

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



**A Guide for Private, Voluntary
and Independent Providers**

October 2022

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

Provider guidance and documents

- Provider Portal Guide
- The Kirklees Agreement
- 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 not provided** to the Council’s School Data Quality Team in accordance with the FEEC Maintained Guide [Section 5]. Guidance relevant to these academies only is highlighted in [red](#).

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

Note for 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, stepparent, 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 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 Provider has registered with Ofsted they may join the Kirklees list of Approved Providers for two, three and four year olds.
2. Providers must agree to the terms and conditions outlined in this Guide, the Kirklees Parent Agreement and the Kirklees Agreement.

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

3. 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 ensure Providers meet their responsibilities of the conditions outlined in this Guide, the Kirklees Parent Agreement and the Kirklees Agreement.
 - Provide support and guidance to Providers on delivering a more flexible free entitlement.
 - Keep Providers updated on changes to legislation, guidance, procedures and processes.

When Providers change their circumstances

4. Providers must inform the Council whenever there is a change in circumstances, these include:
 - a change of ownership, committee, manager or premises. Constituted providers should send a copy of their constitution to www.kirklees.gov.uk/feecupload
 - change to the name or address of the contact responsible for free early education and care funding administration.
 - change of Ofsted inspection grade
 - change of bank details.
5. If a change means the Provider has become a new Provider they will need to re-register with Ofsted and the Council.
6. If a change means the Provider is no longer eligible to receive funding, the Provider will be removed from the Kirklees list of Approved Providers. Any funding already paid during the term may have to be repaid if evidence confirms the Provider was not eligible during that period.

Removal from the Kirklees list of Approved Providers

7. The Council will, subject to paragraph 8, remove Providers from the Kirklees list of Approved Providers if a Provider fails to meet the terms and conditions outlined in this Guide and the Kirklees Agreement.
8. The Council will first inform a Provider of any breach of their agreement capable of remedy, allowing the Provider to rectify the breach within a specified timescale.
9. If the Provider does not rectify the breach or breaches within a reasonable period stipulated in writing by the Council the Provider 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 Provider will cease.

10. Providers who receive an 'Inadequate'² Ofsted judgement and childminding agencies who receive a 'Not Effective' 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/Not Effective' judgement and funding for new Children will not be provided.
11. Providers 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.
12. Providers who receive a 'Not Met' Ofsted judgement are also at risk of being removed from the Kirklees list of Approved Providers for two, three and four year olds.
13. The Council reserves the right to inform parents accessing their free early education and care at the Provider of the removal from the Approved Provider list[s].

Withholding payments

14. The Council reserves the right to adjust or withhold any payments due to the Provider 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 Providers removed from the list

15. Any Provider which has been removed from the list may be re-admitted if the grounds for removal are no longer applicable. It is the Provider's responsibility to contact the Council to request re-inclusion with the exception of paragraph 16 below.
16. 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 Provider onto the Kirklees list of Approved Providers for two year olds.

Decisions

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

Complaints and appeals

18. Any Provider 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.
19. A response will be sent to the Provider in writing within 10 Working Days.

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

² For schools inspected by the Independent Schools Inspectorate the relevant inspection judgement is 'Not met or Unsatisfactory'

20. If the Provider 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.

21. The appeal hearing will be convened to examine all the evidence in the appeal papers supplied by the Council and the Provider. The Provider 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.
22. In the event the Provider is not satisfied with their treatment under the complaints and appeals procedure they are entitled to make a complaint to the Local Authority Ombudsman.
23. There can be no appeal if the removal is due to a change in Ofsted judgement.

Section 3: Provider Responsibilities

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

Quality and Safeguarding

1. Providers must have a valid Ofsted registration certificate and meet the requirements of the Early Years Foundation Stage [EYFS] Framework.
2. Providers must ensure continuous quality improvement of their provision in line with the Council's Challenge and Support Strategy.
3. The Provider must follow the EYFS and have clear safeguarding policies and procedures in place that are in line with local guidance and procedures for responding to and reporting suspected or actual abuse and neglect. A lead practitioner must take responsibility for safeguarding and all staff must have training to identify signs of abuse and neglect. The provider must have regard to 'Working Together to Safeguard Children' 2018 guidance.

