant change to the original estimate that was submitted, for example if the estimate claim was incorrectly calculated or if a significant number of new children have started.

Children leaving during the term

19. If the parent gives notice to end the place, either before or after the Census, the School will be funded for the period of attendance plus the required notice period of 20 Provider Working Days¹⁶ provided a Parent Agreement is in place (attendance and notice can run concurrently). When the child starts at a new School, the new School will be funded for the remaining number of weeks in the term and cannot be funded during the notice period unless there are very exceptional circumstances [refer to paragraph 24].
20. A School may at their discretion, accept a shorter notice period or no notice period at all.
21. Schools should not impose unreasonable conditions and financial penalties on parents in parental contracts which would create a barrier to their Child accessing free early education and care.
22. Schools are required to notify the Free Early Education and Care [FEEC] Team when a Child's place is ended during a funded period by completing the '*Notification of Child Leaving a Funded Place*' form on the Provider Portal. Include a brief reason e.g., safeguarding, moved out of area, change for job.

¹⁶ Provider Working Days is defined in the Kirklees Agreement and the Parent Agreement and means the days when the School is usually open for business.

Duplicate claims

23. If a claim is received from two Providers in respect of the same Child i.e., where the Child has been attending both providers, and the actual attendance exceeds 15 hours [or 30 hours if eligible], provided a Parent Agreement is in place with both Providers, funding may be pro-rated. [If there is only a Parent Agreement in place at one Provider; that Provider will receive 100% funding; the other Provider will not be funded].

Very exceptional circumstances

24. Parents must give their provider, 20 Provider Working Days' notice, if they wish to end their place and move to another provider, however in very exceptional circumstances the Council will fund a transfer with immediate effect. Such circumstances may include:
- **Safeguarding concerns** – based on recommendations from a Kirklees Council social care professional.
 - **Significant change of address** – where the distance from a new home to the current early education provider is greater than at least 1 mile than the distance from the old home to same provider.
 - **Multiple and significant changes placing a family in very challenging circumstances** – as assessed by a Kirklees Council officer.
 - **Where current Free Early Education and Care arrangements prevent a parent accepting a job offer** – only where there are no practical options for linking Childcare as assessed by a Kirklees Council officer.
 - **Childs additional needs significantly not met** – as assessed by a Kirklees Council officer.

Application process for funding where very exceptional circumstances apply

25. To apply for funding with immediate effect, Schools will need to submit an 'Application to Transfer a FEEC Place' form via the online Provider Portal. The Council will consider the application and notify the potential School within 5 Provider Working Days.
26. If approved, funding will be given from the date of the application or the date the Child starts, up until the end of the funded period [term]; the Child's place will therefore be double funded for a maximum of 20 days [the required notice period].
27. If the application is rejected, it is at the School's discretion whether or not to provide a free place during the required notice period of 20 Provider Working Days.

Claims for Children who do not have a place at any other provision [after Census]

28. Schools can continue to submit Children via the actual claim on the Provider Portal up until the final [actual] payment for the term has been processed [usually one week before the final payment date] unless the final deadline for claims is prior to this date.
29. Schools will need to amend the 'term start date' to the date the Child is starting, and the weeks attended in term to the actual number of weeks to be accessed. Refer to the 'Funded Weeks' document available to download from the website.

30. To apply after the final [actual] payment for the term has been processed [one week before the final payment date] Schools will need to submit a '*Child Starting after Census- Headcount*' form via the Provider Portal.
31. Note: if checks show the Child has been funded at another provision in the term, funding will not be given unless there are very exceptional circumstances [refer to paragraph 24].

Deadline for children starting after Census Day and applications to transfer a FEEC place

32. The deadline for '*Application to Transfer a FEEC Place*' forms and '*Child Starting after Census/Headcount*' forms is 10 Working Days before the end of the funded period [term], Children must have started by this date. Refer to the '*Early Education Funding & Childcare Sufficiency Submission Deadlines and Payment Dates Calendar*'

30 hours [extended entitlement]

33. In addition to children being entered into your School Management Information System [Integris or SIMS], Schools will need to enter details of children who are eligible for the extended entitlement into the Provider Portal¹⁷.
34. Before claiming 30 hours for a child Schools must ensure the child will be eligible in the term. Schools can still offer places on the understanding that both parties know that funding is not guaranteed until the parent has either received a voucher code which ends after the start of the term that the claim relates to, or the parents have re-confirmed their eligibility with HMRC, and their voucher code end date has been extended beyond the start of the term that the claim relates to [see sections below for further details].
35. To check eligibility for 30 hours written consent is required from the parent, the '*30 Hours Eligibility Check Consent form*' can be downloaded from the website¹⁸
36. Schools will need the 30 hour eligibility code, the applicant [parents] National Insurance [NI] number and child's date of birth to enter in the provider portal. The details of the husband, wife or partner of the parent who applied can be collected on the form and entered into the portal, but these are not compulsory.

