

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



**A Guide for Local Authority  
Maintained Schools**  
March 2018

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- C. Delivery and governance of Early Learning and Childcare services in Maintained Schools

All documents below are available to download from

[www.kirklees.gov.uk/fundingdocuments](http://www.kirklees.gov.uk/fundingdocuments)

### **Provider guidance and documents**

- Provider Portal Guide
- Funding Timetable [key dates; census and deadlines]
- 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
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- 30 hours eligibility check consent form
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- Early years pupil premium funding for 3 and 4 year olds [flyer]
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# Introduction

## Statutory guidance

In February 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 annually in consultation with the Free Early Education and Care Working Group. Details of the group’s membership and governance are shown in appendix B.

## Two year old entitlement

The two year old entitlement to 15 hours became statutory on 1 September 2013. From 1 September 2014 the criteria extended to 40% of the two year old population nationally. 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 in accordance with this Guide [refer Section 5, paragraph 95]. Throughout this document references to Providers and Schools also apply to Academies; all references relating to Academies only, are highlighted in **red text**.

# The Kirklees List of Approved Early Education and Care Providers

The free entitlement is delivered by providers in the private, voluntary and independent sectors as well as Schools maintained by the Local Authority. Private and voluntary providers must be registered with Ofsted; Academies, Free Schools, Independent and LA maintained Schools must be registered with the Department for Education [DfE] and all providers must be registered with Kirklees Council to be included in the Kirklees list of Approved Providers.

## Private, voluntary and independent providers include:

- Private 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

**Note regarding Childminders:** Early Years provision is defined in section 20 of the 2006 Act as the provision of Childcare. "Childcare", as defined in section 18 of the 2006 Act, specifically excludes care provided for a Child by a parent, step-parent, foster parent [or other relative] or by a person who fosters the Child privately or has parental responsibility for the Child.

Early Years provision by a Childminder [either independently registered with Ofsted or registered with a Childminder agency] by the Childminder [for a related Child] does not count as Childcare in legal terms. Early education funding cannot be claimed by, or spent on, Childminders providing Childcare for their own Child or a related Child, even if they are claiming for other Children.

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

Over time, the government have indicated that they would like to move towards funding only **Good** and **Outstanding** providers/schools for Free Early Education and Care.

## 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 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/schools offering free early education and care places to parents;
  - provide support and guidance to ensure schools 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 Days<sup>1</sup> 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.
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

11. The Council reserves the right to adjust or withhold any payments due to the Academy following an Inadequate Ofsted judgement or where there is a risk of insolvency, or where the Council receives any information which leads the Council, acting reasonably 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 Early Years Strategic Leadership Team. [Refer to the Governance Structure for Free Early Education and Care Funding – Appendix B].

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<sup>1</sup> Provider Working Days is defined in the Kirklees Agreement and the Parent Agreement, and essentially means the days when the School is usually open for business.

## 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 Provider Working Days by writing to:  
Service Director: Learning and Early Support, Directorate for Children and Young People, Civic Centre 3, Market Street, Huddersfield, HD1 2EY.
16. A response will be sent to the Academy in writing within 10 Provider 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 Provider Working Days of receiving the response to their complaint by writing to:  
Service Director: Learning and Early Support, Directorate for Children and Young People, Civic Centre 3, Market Street, Huddersfield, HD1 2EY.
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 Provider Working Days of the appeal hearing.
19. In the event the Academy is not satisfied with their treatment under this 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.

# 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 follow the EYFS and have clear safeguarding policies and procedures in place that are in line with local guidance and procedures for responding to and reporting suspected or actual abuse and neglect. A lead practitioner must take responsibility for safeguarding and all staff must have training to identify signs of abuse and neglect. The school must have regard to 'Working Together to safeguard Children' 2015 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 for providers/schools.
  - 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 provider 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 51 weeks of the year 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 schools 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 toolkit<sup>2</sup> 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;

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<sup>2</sup> <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 and data collection returns to the Council within the specified timescales, all relevant dates are highlighted on the '*Funding Timetable*' available to download from the website<sup>3</sup>;
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/Headcount Day and applications for transferring a FEEC place, provided the Child was registered at Census/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 the annual Early Years Census [where applicable – refer to Section 5, paragraphs 90-93 and Appendix C] to the Council in accordance with the requirements set by the School Data Quality Team, FEEC Team and the DfE<sup>4</sup>. **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 years<sup>5</sup> [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;
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.
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.

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<sup>3</sup> [www.kirklees.gov.uk/fundingdocuments](http://www.kirklees.gov.uk/fundingdocuments)

<sup>4</sup> 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.

<sup>5</sup> Financial year: April to March. Records include; attendance registers, Parent Agreements, copies of ID, copies of parents invoices.