Flexibility

4. Providers 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.
 - 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 Providers 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 the extended 30 hour entitlement.
8. The Provider 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 Provider should publish their admissions criteria and ensure parents understand which hours/sessions can be taken as free provision. Not all Providers will be able to offer fully flexible places but should work with parents to ensure that as far as possible the pattern of hours are convenient for parents' working hours.

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

Partnership working

11. The Provider should work in partnership with parents, carers and other providers to improve provision and outcomes for children in their setting. An interactive toolkit³ has been developed to help Providers set up or join a partnership, maximise the benefits of working together and tackle the challenges joint working can bring.
12. The Provider 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 setting and childminder, to ensure a smooth transition for the child.

Special educational needs and disabilities

13. The Provider 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 Provider should be clear and transparent about the SEND support on offer at their setting and make information available about their offer to support parents to choose the right setting for their child with SEND.

Social mobility and disadvantage

15. The Provider should ensure that they have identified the disadvantaged children in their setting as part of the process for checking EYPP eligibility. They will also use EYPP to improve outcomes for this group.

British values

Providers 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.

Funding claim deadlines, relevant changes and keeping records

Providers 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 '*Early Education Funding & Childcare Sufficiency Submission Deadlines and Payment Dates Calendar*' available to download from the website⁴;
20. Meet claim deadlines, where Providers have submitted a claim on time but omitted a Child or made an error, changes may be accepted after the actual claim deadline up

³ <http://www.familyandchildcaretrust.org/dfes-30-hour-mixed-model-partnership-toolkit>

⁴ www.kirklees.gov.uk/fundingdocuments

until the deadline for children starting after Headcount Day. Claims after this date will not be accepted unless there are exceptional circumstances, Providers must still provide the Children their free entitlement.

21. Complete and submit the annual Early Years Census to the Council in accordance with the requirements set by the Department for Education [DfE]⁵;
22. Inform the Council of any significant changes to the Provider details, such as change of ownership, responsible contacts, opening hours and any other relevant information.
23. Keep all free early education and care funding records for seven financial years⁶ [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.
26. Upon request, provide financial information that shows income and expenditure for the most recent accounting period⁷;
27. Supply to the Council evidence of the Provider's current, and any change in, legal status by providing copies of the organisation's governing documents or if individuals or partners, provide the current full names and addresses of each individual or partner together with all business names used.

Charging

28. 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.
29. The Provider can charge for meals and snacks as part of a free entitlement place and they can also charge for consumables such as nappies, sun cream and trips. These charges must be voluntary for the parent. Where parents are unable or unwilling to pay for meals and consumables, Providers who choose to offer the free entitlements are responsible for setting their own policy on how to respond, with options including waiving or reducing the cost of meals and snacks or allowing parents to supply their own meals.
30. The Provider should deliver the free entitlements consistently so that all children accessing any of the free entitlements will receive the same quality and access to provision, regardless of whether they opt to pay for optional hours, services, meals or consumables.

⁵ 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 Providers.

⁶ Financial year: April to March. Records include attendance registers, Parent Agreements, copies of Child Identification, copies of parent's invoices, Disability Access Funding Application Forms, 30 hours Eligibility Check Consent Forms.

⁷ Data Protection: any information you provide will be held in confidence by the Council to check financial prudence and support sustainability of provision.

31. 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 Provider should be completely transparent about any additional charges.
32. The Provider can charge parents a deposit to secure their child's free place but should refund the deposit in full to parents within a reasonable time scale.
33. The Provider cannot charge parents "top-up" fees (the difference between a Provider's usual fee and the funding they receive from the local authority to deliver free places) or require parents to pay a registration fee as a condition of taking up their child's free place.
34. The Provider should ensure their invoices and receipts are clear, transparent and itemised, allowing parents to see that they have received their free entitlement completely free of charge and understand fees paid for additional hours. The Provider will also ensure that receipts contain their full details so that they can be identified as coming from a specific provider.
35. 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.
36. Invoices should avoid including a monetary value against the FEEC hours. However, it is recognised that Providers 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.
37. Copies of invoices must be retained for inspection during an audit visit.