How parents apply for 30 hours

37. Parents will apply for the extended entitlement hours through the Government's national online website¹⁹.
38. If the parent is eligible, they will be issued with an 11 digit eligibility code, usually with a prefix of 500, codes for eligible Foster Carers have a prefix of 400.
39. The code is initially valid for a period between 3 and 5 months, this is dependent on a family's individual circumstance.
40. Parents need to re-confirm their eligibility before the code expires, this can be done up to 28 days before the expiry date, HMRC will remind parents via text and/or email.
41. Once a code has been re-confirmed, the validity period will then be exactly 3 months.
42. If a parent fails to re-confirm or their circumstances change and they are no longer eligible, a grace period will apply.
43. If parents encounter any problems when applying they should contact the Customer Interaction Centre on 0300 123 4097.

¹⁷ <https://earlyyears.kirklees.gov.uk/ProviderPortal>

¹⁸ www.kirklees.gov.uk/fundingdocuments

¹⁹ <https://www.gov.uk/apply-30-hours-free-childcare>

When parents should apply for 30 hours

44. Eligibility codes are issued from the date the eligibility decision is made by HMRC not the date of application. Although parents are likely to receive a quick decision from HMRC some cases may take several weeks.
45. Parents should apply for 30 hours in good time and before the deadline* to ensure they can access a place at the start of the following term. If the parent does not apply and receive an eligibility code before the start of term, they will not be able to access their 30 hours place until the following term. See table below.

Child's 3rd birthday falls between:	Ideal time to apply	Application deadline*	Extended hours can start from the beginning of the:
1 January – 31 March	January	31 March	Summer term (April)
1 April – 31 August	June	31 August	Autumn term (September)
1 September – 31 December	October	31 December	Spring term (January)

46. Parents may receive eligibility codes before their child is three, but they can only start claiming their 30 hours place the term following the child's third birthday or the term following the date the eligibility code was issued [whichever is the later].

Temporary Eligibility Codes for 30 hours

47. HMRC occasionally issue a 'Temporary Eligibility Code' with a prefix of '11', as opposed to the usual '500' prefix. This is due to some applications needing manual intervention.
48. Parents will need to present their Temporary Eligibility Codes to Providers in the same way as any other code. Providers then need to verify them as they normally would; however, they will only need to be verified once, as these codes are temporary in nature and cannot be reconfirmed. Instead, the parent will be issued with a normal Eligibility Code at their next reconfirmation, which they will need to use going forward. Providers will need to collect the new code from the parent once it has been issued at the next reconfirmation, which will replace the pre-existing Temporary Eligibility Code.

Re-checking eligibility for 30 hours

49. The Council will conduct re-checks on eligibility for 30 hours at least six times a year; at each half term and at the end of each term. The results of the re-checks will be shown on the Provider Portal and Schools will be emailed asking them to check the portal and notify parents who are in the grace period.

Grace Periods for 30 hours

50. The grace period enables parents to retain their childcare place for a short period if they become ineligible for 30 hours [see table below].
51. **Important note:** The grace period does not apply if children have not started accessing their place. For example, a parent applies in May and the code expires in August and has a grace period end date of 31 December. On reconfirmation if the parent is no longer eligible the code will not be extended, and the grace period does not apply.

Date parent receives ineligible decision on reconfirmation:	Grace period end date: Note: for children stretching the end date will include the holiday periods. For term time only children the end date will be the end of term.
Spring term - first half (e.g., 1 Jan – 10 Feb)	End of Spring term (e.g., 31 March)
Spring term - second half (e.g., 11 Feb – 31 March)	End of Summer term (e.g., 31 August)
Summer term - first half (e.g., 1 April – 26 May)	End of Summer term (e.g., 31 August)
Summer term - second half (e.g., 27 May – 31 August)	End of Autumn term (e.g., 31 December)
Autumn term - first half (e.g., 1 September – 21 October)	End of Autumn term (e.g., 31 December)
Autumn term - second half (e.g., 22 October – 31 December)	End of Spring term (e.g., 31 March)

Stretching the entitlement (providing funded hours all year round including school holidays)

52. Although most Schools do not offer stretch funding; Schools need to be aware of stretch as it can affect the entitlement a child has left when moving into a School nursery place if they have stretched at their previous Provider, particularly over the long summer term where they may have used more hours than the standard 180/360 leaving a shortfall for autumn and spring terms.
53. Some parents stretch their Child's entitlement over the School holidays by taking fewer hours each week over more weeks of the year.
54. Stretching offers flexibility so that Children can benefit from attending an early education provision all year round without the need for parents to purchase additional Childcare.
55. For parents who do require additional Childcare, Providers can offer flexible annual invoicing options to spread the cost evenly throughout the year. The option of annual invoicing is simpler for parents, Providers and the Council. Therefore, in general stretching the free entitlement will be of benefit to Children who attend just for their free entitlement.
56. The Council's Early Years budget can provide a maximum of 570 hours within the financial year [April to March] for each eligible Child [or 1,140 if eligible to the extended entitlement]; Children cannot receive more than their entitlement.
57. The maximum number of hours which can be claimed in a day is 10 hours, so for a child attending one day a week the maximum claim is 10 weekly hours. The maximum claim for a child attending two days (if entitled to the extended hours) is 20 hours per week.
58. The School holidays at the end of each term are included in the number of weeks for that term i.e., the spring term includes the Easter holiday period. In some years, the number of weeks is exactly 51 weeks but in other years the number of weeks will be up to 54 weeks, this is because Easter falls on different dates each year.
59. For children accessing a standard 11/22 hours per week stretch model; the maximum number of stretch weeks that will be funded each financial year will be 51 weeks. This ensures that stretch weekly hours are consistent rather than changing annually depending on the number of weeks in the stretch year and that children get as close to the maximum entitlement as possible. In years when the number of weeks including