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 hand written 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. All Children are entitled to receive 38 weeks of free early education and care and full funding is provided for this purpose. Some parents will want their Children to start at the beginning of term in line with their entitlement. Schools may wish to stagger new intakes for practical reasons to meet the specific needs of new Children. Schools should be prepared to listen to the needs of parents and balance the interests of all

parties. Generally it is recommended that staggered intakes do not exceed two weeks with the exception of paragraph 45 below. [Note: the Council reserves the right to adjust funding where Schools act unreasonably].

45. The transitional arrangements for Children with additional needs may need to continue beyond the period of two weeks and the Council will consider the best use of funding in these circumstances.

## Attendance monitoring

46. Schools should promote good attendance and must record the attendance of all funded Children in a register which meets the requirements of Ofsted.
47. 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.
48. Additional guidance on missing children and how to refer to the Children Missing in Education [CME] Team can be found on the website<sup>6</sup>.

## Non-attendance [reason for absence unknown]

49. 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.
50. 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 CME Team if no contact is received from the parents.
51. If the Child has still not attended by the 10<sup>th</sup> 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.
52. 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.
53. When a place is ended the School must inform the Council immediately.

## Reduced attendance

54. 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 they have chosen.
55. 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

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<sup>6</sup> [www.kirklees.gov.uk/fundingdocuments](http://www.kirklees.gov.uk/fundingdocuments)

have chosen their funded hours will be reviewed and possibly reduced the following term.

56. Copies of all correspondence should be kept and a note should be made on the register.
57. 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.
58. Exceptions will be made for Children with additional needs.

## Evidence of monitoring attendance

59. A log should be kept to record 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

60. 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 49-53].
61. When a place is ended the School must inform the Council.

## Illness

62. 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 doctors 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

63. All eligible two, three and four year olds are entitled to free early education and care for 38 weeks a year.
64. It is accepted that Schools may have no choice but to close for an occasional day in cases where it would be illegal to remain open; for example, if the heating breaks down and the temperature falls below the legal minimum or it is not possible to meet staff ratios due to illness.
65. 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.
66. 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.

67. Schools will not be funded for longer periods of closure lasting for 5 Provider Working Days or more; for example due to a fire or flood.
68. The period of closure must be notified to the Council as soon as possible so that funding can be adjusted where relevant.

## Planned closures

69. Any planned closures will not be funded; for example, training days, building/redecoration work, public and bank holidays and religious observances. Headcount 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.
70. 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 legislation: Privacy Notice

71. Schools, Providers, Local Authorities [LAs], the Department for Education [DfE], and a number of other organisations are all 'data controllers' under the Data Protection Act 1998 and its successor, the General Data Protection Regulation 2018, 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.
72. 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. This is done by what is referred to as a 'Privacy Notice'.
73. Parents / Carers / Children need to be made aware of the content of the Privacy Notice. Notices can be made available 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.
74. Whichever method is chosen, the data controller needs to be satisfied that they have met their obligations under the Data Protection Act 1998 and its successor, the General Data Protection Regulation 2018.

## Obtaining the Privacy Notice

75. The Privacy Notice is available to download from the website<sup>7</sup>.
76. Open a copy of the 'Privacy Notice' by clicking on the Microsoft Word document, and select 'Open' when prompted.
77. Add your School name and contact details to the Privacy Notice [as indicated in the document].

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<sup>7</sup> [www.kirklees.gov.uk/fundingdocuments](http://www.kirklees.gov.uk/fundingdocuments)

78. Delete the sections that are not relevant to your School.
79. Save a copy of this document onto your local server or PC [select 'File' and 'Save As'].

## Issuing the Privacy Notice

80. Display a copy of the Privacy Notice on your notice board for visiting parents and carers.
81. Ensure that you have a process in place to make new Parents / Carers / Children aware of the Privacy Notice. This can be done by including the Privacy Notice in an induction pack, on the School website, or sending via email.

## Children's Eligibility

The universal entitlement for all three and four year olds

1. Every child is entitled to 570<sup>8</sup> 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 3 <sup>rd</sup> birthday falls between:	Their free place can begin from:
1 January and 31 March	the start of the term beginning on or following 1 <sup>st</sup> April after the Child's 3 <sup>rd</sup> birthday [summer term]
1 April and 31 August	the start of the term beginning on or following 1 <sup>st</sup> September after the Child's 3 <sup>rd</sup> birthday [autumn term]
1 September and 31 December	the start of the term beginning on or following 1 <sup>st</sup> January after the Child's 3 <sup>rd</sup> birthday [spring term]

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

2. From September 2017 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 seeking the free childcare to enable them to work;
  - the parent of the child [and their partner where applicable] should also 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.

<sup>8</sup> 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.

- if either or both parents' income exceeds £100,000 they will not be eligible for the extended entitlement.
5. The child's parent must apply for the additional free hours through the Government's online Childcare Service<sup>9</sup>. Eligibility for the additional free hours is determined by HMRC through this online application.

## The entitlement for two year olds

6. Children who meet the following criterion are eligible:
- Looked After by the Local Authority;
  - They have left care through Special Guardianship or Child Arrangements Order or Adoption;
  - They have an Education, Health and Care plan or Statement of Special Educational Needs;
  - 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.