Providing 38 weeks

38. 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.
39. 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.
40. 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.
41. 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.
42. Providers 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.
43. A Provider'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.
44. If less than 38 weeks are provided, Providers should claim the exact number of weeks provided.
45. To summarise, as long as a Provider's funded period covers 38 weeks / 190 days over an academic year the requirements will be met.

Starting new Children - Staggered intakes

46. Parents will want their Child to start at the beginning of term, so they receive the full entitlement. Providers may stagger new intakes for practical reasons, however Providers who operate staggered intakes should be prepared to listen to the needs of parents and balance the interests of all parties.

47. 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 Providers act unreasonably].
48. If a parent requests to use their entitlement during the staggered intake period at their previous Provider and the new Provider is unable to offer an earlier start date then the termly funding can be split between both Providers.
49. 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

50. Providers should promote good attendance and must record the attendance of all funded Children in a register which meets the requirements of Ofsted.
51. Providers 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.
52. Additional guidance on missing children and how to refer to the Children Missing in Education [CME] Team can be found on the website⁸. Providers should have regard to the Kirklees Children Missing from Education (CME) procedures which can be found on the website⁹.

Non-attendance [reason for absence unknown]

53. 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 Provider must contact the parent and remind them their place is funded by the Council and should be accessed as stated on the Parent Agreement.
54. 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 Providers 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.
55. If the Child has still not attended by the 10th Provider Working Day and the Provider has been unsuccessful in contacting the parent, the Provider must give the required notice of 20 Provider Working Days', in writing, to end the place.
56. If the Child is absent for the final 20 Provider Working Days of term, reduced notice periods will apply because the Provider must end the place at the end of term, consequently funding cannot be claimed in the following term. It is the Providers discretion whether to accept the Child if they return.
57. When a place is ended the Provider 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.
58. Copies of all correspondence should be kept.

Reduced attendance

59. 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.

⁸ www.kirklees.gov.uk/fundingdocuments

⁹ www.kirklees.gov.uk/fundingdocuments

60. 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.
61. Copies of all correspondence should be kept, and a note should be made on the register.
62. 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.
63. Exceptions will be made for Children with additional needs and families in 'very challenging' circumstances.

Evidence of monitoring attendance

64. 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

65. Children may be absent due to extended family holidays; parents must inform the Provider 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 53-58].
66. 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 provider can choose to keep the place open at their discretion for when the Child returns subject to availability.
67. When a place is ended the Provider must inform the Council by completing the '*Notification of Child Leaving a Funded Place*' form on the Provider Portal.

Illness

68. Children may be absent due to illness which may be long term. Where possible parents should inform the Provider of the anticipated period their Child will be absent. If the period extends beyond 20 working days' during a funded period the parent should provide a doctor's note and the Provider 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

69. It is accepted that Providers 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.
70. 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 Providers must put strategies in place to rectify the problem promptly.
71. Where possible, Providers should make every effort to provide the funded Children with additional hours to replace those they have missed during the period of closure.
72. Providers will not be funded for longer periods of closure lasting for 5 Provider Working Days or more.
73. The period of closure must be notified to the Council as soon as possible so that funding can be adjusted where relevant.

74. Infectious disease related closures and partial closures: where Providers 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 Provider 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 Providers should still apply the usual free entitlement hours for that term to their invoice.

Planned closures

75. 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. Providers may be asked at any time to supply the dates they are offering free early education and care sessions.
76. 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 during term time or during periods of industrial action.

Data Protection Act 2018: Privacy Notice

77. 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.
78. 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

79. Parents / Carers / Children need to be made aware of the Privacy Notice which is published on the Council website¹⁰.
80. Providers 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 Provider notice board, on the Provider website, or sent via email.