the Easter holidays is greater than 51 weeks, parents can either pay for any hours accessed in those weeks or not access a place. As with the **standard** free entitlement hours (i.e., taken over 38 weeks), Schools should inform all parents which weeks are funded and not funded.

60. For children accessing 10 hours or less per week on stretch (20 hours or less per week if accessing the extended entitlement); the number of weeks will not be limited to 51 weeks if there are more weeks in the stretch financial year (up to 54 weeks). However, Schools will need to consider that children may be accessing hours at another provider.
61. The table below illustrates a **typical** stretch model of 11 universal hours or 22 weekly hours if the child is entitled to extended hours:

2022/23		Up to 11 hours per week		Up to 22 hours per week	
Term	Dates	Weeks	Hours	Weeks	Hours
Summer 2022	25 April - 4 September	19	209	19	418
Autumn 2022	5 September - 2 January	17	187	17	374
Spring 2023	3 January -16 April	15	165	15	330
Total		51	561	51	1122

62. Schools have discretion in how they offer the stretched entitlement and can choose the period they wish to offer stretch as well as the length of the sessions to be included in the stretched offer; this does not have to be every week your provision is open. For example, if a School wants to offer a 12/24 weekly hour stretch model the number of weeks claimed would be 47.5 weeks rather than 51 weeks.
63. Funded weeks claimed should be the exact number of weeks the School is open during the term [stretched funded period] based on closure dates and non-funded dates for all children.

Supporting parents to understand stretch

64. Schools must ensure parents fully understand how stretching works; Schools must give parents a copy of the document: *'Parent Agreement and Key Facts Statement.'*

Stretching: Changes to attendance days or Children starting later in term

65. If a Child starts after Census Day and wishes to stretch, Schools should amend the Child's **Term Start Date** on the Provider Portal to the actual date they started; funding will be calculated accordingly.
66. Changes in circumstances for Children who have begun stretching their entitlement will be inevitable; Schools should contact the Free Early Education and Care [FEEC] Team for advice on how to claim in the current and future terms.

Stretching: Moving to another Provider or School

67. The Parent Agreement can be ended with 20 Provider Working Days' notice and the remaining balance of the entitlement can be used at another Provider.
68. If a Child will be moving to a non-stretched Provider or School nursery in the autumn or spring term then the stretched hours must be limited to the maximum **standard** hours in each term i.e., 180/360 in summer term and 210/420 in autumn term.
69. If the parent states their Child will be stretching for the whole year and then changes their mind and chooses to move their Child to a Provider who does not offer stretch or

flexibility of less than 15 hours, they should notify the Provider so the claim can be adjusted before the end of the summer term.

70. If the parent fails to inform the Provider of the move, the **new provider** will have the option to either invoice the parents for the shortfall in hours or claim less hours per week or adjust the child's attendance dates for the free entitlement period. **It is vital that Providers explain this to parents interested in stretching.**
71. For children moving into a school reception place in the autumn term funding will be automatically capped at 180/360 unless the reception place has been deferred.

Parent Agreement

72. A Parent Agreement must be completed and signed for all eligible Children before commencement of the free place.
73. A copy of the Parent Agreement, Key Facts Statement and Privacy Notice must be given to the parent, where possible a term before their child is eligible, but must be given before their child starts accessing their free place.
74. The Parent Agreement will be in force for the duration stated on the Parent Agreement; this could be between one and nine terms unless the Child is stretching their entitlement in which case the maximum would be three terms.
75. If a parent wishes to cancel the Parent Agreement and change their provider, they can do so by giving written notice to their current provider of at least 20 Provider Working Days. A provider may at its discretion, accept a shorter notice period or no notice period at all.
76. The Parent Agreement must be completed by either the parent or the Child's legal guardian.
77. The School must request that the parent brings a form of identification such as the Child's birth certificate or passport to verify the Child's full legal name and date of birth [this process could be incorporated into the School's registration process for new Children; a copy must be kept for a minimum of 2 years, refer to Section 3, Provider Responsibilities].
78. The School must keep a copy of the Parent Agreement, this is an audit requirement to substantiate the number of free entitlement hours the parent has requested and to support the information submitted via the School Census / Provider Portal. Copies will be checked during an audit visit.
79. A copy of the Parent Agreement should also be given to the parent.
80. It is the responsibility of each School to explain to parents how many free hours their Child is entitled to and how their entitlement can be accessed.
81. **Important note: It is the School's responsibility to ensure that each parent has completed and signed a Parent Agreement and that the Child's details are entered correctly on the School Census / Provider Portal.**

Completing the Parent Agreement

82. Prior to completion, Schools should check with the parent whether the Child is attending another early education and care provider and accessing free entitlement hours there also. [Note children can access their free entitlement at a maximum of two **sites** in a day].
83. Schools may pre-populate certain sections of the Parent Agreement which will be common to most Children i.e., their School name.