7. 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;
  - Income related Employment and Support Allowance;
  - Support under part VI of the Immigration and Asylum Act 1999;
  - The guarantee element of State Pension Credit;
  - Tax credits, provided their annual income is less than £16,191;
  - 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 £15,400, as assessed on up to three of the parent's most recent Universal Credit assessment periods<sup>10</sup>.

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

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

<sup>9</sup> [www.childcare.tax.service.gov.uk](http://www.childcare.tax.service.gov.uk)

<sup>10</sup> Subject to the normal parliamentary procedures

## Early Years Pupil Premium [EYPP]

9. All early education and care providers can claim extra funding through the Early Years Pupil Premium to support Children's development, learning and care.
10. 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.
11. Children who meet the following criterion are eligible:
  - Looked After by the Local Authority;
  - They have left care through a Special Guardianship or a Child Arrangements Order or Adoption.
12. Children of parents who receive one or more of the following benefits are also eligible:
  - Income Support;
  - Income based Job Seekers Allowance;
  - Income related Employment and Support Allowance;
  - Support under part VI 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 annual income is less than £16,191;
  - 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<sup>11</sup>.
13. Early Years Pupil Premium funding is not applicable to the extended entitlement hours.

## Disability Access Funding [DAF]

14. Providers claim Disability Access Funding to support three and four year old children with a disability to access the free entitlement.
15. A lump sum payment is available each financial year [April to March] to providers who have eligible funded three and four year old children in receipt of Disability Living Allowance [DLA].
16. Children do not need to take up all their entitlement of 570 hours to be eligible for DAF.
17. Two year old funded children are not 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, paragraphs 123-127.

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<sup>11</sup> Subject to the normal parliamentary procedures

# Procedures for Claiming Funding

## Census Day

1. All Schools are required by law<sup>12</sup> 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

2. Subject to paragraph 4, Schools will be funded for all eligible Children who are registered at their provision on the Census / Headcount 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 the Census / Headcount Day will be funded for the remaining number of weeks in the term.
3. Subject to paragraph 4, two year old Children will be funded from the start of term if they have applied and start their place on or before the Census / Headcount Day. New two year old Children applying and/or starting after the Census / Headcount Day will be funded for the remaining number of weeks in the term.

## Children leaving during the term

4. If the parent gives notice to end the place, either before or after the Census / Headcount Day, the School will be funded for the period of attendance plus the required notice period of 20 Provider Working Days<sup>13</sup> provided a Parent Agreement is in place. 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 8].
5. 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.
6. Schools are required to notify the Free Early Education and Care [FEEC] Team when a Child's place is ended during a funded period.

<sup>12</sup> Early Education and Childcare Statutory Guidance for local authorities February 2018, Paragraph A4.17

<sup>13</sup> Provider Working Days is defined in the Kirklees Agreement and the Parent Agreement, and essentially means the days when the School is usually open for business.

## Duplicate claims

7. If a claim is received from two providers in respect of the same Child and the actual attendance exceeds 15 hours [or 30 hours if eligible], provided a Parent Agreement is in place with both providers, funding will be pro-rated. [If the Child has only been attending one of the providers or 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

8. 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

9. 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.
10. 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].
11. 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 / Headcount]

12. To apply for funding after the Census Schools will need to submit a *'Child Starting after Census Form'* via the Provider portal.

13. 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 8].

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

14. The deadline for *'Application to Transfer a FEEC Place Forms'* and *'Child Starting after Census Forms'* is 10 Provider Working Days before the end of the funded period [term], Children must have started by this date. Refer to the *'Funding Timetable'*.

## 30 hours [extended entitlement]

15. 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 Portal<sup>14</sup>.
16. 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 website<sup>15</sup>.
17. 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].
18. 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 website<sup>16</sup>
19. 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

20. Parents will apply for the extended entitlement hours through the Government's national online website<sup>17</sup>.
21. If the parent is eligible they will be issued with an 11 digit eligibility code, usually with a prefix of 500.
22. The code is initially valid for a period between 3 and 5 months, this is dependent on a family's individual circumstance.
23. 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.
24. Once a code has been re-confirmed, the validity period will then be exactly 3 months.

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<sup>14</sup> <https://earlyyears.kirklees.gov.uk/ProviderPortal>

<sup>15</sup> [www.kirklees.gov.uk/fundingdocuments](http://www.kirklees.gov.uk/fundingdocuments)

<sup>16</sup> [www.kirklees.gov.uk/fundingdocuments](http://www.kirklees.gov.uk/fundingdocuments)

<sup>17</sup> [www.childcare.tax.service.gov.uk/](http://www.childcare.tax.service.gov.uk/)

25. If a parent fails to re-confirm or their circumstances change and they are no longer eligible, a grace period will apply.
26. If parents encounter any problems when applying they should contact the Customer Interaction Centre on 0300 123 4097.