¹⁰ 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 570¹¹ hours each year to be taken over no less 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 less 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.

¹¹ 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 Service¹². 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 Service¹³.

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
- 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.

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

¹³ <https://www.gov.uk/apply-30-hours-free-childcare>

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 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 the 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. Providers 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.
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. Providers 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. 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 website¹⁴.

The Annual Early Years Census

3. All Providers included in the Kirklees list of Approved Providers are required by law¹⁵ to complete and submit an Early Years Census return with the **exception** of Providers who have **no funded** Children at the time of the Census.
4. The annual Census date is the third Thursday in January. The Census information must relate to the number of staff and Children registered at each Provider during the week of the Census.
5. The deadline for submitting the Census is the same date as the two, three and four year old actual claim deadline [*Early Education Funding & Childcare Sufficiency Submission Deadlines and Payment Dates Calendar*].
6. Census information is collected online via the Provider Portal. There are two levels of data collection:
 - i. Establishment data - details about the Provider are collected on the 'Forms' tab.
 - ii. Child data - details about individually funded two, three and four year olds are collected on the 'Funding' tab.
7. Detailed guidance on completing the Census return is issued to Providers during the third week of January.
8. **Note: The information provided on the Census is used to determine the Council's Early Years funding, therefore it is vital the information is received. Failure to submit a Census will affect a Providers funding.**

Estimate claims

9. Estimate payments are based on the number of estimated weekly hours submitted by the Provider on the Provider Portal.
10. All Children included in the estimate claim must have a completed and signed parent agreement in place.
11. 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.
12. If Providers do not expect to have any funded Children they must submit an estimate claim with zero [0] entered in the weekly funded hours.
13. The number of funded weeks can be amended if required, for example a Provider may offer less than 38 weeks in the year or may be closed for a particular week.

¹⁴ www.kirklees.gov.uk/fundingdocuments

¹⁵ Section 99 of the Childcare Act 2006 (The Childcare (Provision of Information About Young Children) (England) Regulations)

14. Note: If the number of weeks in the school term is less than the number of funded weeks Providers should not amend the weeks unless paragraph 13 above applies.
15. Before including a new two year old on the estimate claim Providers should ensure that the Child is eligible by checking their voucher code is valid on the Provider Portal.
16. If a parent/guardian cannot provide the voucher code, Providers should contact the Free Early Education and Care [FEEC] Team¹⁶ to confirm the Child is eligible.
17. For any Children that are stretching, calculate the total amount of funded hours the child will claim in the term and divide by the number of standard weeks for the term. For example, in the summer term the stretch claim may be 198 hours (11 hours x 18 weeks), $198 \text{ hours} \div 12 \text{ weeks} = 16.5$. Further guidance on claiming for stretch can be found on pages 25-27.
18. Providers who prefer **not** to receive an estimate payment should e-mail: feecteam@kirklees.gov.uk

Estimate claims for 30 hours

19. 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.
20. Providers 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.
21. The FEEC Team conduct validity checks on estimate claims, where claims are significantly higher than in previous terms Providers may be asked to submit their actual claim to support their estimate.

Deadline for submitting estimate claims

22. The deadlines for estimate claims are highlighted in orange and brown on the 'Early Education Funding & Childcare Sufficiency Submission Deadlines and Payment Dates Calendar'
23. The date highlighted in **orange** is the **estimate claim deadline**.
24. The date highlighted in **brown** is the **estimate claim update deadline**.
25. Providers can choose whether or not to use the estimate claim update deadline, it is recommended Providers 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.

Headcount Day

26. The Department for Education [DfE] requires all Schools 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

¹⁶ Free Early Education and Care [FEEC] Team E-mail: feecteam@kirklees.gov.uk Telephone: 01484 225752

27. Subject to paragraph 28, Providers will be funded for all eligible Children who are registered at their provision on the 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 Headcount Day will be funded for the remaining number of weeks in the term.