84. The parent should enter the following at the top of the agreement.
- the full name of the School
 - their full name.
 - the period of the Parent Agreement [i.e., the date the place will commence and is intended to end].
 - The number of funding periods [terms] the Parent Agreement will be in force [maximum is nine terms].

The parent must sign and date the Parent Agreement and enter their full name at the bottom of page one.

85. The parent must tick the box to confirm they have read the Parent Agreement Key Facts Statement and Privacy Notice.
86. The parent must complete all the details relating to their Child [section 1]. A copy of the Ethnicity and Special Educational Needs [SEN] codes should be shown to the parent to assist completing the relevant information.
87. Section 2 is optional for parents to complete and collects the information required to check eligibility for EYPP.
88. In section 3 the parent must tick the box to confirm if their child has previously stretched their free entitlement at another provider. This is important because the child may have less than their standard entitlement left to use. Refer to paragraphs 52-71.
89. The parent must complete their Child's weekly attendance and claim details in section 3. This includes the number of universal entitlement hours, extended entitlement hours [if eligible] and non-funded hours paid for by the parent [if applicable].
90. Note: if parents are eligible to the Extended Entitlement and their child attends more than one provider it is important to specify where they are claiming their child's universal entitlement and extended entitlement. For example, if their circumstances were to change, they should consider which provider they would choose to keep accessing their child's universal entitlement at.
91. Section 4 should only be completed if the child is stretching their entitlement.
92. Section 5 should be completed by the parent if their child attends other early education and childcare providers.
93. The authorised signatory of the School must enter the reference number from the Child's identification document, sign, and date the Parent Agreement and enter their full name at the bottom of page one.
94. A copy of the signed Parent Agreement must be given to the parent. In addition, as part of the Parent Agreement, Schools are required to notify parents in writing and in advance, of the days when they will not be open for business during the length of the Parent Agreement [with the exception of weekends, Good Friday, Christmas Day, bank holidays and any designated public holidays]. This could be done in a number of ways, for example via email or posted on a website or notice board or included in an induction pack.

Changing the Parent Agreement

95. If the parent needs to change the number of free hours after the first term or chooses to move to stretching, another Parent Agreement must be completed.
96. If a School makes significant changes to sessions outside of the required notice period of 20 Provider Working Days, for example changing from afternoon sessions to

morning sessions, then parents have the choice to find alternative provision with immediate effect and funding will be adjusted.

Ending the Parent Agreement

97. If either party [the parent or the School] wishes to end the Parent Agreement they will need to give at least 20 Provider Working Days' written notice. Written notice can be electronic i.e., text, email, messaging Apps. Funding will be provided for the notice period.
98. If the Child has not attended for 10 Provider Working Days without the parent confirming the reasons and the School has been unsuccessful in contacting the parent the School must give the required notice, in writing to end the Parent Agreement. Funding will be provided for the notice period. If such notice is given within 20 Provider Working Days prior to the end of the School's funding period relating to any School term the notice shall be reduced to the remaining Provider Working Days of that funding period.
99. If the parent does not give the required notice and decides to move to another provider with immediate effect, funding will be given to the first provider for the 20 Provider Working Day notice period.
100. If the School ends the Parent Agreement in less than 20 Provider Working Days for reasons outside the terms of the Kirklees Agreement or the Parent Agreement, funding will be adjusted, and notice cannot be claimed.
101. Funding may be adjusted where Schools act unreasonably, including as an example but not limited to a] ending a non-funded sibling's place outside the required notice period for the funded sibling and b] not following professional advice in relation to Children with additional needs.

Completing the Parent Agreement for Children stretching

102. The period of the Parent Agreement must be within the financial year [April to March/April]. If the Child will be attending and stretching their entitlement in the following financial year, a second Parent Agreement will need completing.
103. If the parent wishes to end their Parent Agreement, they are required to provide 20 Provider Working Days written notice. The remaining balance of their entitlement can be used at another provider. Refer to paragraphs 67-71.

Designated Nursery Class or Governor led community service?

104. The majority of School nurseries are categorised as a 'Designated Nursery Class' however, some School nursery provision is categorised as a 'Governor led community service' (under Section 27 of the Education Act 2002). The categorisation and other factors such as the statutory age range of the School and staffing qualifications will affect how and where nursery children's details are recorded. See table below.