## When parents should apply for 30 hours

27. Eligibility codes are issued from the date the eligibility decision is made by HMRC not the date of application. Although many parents are likely to receive a quick decision from HMRC some cases may take several weeks.
28. Parents should apply for 30 hours in good time and no later than the term in which their child has their third birthday 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. For example, if their child's birthday is between 1 September and 31 December they should apply during this period.
29. 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

30. HMRC may release a small number of 'Temporary Eligibility Codes' beginning with the number '11', as opposed to the usual '500' prefix. This is due to some applications for 30 Hours needing manual intervention. It is expected that these Temporary Eligibility Codes will continue to be issued by HMRC for the foreseeable future, though the numbers are expected to be small.
31. Parents will need to present these Temporary Eligibility Codes to Schools in the same way as any other code. Schools 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 thus cannot be reconfirmed. Instead, the parent will be issued with a normal permanent Eligibility Code at their next reconfirmation, which they will need to use going forward. Schools will need to collect the new permanent 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

32. The Council will carry out re-checks on eligibility for 30 hours 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.

## Grace Periods for 30 hours

33. The grace period enables parents to retain their childcare place for a short period if they become ineligible for 30 hours [see table on next page].
34. **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.

<b>Date parent receives ineligible decision on reconfirmation:</b>	<b>Grace period end date:</b> 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

35. **Important note:** All providers including schools and term-time only providers should read this section to gain an understanding of stretch even if your school is not planning to or able to offer stretch. It is very important to be aware that children who have stretched at their previous provider could move to your school during the year and may have less than the standard termly entitlement remaining to use at your school. Refer to paragraphs 51-56.
36. Stretching is when parents wish to stretch their Child's entitlement over the School holidays by taking fewer hours each week over more weeks of the year.
37. 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.
38. 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.
39. 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 mainly be of benefit to Children who attend just for their free entitlement.
40. The table below illustrates how the entitlement can be stretched over the year.

Weeks	Maximum hours	Weeks	Maximum hours
39	14.50	47	12.00
40	14.25	48	11.75
41	13.75	49	11.50
42	13.50	50	11.25

43	13.25
44	13.00
45	12.50
46	12.25

51	11.00
52	10.75
53	10.75
54	10.50

41. The School holidays at the end of each term will be included in the number of weeks for that term. In some years the number of weeks that it will be possible to stretch over will be less than 52 and in some years the number of weeks will be greater than 52, this is because Easter falls on different dates each year.
42. The table below illustrates the difference between the termly hours for a standard claim and a stretched claim for the Universal Entitlement.

2018/19		Stretched (up to 10.5 hours per week)		Standard (up to 15 hours per week)		Difference in hours
Term	Dates	Weeks	Hours	Weeks	Hours	
Summer 2018	16 April – 2 September	20	210	12	180	+30
Autumn 2018	3 September – 6 January	18	189	14	210	-21
Spring 2019	7 January – 28 April	16	168	12	180	-12
<b>Total</b>		<b>54</b>	<b>567</b>	<b>38</b>	<b>570</b>	<b>-3</b>

43. The table below illustrates the difference between the termly hours for a standard claim and a stretched claim for the Extended Entitlement.

2018/19		Stretched (up to 21 hours per week)		Standard (up to 30 hours per week)		Difference in hours
Term	Dates	Weeks	Hours	Weeks	Hours	
Summer 2018	16 April – 2 September	20	420	12	360	+60
Autumn 2018	3 September – 6 January	18	378	14	420	-42
Spring 2019	7 January – 28 April	16	336	12	360	-24
<b>Total</b>		<b>54</b>	<b>1134</b>	<b>38</b>	<b>1140</b>	<b>-6</b>

44. Providers have discretion in how they offer a stretched entitlement and can choose the period they wish to stretch as well as the length of the sessions to be included in the stretched offer.
45. Providers will receive funding based on the number of funded weekly hours and the number of funded weeks. Funded weeks claimed should be the exact number of weeks the provision is open during the term [stretched funded period] based on closure dates and non-funded dates for all children.

## Limitations of stretching

46. Parents will need to understand that the option of greater flexibility may result in not being able to access their Child's full entitlement [570/1140 hours].

**It is vital that Providers explain this to parents interested in stretching.**

47. For example, if a Child attends one day each week the maximum in a 52 week year would be 520 hours. Note the maximum session length of 10 hours still applies when the entitlement is stretched.

## Supporting parents to understand stretch

48. Providers must ensure parents fully understand how stretching works; Providers must give parents a copy of the document: *'Stretching the free entitlement - Information for Parents'* and ensure that the *Checklist* is completed and signed by the parent and Provider. A copy should be given to the parent and kept by the Provider. The document can be downloaded from the website<sup>18</sup>.