Children leaving during the term

28. If the parent gives notice to end the place, either before or after the Headcount Day, the Provider will be funded for the period of attendance plus the required notice period of 20 Provider Working Days¹⁷ provided a Parent Agreement is in place (attendance and notice can run concurrently). When the child starts at a new Provider, the new Provider 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 33].
29. A Provider may at their discretion, accept a shorter notice period or no notice period at all.
30. Providers 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.
31. Providers 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.

Duplicate claims

32. 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

33. 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.

¹⁷ Provider Working Days is defined in the Kirklees Agreement and the Parent Agreement and means the days when the Provider is usually open for business.

- **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

34. To apply for funding with immediate effect, Providers 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 Provider within 5 Provider Working Days.
35. 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].
36. If the application is rejected, it is at the Provider'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 Headcount]

37. Providers 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.
38. Providers 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.
39. To apply after the final [actual] payment for the term has been processed Providers will need to submit a 'Child Starting after Census-Headcount' form via the Provider Portal.
40. 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 33].

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

41. 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]

42. Before claiming 30 hours for a child providers must ensure the child will be eligible in the term. Providers 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].

43. 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
44. Providers 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

45. Parents will apply for the extended entitlement hours through the Government’s national online website¹⁹.
46. 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.
47. The code is initially valid for a period between 3 and 5 months, this is dependent on a family’s individual circumstance.
48. 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.
49. Once a code has been re-confirmed, the validity period will then be approximately 3 months.
50. If a parent fails to re-confirm or their circumstances change and they are no longer eligible, a grace period will apply.
51. 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

52. 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.
53. 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)

54. 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 [subject to date of birth cut off point] or the term following the date the eligibility code was issued [whichever is the later].

¹⁸ www.kirklees.gov.uk/fundingdocuments

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

Temporary Eligibility Codes for 30 hours

55. 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.
56. 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

57. 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 Providers will be emailed asking them to check the portal and notify parents who are in the grace period.

Grace Periods for 30 hours

58. The grace period enables parents to retain their childcare place for a short period if they become ineligible for 30 hours [see table below].
59. **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

60. Parents may wish to stretch their Child's entitlement over the school holidays by taking fewer hours each week over more weeks of the year.
61. 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.

62. 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.
63. There is no requirement on any individual Provider to offer stretch and it is at the Provider's discretion whether they offer stretch.
64. To register your Provider to offer stretch please contact the FEEC Team on 01484 225752 or email feecteam@kirklees.gov.uk
65. 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.
66. 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.
67. 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.
68. 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), Providers should inform all parents which weeks are funded and not funded.
69. 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, providers will need to consider that Children may be accessing hours at another provider.
70. The table below illustrates a **typical** stretch model of 11 universal hours or 22 weekly hours if child 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

71. Providers 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 Provider offers a 12/24 weekly hour stretch model the number of weeks claimed would be 47.5 weeks rather than 51 weeks.
72. 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. For example, if your School is closed Christmas week then do not claim for that week.

Supporting parents to understand stretch

73. Providers must ensure parents fully understand how stretching works; Providers 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

74. 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.
75. 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

76. 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.
77. 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.
78. If the parent states their Child will be stretching for the whole financial 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.
79. 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.**
80. 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

81. A Parent Agreement must be completed and signed for all eligible Children before commencement of the free place.
82. 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.
83. 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.
84. 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.
85. The Parent Agreement must be completed by either the parent or the Child's legal guardian.
86. The Provider 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 Provider's registration process for new Children; a copy must be kept for a minimum of 2 years, refer to Section 3, Provider Responsibilities].
87. The Provider 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 Provider Portal. Copies will be checked during an audit visit.

88. A copy of the Parent Agreement should also be given to the parent.
89. It is the responsibility of each Provider to explain to parents how many free hours their Child is entitled to and how their entitlement can be accessed.
90. **Important note: It is the Provider'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 Provider Portal.**

Completing the Parent Agreement

91. Prior to completion, Providers 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].
92. Providers may pre-populate certain sections of the Parent Agreement which will be common to most Children i.e., their Provider's name.
93. The parent should enter the following at the top of the agreement.
 - the full name of the 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.