Designated Nursery Class	Governor led community service (under Section 27 of the Education Act 2002)
School Teacher Led (1:13 ratio)	Can be Teacher led (QTS, EYPS, EYT or L6 - 1:13 ratio) or Level 3 led (1:8 ratio)
Children are registered pupils of the school and placed on the school census	Children are either: I. registered pupils of the school are recorded on the school census and can include 2-year-olds if the school's

	<p>statutory age range covers 2-year-olds; or are</p> <p>II. <u>not</u> registered pupils of the school if they are not within the school’s statutory age range, and/or access some or all of their early years free provision, during the school day, which is not School Teacher led), children are recorded on the Early Years census.</p>
Funding claims for registered pupils are submitted via the Provider Portal and recorded in School Census	
2 year olds – 1:4 ratio	
School management and governance	
Inspected by Ofsted as part of the School ^{20*}	

105. If nursery children are **not registered pupils** of the School, they will need recording on the **Provider Portal**²¹ and **Early Years Census**, Schools may also wish to record Childrens details in their own management information system however they must not be recorded in the same system as pupils of the School, for example they cannot be recorded on the current role in Integris/SIMS and allocated with a UPN.
106. Nursery children who are **registered pupils** of the school will be recorded on the **current role in Integris/SIMS** and on the **School Census**.

Submitting the termly Census

107. Schools should use copies of the Parent Agreements and birth certificates to enter and update Child details in the School Management Information System ready for inclusion in the termly School Census return, which should be submitted to the School Data Quality Team unless paragraph 105 applies.
108. **Academies will need to submit their Census either directly to the DfE via COLLECT or via the School Data Quality Team as per their buy back agreement [Contact School Data Quality Team²² for further information].**

Claiming funding for eligible two year olds [Provider Portal]

109. **All Schools which have registered with the Council to provide free early education and care for eligible two year olds will need to submit children’s details via the Provider Portal.**
110. **Schools should also enter and update Child details in their School Management Information System for inclusion in the termly School Census return unless paragraph 105 applies.**
111. **Schools should only provide free places to eligible two year olds whose parents have a voucher code from the Council.**

Submitting the termly funding claim [Headcount]

112. Schools should use copies of the Parent Agreements and birth certificates to enter and update Headcount information via the Provider Portal. For detailed instructions refer to ‘*The Provider Portal for Free Early Education and Care Funding – A Guide for Private, Voluntary, Independent Providers and Schools*’

²⁰ This relates to children from 2 years and older. In most cases registration with Ofsted will be required for children under 2 years old.

²¹ <https://earlyyears.kirklees.gov.uk/ProviderPortal>

²² school.datateam@kirklees.gov.uk

113. Note there are separate Headcount submissions [actual claims] for two year olds and for three and four year olds.

Updating the termly funding claim [Headcount]

114. **Important note:** To comply with Data Protection legislation, personal and sensitive details must be stored securely and accurately therefore Schools must enter the full legal name as witnessed from the Child's form of Identification. Child records entered via the Provider Portal are imported into the Council's integrated pupil database and are available to authorised officers in the Council.
115. Your termly Headcount will show all the Children from your previous termly Headcount who are still eligible for a free place according to their date of birth.
116. **Deleting Children** - Children who have left your School or moved into a reception place will need deleting from your Headcount.
117. **Check and edit existing Children** - view each Child individually, firstly to check their core details²³ are correct, and secondly to check and edit their attendance details as necessary, i.e., weeks, funded hours and non-funded hours.
118. **Important note: If any of the Child's core details have changed, for example they have moved house or their legal name has changed through adoption or their name or date of birth has been entered incorrectly, schools must update the Child's details and add a note on the 'notes' tab.**
119. **Adding new Children** – enter all the core details and attendance information from the Parent Agreement.
120. Claims can be submitted from the start of term up until the deadline. Information can be entered on separate occasions during this period.
121. Schools can still claim funding if Children who do not have a funded place at any other provision wish to start after the deadline [refer to paragraphs 28-31].
122. All relevant dates are highlighted on the '*Free Early Education and Care Funding Calendar: Claim Deadlines and Payments*'

Termly funding confirmation form

123. Once you have completed your submission on the Provider Portal you must send confirmation that your claim is complete by completing the online form '*Termly Funding Confirmation Form.*' You must include the following information:
- total number of Children.
 - total number of termly hours [Children x hours x weeks].

Changes to the Census and termly funding claims

124. Where Schools have submitted their claim on time but omitted a Child or made an error, changes may be accepted after the claim deadline up until the deadline for new children starting after Census/Headcount Day.

Late claims

125. The Council will issue at least one email reminder each term. It is the Schools responsibility to meet claim deadlines.
126. If a School misses an actual claim deadline, late claims may not be accepted; the estimate [interim] payment (if applicable) may be recouped unless there are exceptional circumstances. Schools must still provide the Children their free entitlement.

²³ Children's core details: full legal name, date of birth, gender, address, ethnicity, SEN COP stage.