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

49. If a Child starts after the Headcount Day and wishes to stretch, Providers should amend the Child's **Term Start Date** on the Provider Portal to the actual date they started; funding will be calculated accordingly.
50. Changes in circumstances for Children who have begun stretching their entitlement will be inevitable; Providers 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

51. 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.
52. However many Providers and Schools do not offer stretch therefore an adjustment may be necessary.
53. If parents are aware that their Child will be moving to a non-stretched Provider, School nursery or School reception class in the following autumn or spring term the stretched hours should be limited to the maximum standard hours in each term [refer to the tables in paragraphs 42 and 43].
54. For example, if a Child who is stretching in the summer term moves to a School nursery in the autumn term the stretch hours in summer would need limiting to 180/360 hours. The number of hours to limit each week would depend on the number of weeks in the summer period, for example;  $180 \div 20 \text{ weeks} = 9 \text{ hours per week}$ .
55. 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.
56. 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.**

## Parent Agreement

57. A Parent Agreement must be completed and signed for all eligible Children before commencement of the free place.

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<sup>18</sup> [www.kirklees.gov.uk/fundingdocuments](http://www.kirklees.gov.uk/fundingdocuments)

58. A copy of the Parent Agreement, Key Facts Statement, Privacy Notice and Early Years Pupil Premium flyer 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.
59. 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.
60. 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.
61. The Parent Agreement must be completed by either the parent or the Child's legal guardian.
62. 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].
63. A copy of the Parent Agreement must be kept by the school, 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.
64. A copy of the Parent Agreement should also be given to the parent.
65. 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.
66. **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

67. Prior to completion, schools should check with the parent whether the Child is attending another early education and care provider and accessing some free entitlement hours there also. [Note children can access their free entitlement at a maximum of two **sites** in a day].
68. Schools may pre-populate certain sections of the Parent Agreement which will be common to most Children i.e. their school name.
69. The parent should enter the following at the top of the agreement;
  - the full name of the school/provider;
  - 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.

70. The parent must tick the box to confirm they have read the Parent Agreement Key Facts Statement and Privacy Notice.
71. 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.
72. Section 2 is optional for parents to complete. The Early Years Pupil Premium flyer should have been given to the parent in advance of completing the Parent Agreement so they can assess whether they may be eligible.
73. 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 51 to 56.
74. 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].
75. 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.
76. Section 4 should only be completed if the child is stretching their entitlement.
77. Section 5 should be completed by the parent if their child attends other early education and childcare providers.
78. The authorised signatory of the school must enter the reference number from the Child's identification document and sign and date the Parent Agreement and enter their full name at the bottom of page one.
79. 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

80. 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.
81. 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

82. 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. Funding will be provided for the notice period.
83. 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.
84. 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.
85. 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.
86. 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

87. 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.
88. The parent must tick the box to confirm they have read the document '*Stretching the Free Entitlement Information for Parents*' and completed the Checklist on the final page.
89. 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 51 to 56.

## Designated Nursery Class or Governor led community service?

90. 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 childrens details are recorded. Refer to Appendix C for more details.
91. If nursery children are **not registered pupils** of the school they will need recording on the **Provider Portal**<sup>19</sup> and **Early Years Census**, schools may also wish to record childrens details in their own management information system however they must not

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<sup>19</sup> <https://earlyyears.kirklees.gov.uk/ProviderPortal>

be recorded in the same system as pupils of the school, for example they cannot be recorded on the current role in Integris and allocated with a UPN.

92. Nursery children who are **registered pupils** of the school will be recorded on the **current role in Integris** and on the **School Census**.
93. All children who are eligible to the free entitlement for two year olds or the extended entitlement for three and four year olds will need entering on the Provider Portal because an eligibility check is required before they can access their free hours, see relevant sections below.

## Submitting the termly Census

94. 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 91 applies.
95. Academies will need to submit their Census either directly to DfE via COLLECT or via the School Data Quality Team as per their buy back agreement [Contact School Data Quality Team<sup>20</sup> for further information].

## Claiming funding for eligible two year olds [Provider Portal]

96. 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.
97. Schools should also enter and update Child details in their school management information system for inclusion in the termly School Census return as described above in paragraph 94 unless paragraph 91 applies.

## Updating the termly funding claim [Headcount]

98. **Important note:** To comply with Data Protection legislation, personal and sensitive details must be stored 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 officers/teams across the Council.
99. Schools should also use copies of the Parent Agreements 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 Schools*' available to download from the website<sup>21</sup>.
100. 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.
101. **Deleting Children** - Children who have left your school will need deleting from your Headcount. If you delete a Child by mistake you can select 'cancel delete'.