94. The parent must tick the box to confirm they have read the Parent Agreement Key Facts Statement and Privacy Notice.
95. 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.
96. Section 2 is optional for parents to complete and collects the information required to check eligibility for EYPP.
97. 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 76-80.
98. 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].
99. 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.
100. Section 4 should only be completed if the child is stretching their entitlement.
101. Section 5 should be completed by the parent if their child attends other early education and childcare providers.
102. The authorised signatory of the Provider 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.

103. A copy of the signed Parent Agreement must be given to the parent. In addition, as part of the Parent Agreement, Providers 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

104. 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.
105. If a Provider 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

106. If either party [the parent or the Provider] 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 or messaging Apps. Funding will be provided for the notice period.
107. If the Child has not attended for 10 Provider Working Days without the parent confirming the reasons and the Provider has been unsuccessful in contacting the parent the Provider 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 Provider's funding period relating to any school term the notice shall be reduced to the remaining Provider Working Days of that funding period.
108. 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 day notice period.
109. If the Provider 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.
110. Funding may be adjusted where Providers 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

111. 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.
112. 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 76-80.

Submitting the termly funding claim [Headcount]

113. Providers 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*'

114. 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]

115. **Important note:** To comply with Data Protection legislation, personal and sensitive details must be stored securely and accurately therefore providers 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.
116. 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.
117. **Deleting Children** - Children who have left your provision will need deleting from your Headcount.
118. **Check and edit existing Children** - view each Child individually, firstly to check their core details²⁰ are correct, and secondly to check and edit their attendance details as necessary, i.e., weeks, funded hours and non-funded hours.
119. **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, Providers must update the Child's details and add a note on the 'notes' tab.**
120. **Adding new Children** – enter all the core details and attendance information from the Parent Agreement.
121. Claims can be submitted from the start of term up until the actual claim deadline. Information can be entered on separate occasions during this period.
122. Providers 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 37-41].
123. All relevant dates are highlighted on the '*Free Early Education and Care Funding Calendar: Claim Deadlines and Payments*'

Termly funding confirmation form

124. Once you have completed your submission you must send confirmation that your claim is complete by completing the online form '*Termly Funding Confirmation Form*' [Note there are separate forms for two year olds and for three and four year olds]. You must include the following information.
- total number of Children.
 - total number of termly hours [Children x hours x weeks].

Changes to the termly funding claim [Headcount]

125. Where Providers have submitted a claim on time but omitted a Child or made an error, changes may be accepted after the actual claim deadline up until the deadline for children starting after Headcount Day.

Late claims

126. The Council will issue at least one email reminder each term and also a text reminder where Providers have requested to receive text reminders. It is the Providers responsibility to meet claim deadlines.
127. If a Provider misses an actual claim deadline, late claims may not be accepted; the estimate [interim] payment will be recouped unless there are exceptional circumstances. Providers must still provide the Children their free entitlement.

²⁰ Children's core details: full legal name, date of birth, gender, address, ethnicity, SEN COP stage.

Disability Access Funding [DAF]

128. Providers 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.
129. A lump sum payment of £800 is available annually to Providers who have eligible funded three and four year olds children in receipt of Disability Living Allowance [DLA].
130. Payment of £800 will be made to the Provider 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 around the anniversary of the first payment.
131. Children do not need to take up all their entitlement of 570 hours to be eligible for DAF.
132. Children should be registered with the Provider by the Headcount/Census²¹ week to qualify for payment.
133. 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 Provider receives the DAF.
134. If a Child moves to another Provider during the year, then the DAF funding is not transferable until the following year.
135. Any equipment or resources purchased using DAF will remain the property of the Provider.
136. 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.
137. 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.
138. Providers must be approved providers of Early Education and Care to receive DAF payments.