Disability Access Funding [DAF]

127. Schools can claim Disability Access Funding to support three and four year old children with a disability to access the free entitlement. Four-year-olds in a maintained school or academy reception class are not eligible for DAF funding.
128. A lump sum payment of £800 is available annually to Schools who have eligible funded three and four year olds children in receipt of Disability Living Allowance [DLA].
129. Payment of £800 will be made to the School in the first term the child accesses their place subject to receipt of a signed application form and evidence child in receipt of DLA. If the child is eligible for DAF in the second year, the payment will be made around the anniversary of the first payment.
130. Children do not need to take up all their entitlement of 570 hours to be eligible for DAF.
131. Children should be registered with the School by the Headcount/Census²⁴ week to qualify for payment.
132. DAF can only be paid to one provider annually therefore if a child accesses their free entitlement at more than one provider, the parents must nominate who receives the DAF.
133. If a Child moves to another provider during the year, then the DAF funding is not transferable until the following year.
134. Any equipment or resources purchased using DAF will remain the property of the School.
135. Where a child resides in Kirklees but attends a provider in a different local authority, the provider's local authority is responsible for funding the DAF and eligibility checking.
136. Where a child resides in another local authority but attends a provider located in Kirklees Council then Kirklees Council is responsible for funding the DAF and eligibility checking.
137. Schools must be approved providers of Early Education and Care to receive DAF payments.

How to claim Disability Access Funding

138. Download the 'Disability Access Funding Application Form' from the website²⁵.
139. Both the Parent and School should complete and sign the application form.
140. Schools should send a copy of the signed application form and most recent Disability Living Allowance [DLA] confirmation letter from the Department of Work and Pensions [DWP] via AnyComms+ to 'Learning Service Early Years' file type 'DAF applications.
141. The application and evidence will be checked, and eligibility will be confirmed via e-mail to the School.
142. The payment for DAF will be made at the end of each term.

Neighbouring Local Authority arrangements

143. If a Child who is resident in Kirklees attends a Provider located in another Local Authority [LA], the other LA will fund the place. Similarly, if a Child who lives out of the Kirklees area attends a Provider located in Kirklees, the Council will fund the place.

²⁴ Third Thursday in January, third Thursday in May, first Thursday in October

²⁵ www.kirklees.gov.uk/fundingdocuments

144. Note: Paragraph 143 above will only apply to two year olds who meet the statutory eligibility criteria [refer to Section 4, Children's Eligibility].
145. Lists of out of area Children are sent to each LA every term in order to check that Children are not being funded for more than their free entitlement. If checks show that more than 15/30 hours have been claimed the LA's will investigate and resolve. If a resolution cannot be found then funds may be recouped from the LA where the Child does not reside.

Section 6: Funding and Audit

Funding rates

1. The rates of funding are subject to change on an annual basis. The base hourly rates for the financial year **2022/23** are:
 - **£5.38** for two year olds
 - **£4.48** for three and four year olds
2. Three and four year old Children will receive additional funding if they are eligible for:
 - a. A deprivation supplement based on child's postcode, which is paid on both universal and extended entitlement hours. Deprivation is measured using the Income Deprivation affecting Children Index 2019 [IDACI]. The hourly rates are:
 - IDACI Band 6 A: **£0.27**
 - IDACI Band 5 B: **£0.21**
 - IDACI Band 4 C: **£0.20**
 - IDACI Band 3 D: **£0.18**
 - IDACI Band 2 E: **£0.11**
 - IDACI Band 1 F: **£0.09**
 - b. Early Years Pupil Premium, universal entitlement hours only. [refer to Section 4, Children's Eligibility for details]; the hourly rate is **£0.60**.
2. Schools can also claim Disability Access Funding [DAF] to support three and four year children with a disability to access the free entitlement. A lump sum payment of **£800** is available annually to providers who have eligible funded children in receipt of Disability Living Allowance [DLA]. Full details can be found in Section 5, Procedures for Claiming Funding.

Estimated annual budget statement

3. An estimated annual budget statement will be sent by the School Finance Team to all maintained schools each financial year. The statement will give Schools an indicative early year's budget for the forthcoming financial year based on the number of funded hours from the previous financial year. This estimated funding will be included as part of the school's overall budget to be included on the B3.
4. The statement will include all elements of the free entitlement funding with the exception of EYPP and DAF:
 - estimated basic funding for three and four year olds [universal and extended hours where applicable] based on the previous financial years funded hours x £rate.
 - estimated deprivation funding based on the previous financial year [applicable to eligible three and four year olds].
 - estimated basic funding for two year olds [where applicable] based on the previous financial years funded hours x £rate.
 - **An annual budget statement will no longer be sent to academies from Financial Year 2021/22 onwards but can be provided on request. All the information needed to calculate an indicative budget based on funded hours can be viewed**

on the Provider Portal including details of IDACI, EYPP and DAF payments from the previous financial year. If the hourly funding rate has changed Schools will need to take this into account

How funding is calculated

- Funding is calculated on a termly basis as shown in the table below unless a Child is stretching their entitlement.