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<sup>20</sup> [school\\_datateam@kirklees.gov.uk](mailto:school_datateam@kirklees.gov.uk)

<sup>21</sup> [www.kirklees.gov.uk/fundingdocuments](http://www.kirklees.gov.uk/fundingdocuments)

102. **Check and edit existing Children** - view each Child individually, firstly to check their core details<sup>22</sup> are correct, and secondly to check and edit their attendance details as necessary, i.e. weeks, funded hours and non-funded hours.
103. **Important:** 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.
104. **Adding new Children** – enter all the core details and attendance information from the Parent Agreement.
105. Claims can be submitted from the start of term up until the deadline. Children who do not have a funded place at any other provision and wish to start after the claim deadline can also be funded, refer to the '*Funding Timetable*' available on the website<sup>23</sup>.
106. Schools will need to ensure that the 'Present During Census' checkbox on the portal is ticked as two year olds will be recorded on the Early Years Census instead of the School Census unless paragraph 92 applies.
107. Schools should only provide free places to eligible two year olds whose parents have a voucher code from the Council.

## Termly funding confirmation form

108. 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:
  - term;
  - total number of Children;
  - total number of termly hours [Children x hours x weeks].

## Claiming funding for three and four year olds who are eligible to the extended entitlement [Provider Portal]

109. Schools should only provide the extended entitlement to eligible three and four year olds whose parents have received a valid voucher code from HMRC, refer to paragraph 17.
110. The process for claiming funding is similar as for eligible two year olds [refer to section above, paragraphs 96-108]. For detailed instructions refer to '*The Provider Portal for Free Early Education and Care Funding – A Guide for Schools*' available to download from the website<sup>24</sup>.

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<sup>22</sup> Children's core details: full legal name, date of birth, gender, address, ethnicity, SEN COP stage.

<sup>23</sup> [www.kirklees.gov.uk/fundingdocuments](http://www.kirklees.gov.uk/fundingdocuments)

<sup>24</sup> [www.kirklees.gov.uk/fundingdocuments](http://www.kirklees.gov.uk/fundingdocuments)

## Changes to the Census and termly funding claims

111. Where schools have submitted their Census and/or 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/Headcount Day and applications to transfer a FEEC place, provided the Child was registered at Census/Headcount Day.

## Late claims

112. It is the schools responsibility to meet claim deadlines. If a School misses a deadline, funding will not be provided however Schools must still provide the Children their free entitlement.

## Disability Access Funding [DAF]

113. Schools can claim Disability Access Funding to support three and four year old children with a disability to access the free entitlement.
114. A lump sum payment of £615 is available each financial year [April to March] to schools who have eligible funded three and four year olds children in receipt of Disability Living Allowance [DLA].
115. Payment of £615 will be made to the school in the first term the child accesses their place. If the child is eligible for DAF in the second year, the payment will be made after the anniversary of the first payment.
116. Children do not need to take up all their entitlement of 570 hours to be eligible for DAF.
117. Children should be registered with the school by the Headcount/Census<sup>25</sup> week to qualify for payment.
118. 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 which school receives the DAF.
119. Any equipment or resources purchased using DAF will remain the property of the school.
120. 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.
121. 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.
122. Schools must be approved providers of Early Education and Care to receive DAF payments.

## How to claim Disability Access Funding

123. Download the Parent Information and Application Form from the website<sup>26</sup>.
124. Both the Parent and school should complete and sign the application form.

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<sup>25</sup> Third Thursday in January, third Thursday in May, first Thursday in October

<sup>26</sup> [www.kirklees.gov.uk/fundingdocuments](http://www.kirklees.gov.uk/fundingdocuments)

125. 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'*.
126. The application and evidence will be checked and eligibility will be confirmed via e-mail to the school.
127. The DAF payment will be processed with the final payment following submission of the actual claim for the term.

## Neighbouring Local Authority arrangements

128. If a Child who is resident in Kirklees attends a School 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 School located in Kirklees, the Council will fund the place.
129. [Note: Paragraph 128 above will only apply to two year olds who meet the statutory eligibility criteria \[refer to Section 4, Children's Eligibility\].](#)
130. Lists of out of area Children are sent to each LA each 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 funding will be recouped from the LA where the Child does not reside.

## Funding and Audit

### Funding rates

1. The rates of funding are subject to change on an annual basis. The basic hourly rates for the financial year **2018/19** are:
  - **£5.00** for two year olds
  - **£4.14** for three and four year olds
2. Some three and four year old Children will receive additional funding if they are eligible for:
  - b. A deprivation supplement, which is paid on both universal and extended entitlement hours. Deprivation is measured using the Income Deprivation affecting Children Index [IDACI]. The hourly rates are:
    - Band 1: **£0.05**
    - Band 2: **£0.11**
    - Band 3: **£0.14**
    - Band 4, 5 and 6: **£0.21**
  - c. Early Years Pupil Premium, universal entitlement hours only. [refer to Section 4, Children's Eligibility for details]; the hourly rate is **£0.53**.
3. 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 **£615** is available each financial year [April to March] 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

4. An estimated annual budget statement will be sent to all schools during March each year. The statement will give schools an indicative early years 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.
5. The statement will include all elements of the free entitlement funding with the exception of DAF:
  - estimated basic funding [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;
  - estimated early years pupil premium [EYPP] funding based on the previous financial year [applicable to eligible three and four year olds, universal entitlement hours only];

## 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]. Refer to section 3, paragraphs 36-43 for more details.
- 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 school census return, 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 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/or hours of attendance [both increases and decreases] 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

- Universal entitlement funding for three and four year olds will be paid at the beginning of each term based on the estimated annual budget statement.
- Adjustments will be made at the end of term based on the actual number of Children, actual weekly hours and their eligibility to any supplements. If the actual funding is less than the estimated funding an invoice will be raised. Note: Adjustments for increases cannot be paid until the Census csv file has been submitted to and processed by the Council's School Data Quality Team [refer to Section 5, paragraph 95].
- Funding for eligible two year olds, three and four year olds eligible to the extended entitlement and any Early Years Pupil Premium will be paid at the end of each term based on the actual number of eligible children and hours.