How to claim Disability Access Funding

139. Download the 'Disability Access Funding Application Form' from the website²².
140. Both the Parent and Provider should complete and sign the application form.
141. Providers 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 the secure document upload facility²³.
142. If Providers are unable to scan and upload documents via the internet, alternatively they can be posted to: Kirklees Council, Learning and Early Support Childcare Sufficiency Team, PO Box 1720 Huddersfield, HD1 9EL
143. The application and evidence will be checked, and eligibility will be confirmed via e-mail to the Provider.
144. The DAF payment will be processed with the final payment following submission of the actual claim for the term.

Neighbouring Local Authority arrangements

145. 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.

²¹ Third Thursday in January, third Thursday in May, first Thursday in October

²² www.kirklees.gov.uk/fundingdocuments

²³ www.kirklees.gov.uk/feecupload

146. Note: Paragraph 145 above will only apply to two year olds who meet the statutory eligibility criteria [refer to Section 4, Children's Eligibility].
147. 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**.
3. Providers 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

4. An annual budget statements can be provided on request. All the information needed by Providers 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 Providers will need to take this into account

Relevant only to academies who do not share data with the Council:

5. If an Academy does participate in the School Census Buy Back via the School Data Quality Team this means that Academy census data is not usually made available to the council until after the School Census has closed. If any children are missed off census or their hours are 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 (and EYPP and DAF in the January/Spring Term Census) are recorded correctly.

How funding is calculated

6. 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

7. Please note the number of term time weeks in a financial year can vary, Providers must ensure they provide 38 weeks in each academic year [i.e., September to July]. Refer to section 3, paragraphs 38-45 for more details.
8. It is the responsibility of the Provider 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.
9. There are two interim payments, each calculated from the number of hours on the estimate claim from the Provider. Providers can adjust their second interim payment if there is a significant change to their original estimate claim, see Section 5, paragraph 25.
- **Total weekly hours x number of weeks x basic hourly rate x 40%**
10. Termly funding is based on the hours stated on the Parent Agreement and Provider Portal; the final payment is calculated as follows:
- **Total termly hours x basic hourly rate [plus deprivation, DAF and EYPP where applicable] – interim payments**
11. If the interim payments made exceed the funding due for the term, the balance owed to the Council will usually be deducted from the next payment due. However, the Council may decide to issue an invoice.
12. Where an overpayment has occurred Providers who receive funding for two year olds and three and four years will have their funding offset to balance their funding.

Termly Payment Schedule

13. The first estimate/interim payment, based on 40% of the estimated basic funding for the term, is paid in week 1 of the term.
14. The second estimate/interim payment, based on 40% of the estimated basic funding for the term [unless an updated estimate claim is submitted], is paid in week 5 in the Spring and Summer terms and week 6 in the Autumn term.
15. The final balancing payment, which includes deprivation, DAF and EYPP funding where applicable, is paid in week 10 in the Spring and Summer terms and week 12 in the Autumn term.

Reconciliation of funding

16. Providers should calculate the amount of funding they expect to receive each term following submission of each claim.
17. When a claim has been processed Providers 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

18. The Council will audit a sample of Providers each year. This is to ensure that:
 - funding is paid in accordance with the Kirklees Agreement and the procedures outlined in this Guide.
 - parents receive their Child's entitlement completely free from the date their Child becomes eligible as outlined in Section 4.
19. Providers will be contacted by telephone to arrange a convenient time.
20. 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 Headcount 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.
 - financial controls are adequate i.e., production of annual accounts / income and expenditure statements.
 - evidence that FEEC income is reconciled.
21. 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.
 - annual accounts / income and expenditure statements.

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

22. An audit report will be sent approximately 20 working days after the audit detailing any action required by the Provider.
23. If a Provider receives an audit opinion of '*Requires Improvement*' or '*Inadequate*,' Providers will be required to submit an action plan to the Free Early Education and Care [FEEC] Team to demonstrate how they will implement the audit recommendations within the required timescales.
24. If the audit identifies that false/incorrect information has been supplied to the Council, funding will be recouped, and the Provider may be removed from the Kirklees List of Approved Early Education and Care Providers.
25. The Council may, from time to time, conduct 'spot checks' on Providers whereby they will arrive unannounced.
26. 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.