Term	Weeks	Maximum termly hours [Universal entitlement]	Maximum termly hours [if eligible to Extended entitlement]
Summer	12	180	360
Autumn	14	210	420
Spring	12	180	360

- Please note the number of term time weeks in a financial year can vary, Schools must ensure they provide 38 weeks in each academic year [i.e., September to July].
- It is the responsibility of the School to manage their finances appropriately; consideration should be given to keeping a small amount of the funding in reserve from shorter terms to support delivery in longer terms.
- Termly funding is based on the hours stated on the Parent Agreement and the Provider Portal funding claim, calculated as follows:
 - Total termly hours x basic hourly rate [plus deprivation, DAF and EYPP where applicable]**
- Each term a revised annual budget statement will be sent to maintained Schools to reflect the actual number of children, hours and the revised funding. Any adjustments to funding arising from changes to the number of children and their universal hours [both increases and decreases], plus funding for eligible two year olds, three and four year olds eligible to the extended entitlement, Early Years Pupil Premium and Disability Access Funding will be made towards the end of each term.
- All budget adjustments will be made by a virement to/from the Classroom Support Assistants budget unless schools request otherwise.

Payments to Academies

- Funding for academies will be paid as per the payment schedule for private, voluntary and independent providers²⁶ [e.g., 40% paid in week 1, 40% paid in week 5 or 6, 20% paid in week 10 or 12], based on the estimated weekly hours submitted by the academy. If an estimate is not submitted by the academy full payment will be made at the end of term along with funding for deprivation, Early Years Pupil Premium and Disability Access Funding, where applicable.
- If the actual funding is less than the estimated funding, the overpayment will be deducted from the interim payment due for next term. Note: final payments cannot be paid until the Census csv file has been submitted to and processed by the Council's School Data Quality Team.
- Some academies opt not to use the Census buy-back service offered via the School Data Quality Team. This means that the Council does not usually receive census data until after the School Census has closed. If any children are missed off census or

²⁶ <http://www.kirklees.gov.uk/beta/working-with-children/pdf/childcare-providers/free-early-education-care-funding-calendar-19.pdf>

recorded incorrectly this affects the Councils funding and the Council may withhold or refuse funding to academies for children or hours that were not included in their census. Therefore, please make sure that universal and extended hours (plus EYPP and DAF in the spring term – January Census) are recorded correctly.

Reconciliation of funding

14. Schools should calculate the amount of funding they expect to receive each term following submission of each claim.
15. When a claim has been processed Schools will be able to check their expected funding and balance to be paid on the Provider Portal; select 'Funding,' then 'Summary,' then 'Select.' If Providers are unable to reconcile their funding they should email: feecteam@kirklees.gov.uk

Audit

16. The Council will audit a sample of Schools each year. This is to ensure that:
 - funding is paid in accordance with the procedures outlined in this Guide **and the Kirklees Agreement [Academies only],**
 - parents receive their Child's entitlement completely free from the date their Child becomes eligible as outlined in Section 4.
17. Schools will be contacted by telephone to arrange a convenient time.
18. During a routine audit, the most recent complete term will be checked. This will include checking:
 - the attendance of all funded Children who were on the Provider Portal claim submission.
 - Parent Agreements are completed and signed.
 - copies of Child identification are kept for the required retention period for all funded Children.
 - invoices are issued and clearly identify the free entitlement hours funded by Kirklees Council.
 - evidence that FEEC income is reconciled.
19. The following documents must be available on the day of the audit:
 - register of funded Children.
 - Parent Agreements.
 - copies of Child identification.
 - copies of parent's invoices [where relevant].

The audit may take up to a day, depending on the size of the nursery. It may be necessary for a return visit to be made to complete all the checks.

20. An audit report will be sent approximately 20 working days after the audit detailing any action required by the School.
21. If a school receives an audit opinion of '*Requires Improvement*' or '*Inadequate*,' schools will be required to submit an action plan to the Free Early Education and Care Team to demonstrate how they will implement the audit recommendations within the required timescales.

22. If the audit identifies that false/incorrect information has been supplied to the Council, funding will be recouped.
23. The Council may, from time to time, conduct 'spot checks' on Schools whereby they will arrive unannounced.
24. Checks may also be made with parents to verify their Child's details, to check they have received their Child's free entitlement from the date their Child became eligible.