## Reconciliation of funding

15. After submitting Census data, we recommend schools calculate the amount of Early Years funding expected in that term; calculation should match the funding quoted on your revised annual budget statement, any variances should be queried with the School Finance Department.
16. Schools receiving funding for three and four year olds eligible to the extended entitlement should ensure the children and hours recorded on the School Census match the children and hours recorded on the Provider Portal, any variances should be reported to the Free Early Education and Care Team.
17. [Schools receiving funding for eligible two year olds should ensure the children and hours recorded on the School Census match the children and hours recorded on the Provider Portal, any variances should be reported to the Free Early Education and Care Team.](#)
18. Paragraphs 16 and 17 do not apply if the children are not registered pupils of the school because they will be recorded on Provider Portal and Early Years Census instead of the School Census. Refer to Appendix C and Section 5, paragraphs 90-93 for more details.

## Audit

19. The Council will audit a sample of schools/providers 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.
20. Schools will be contacted by telephone to arrange a convenient time.
21. 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 School Census 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.
22. The following documents must be available on the day of the audit:
  - register of funded Children;
  - Parent Agreements;
  - copies of Child identification;
  - copies of parents invoices [where relevant].

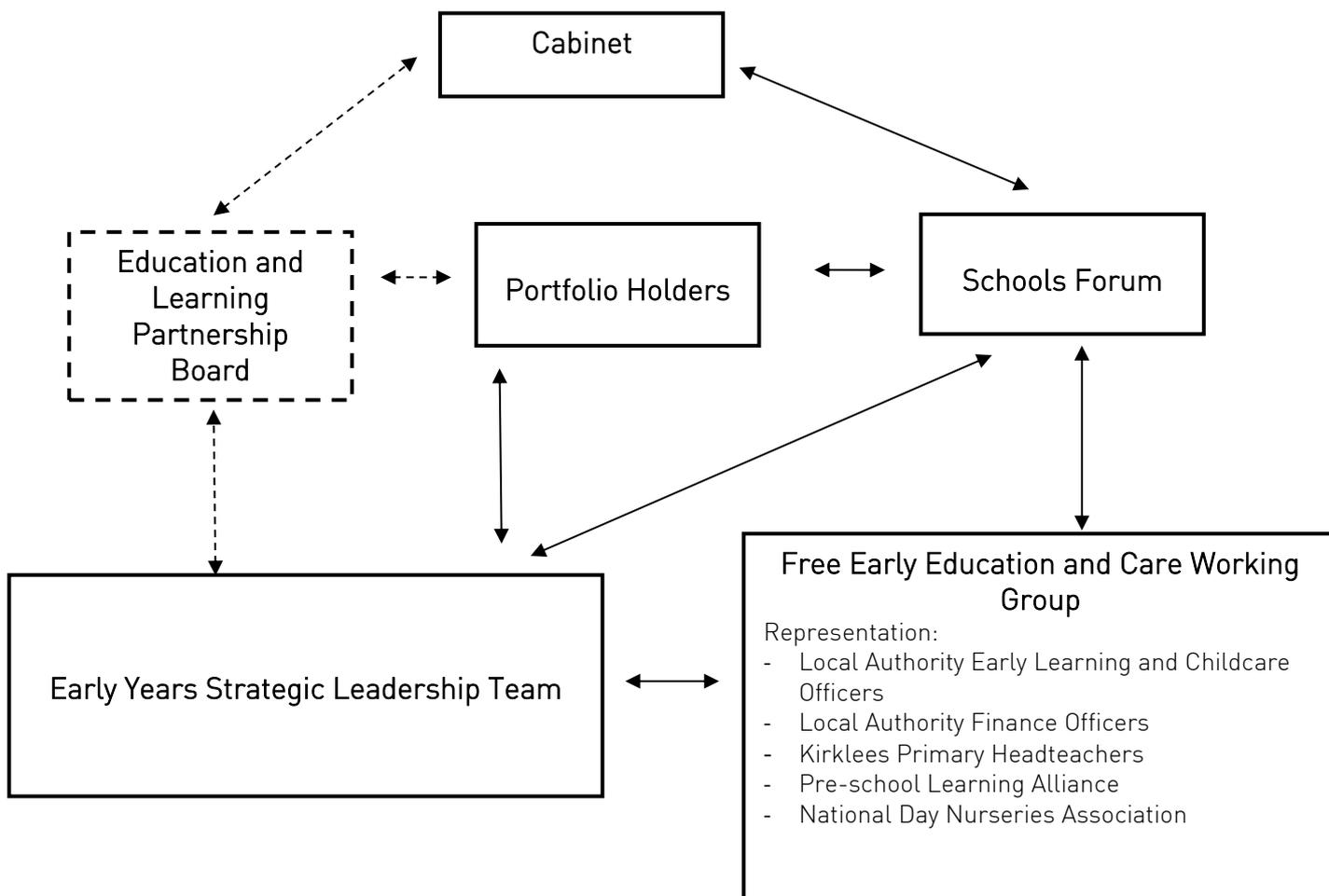
The audit may take up to a day, depending on the size of the nursery. It may be necessary for a return visit to be made to complete all the checks.