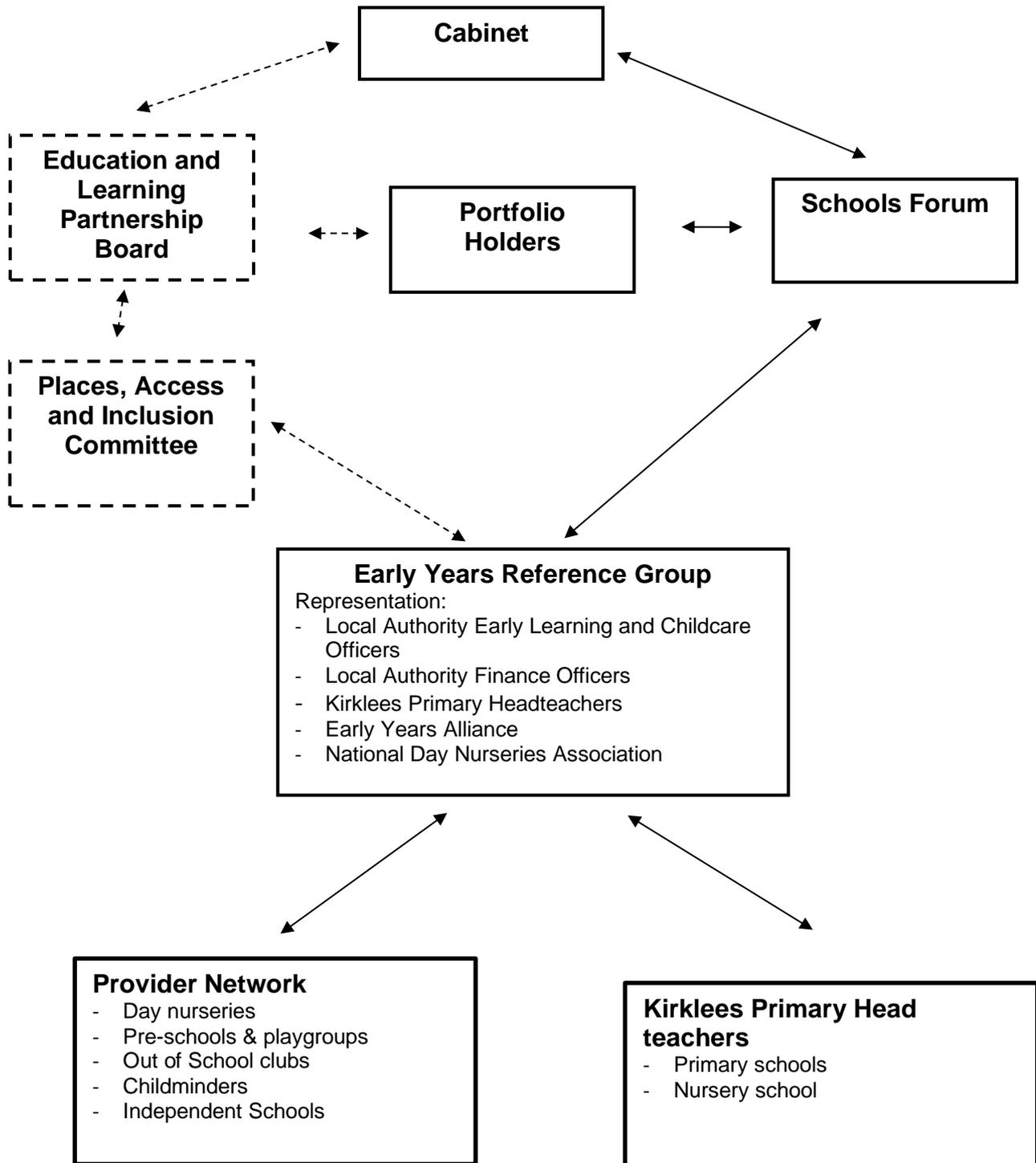
Appendix A

Termly checklist - what providers need to do and when

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

Appendix B

Governance Structure for Free Early Education and Care Funding



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