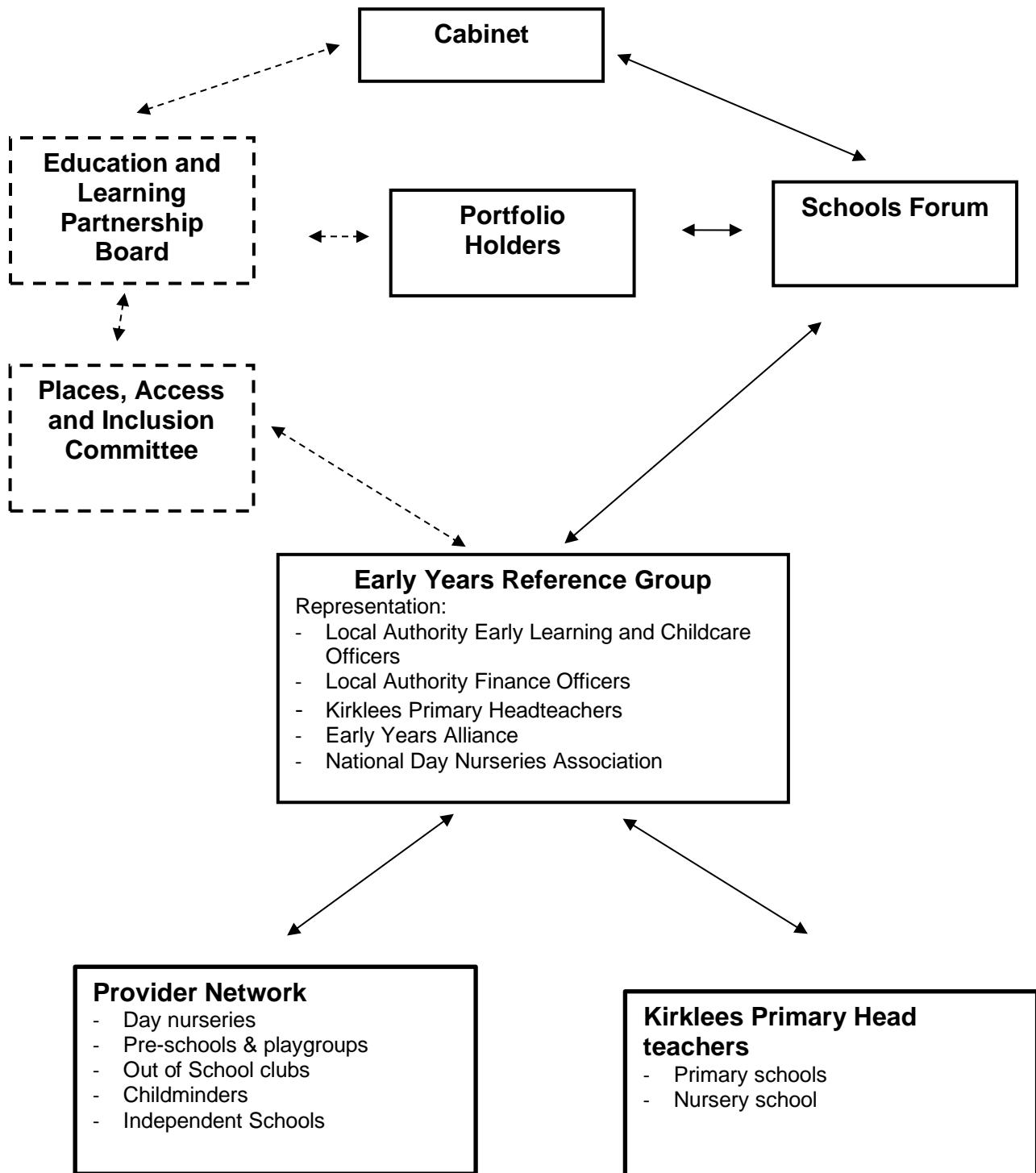
Appendix A

Termly checklist - what schools need to do and when

When	Action	Who	2	3/4
Previous term				
1	Before child is eligible	Issue information to parents: <ul style="list-style-type: none"> Parent Agreement and Key Facts Statement Privacy Notice Request child identification document and take copy [i.e., birth certificate] Parents complete 30 Hour Eligibility Consent Forms Providers check eligibility for 30 hours on provider portal 	School	
		Parent School		
2	Before the place begins	Complete parent agreements <ul style="list-style-type: none"> Parents complete and sign the parent agreement School completes relevant sections, signs and gives a copy to the parent 	Parent & School	
3	2-4 weeks before new term begins	Submit estimate (relevant to academies only) <ul style="list-style-type: none"> Estimates are submitted via the provider portal <i>If an estimate claim is not submitted, an Interim payment will not be made</i>	School	
New term				
4	Week 1	First Interim payment [if an estimate claim is submitted by the deadline] A percentage of the basic termly funding is paid based on the estimate claim from the provider	The Council	
5	Week 1	Submit actual claim Schools can begin to submit their actual claim via the provider portal <ul style="list-style-type: none"> Add, amend and delete children on the current termly headcount 	School	
6	Week 3 or 4	Submit estimate update (relevant to academes only) Schools can submit a revised estimate claim if there is a significant change to the original estimate claim	School	
7	Census day [Varies from wk 2 to wk 5]	Date in term used to determine funding <i>[note: no submissions are required on census day]</i>	Set by DfE	
8	Week 5 or 6	Second Interim payment [if an original estimate claim or revised estimate claim is submitted] A percentage of the basic termly funding is paid based on the original estimate claim or the revised estimate claim	The Council	
9	Monday after headcount day	Claim deadline <ul style="list-style-type: none"> School must complete submitting details of their claim School must send Termly Funding Confirmation Form via Provider Portal 	School	
10	Week 10 or 12	Final payment The balance of the termly funding is paid	The Council	

Appendix B

Governance Structure for Free Early Education and Care Funding



Correct at time of publication, may be subject to change.