23. An audit report will be sent approximately 20 Provider Working Days after the audit detailing any action required by the School.
24. 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.
25. If the audit identifies that false/incorrect information has been supplied to the Council, funding will be recouped.
26. The Council may, from time to time, carry out 'spot checks' on schools/providers whereby they will arrive unannounced.
27. 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.

## Termly checklist

When	Action	Who	
Previous term			
1	Before child is eligible	<p><b>Issue information to parents;</b></p> <ul style="list-style-type: none"> <li>• Parent Agreement and Key Facts Statement</li> <li>• Early Years Pupil Premium Flyer</li> <li>• General Data Protection Regulation: Privacy Notice</li> <li>• Request child identification document and take copy [i.e. birth certificate]</li> <li>• Parents complete 30 Hour Eligibility Consent Forms</li> <li>• Check eligibility for 30 hours on provider portal</li> </ul>	<p>School</p> <p>Parent School</p>
2	Before the place begins	<p><b>Complete parent agreements</b></p> <ul style="list-style-type: none"> <li>• Parents complete and sign the parent agreement</li> <li>• School completes relevant sections, signs and gives a copy to the parent</li> </ul>	Parent & School
New term			
3	Weeks 1 – 2	<p><b>Update school management information system</b></p> <ul style="list-style-type: none"> <li>• Add new children to the system in preparation for the Census</li> <li>• Add claims on the Provider Portal for 2 year olds, 3 and 4 year olds extended entitlement and universal entitlement if they are not pupils of the school</li> </ul>	School
4	Census [Headcount] day [Varies from week 2 to week 5]	<b>Date in term used to determine funding</b>	Set by DfE
5	Census [Headcount] week [Varies from week 3 to week 5]	<ul style="list-style-type: none"> <li>• <b>Submit census return to the School Data Quality Team</b></li> <li>• <b>Submit</b> claims on the Provider Portal for 2 year olds, 3 and 4 year olds extended entitlement and universal entitlement if they are not pupils of the school <b>Deadline: Monday after Census Day</b></li> </ul>	School
6	End of term	<p><b>Funding is calculated &amp; adjusted</b></p> <ul style="list-style-type: none"> <li>• Revised annual budget statements are sent to schools</li> </ul>	The Council

## Governance Structure for Free Early Education and Care Funding



## Delivery and governance of Early Learning and Childcare services in Maintained Schools

There are three options:

1. **Designated Nursery Class – a traditional school nursery**
  - School Teacher Led (1:13 ratio)
  - Children are pupils of the school and placed on the school census
  - School management and governance
  - Inspected by Ofsted as part of the school<sup>27\*</sup>
  - Must be included in the age range of the school
  
2. **Early Learning and Childcare offered as a Governor led community service (under Section 27 of the Education Act 2002)**
  - Can be Teacher led (QTS, EYPS, EYT or L6 - 1:13 ratio) or Level 3 led (1:8 ratio)
  - Children are either:
    - i. **registered pupils of the school** (can include 2-year-olds if the school's statutory age range covers 2-year-olds) and are recorded on the **school census**; or are
    - ii. **not 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) and are recorded on the **early years census**.
  - School management and governance
  - Inspected by Ofsted as part of the school<sup>25</sup>
  - Services do not need to be included in the age range of the school
  
3. **Work with an independent provider to offer early learning services, possibly renting out space in the school**
  - Limited responsibility and risk for school but limited control and therefore different risks
  - Opportunity for income generation via rental charge
  - Opportunities for partnership / close working relationships but harder to be 'part of the school'
  - Registration required with Ofsted and a separate inspection

All options deliver to the same Early Years Foundation Stage (EYFS) curriculum.

All options provide the same opportunity for gaining a reception place in the school admission process.

Options 1 and 2 cannot be mixed and matched during the school day. For example, it is not possible for a child to be a pupil in the morning and a non-pupil in the afternoon.

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<sup>27</sup> This relates to children from 2 years and older. In most cases registration with Ofsted will be required for children under 2 years old.