



**BARN斯LEY**

Metropolitan Borough Council

# **FUNDING AGREEMENT**

**For Early Years Provision Free of Charge  
and Free Childcare**

**From 24<sup>th</sup> January 2025**

**Between**

**Barnsley Council**

**And**

**Early Education Providers**

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**Overview**

This agreement is effective as of 1st September 2024 and is based on the Department for Education's 'Statutory Guidance for Local Authorities - Early Education and Childcare April 2023 (updated 1 January 2024).'

Prior to making any claim for early education funding, for children from the term following turning 9 months of age to qualifying for full time school, the responsible person (School Governor, Owner but not an employed manager), must read, understand and adhere to this agreement & subsequent documents i.e. 'Department for Education – Early Years Entitlements: Operational Guidance for Local Authorities and Providers, June 2018' and updates and 'Early Education and Childcare, Statutory Guidance for Local Authorities April 2023' and updates.

The provider is responsible for ensuring the claim is complete and accurate and that the person submitting the claim is/was an employee of the childcare provider with delegated authority to submit the claim.

### **Who is the agreement for?**

This agreement is for:

- Local authorities
- Early years providers who are referred to as 'providers' and include:
  - Early years providers and childminders registered on the Ofsted Early Years Register.
  - Childminders registered with a Childminder Agency that is registered with Ofsted.
  - Childminder Agencies (who will also be required to sign up to Barnsley's 'Working Together' Protocol
- School Nurseries in maintained, Independent Schools and Academies taking children aged two and over, and which are exempt from registration with Ofsted as an early year's provider.

The parental declaration at Annex A is for:

- Early years providers, as set out above
- Parents

### **Legal framework and statutory guidance**

The following frameworks and legislation underpin this agreement:

- Early Education and Childcare, Statutory Guidance for Local Authorities April 2023, updated 2024

- Childcare Act 2006
- Childcare Act 2016
- Equality Act 2010
- School Admissions Code 2022
- Early Years Foundation Stage 8 December 2023 for Childminders / Early Years Foundation Stage 8 December 2023 for group and school-based providers
- Local Authority, (Duty to Secure Early Years Provision Free of Charge) Regulations 2014
- The Childcare (Early Years Provision Free of Charge) (Extended Entitlement) Regulations 2016
- Special Educational Needs and Disability Code of Practice: 0 to 25 years 2015
- Data Protection Act 2018
- Working together to safeguard children
- Keeping children safe in education

### **Key local authority responsibilities**

Local authorities must secure a free place for every eligible child in their area.

The local authority should work in partnership with providers to agree on how to deliver places.

The local authority should be clear about their role and the support on offer locally to meet the needs of children with special educational needs and/or disabilities (SEND), as well as their expectations of providers.

Barnsley Council's Local Offer sits within the Barnsley Virtual Family Hub web site. The Local Offer sets out the support provided by Barnsley Council to meet the needs of children with special educational needs and or/disabilities (SEND) and the expectation of providers.

In summary, this includes:

- The parameters of Early Year's Inclusion Grant
- The Disability Access Fund
- The support from Barnsley Council's Inclusion Team
- The expectation that every provider offering funded early education has a Local Offer record - that is updated at least termly. Its purpose is to inform parents of the training undertaken by staff within the setting and how the setting will meet the needs of children with disabilities and complex health needs.

The local authority must contribute to the safeguarding and promote the welfare of children and young people in their area.

### **Key provider responsibilities**

The provider must comply with all relevant legislation and insurance requirements.

The provider should deliver the free entitlements consistently to all parents, whether in receipt of 15 or 30 hours and regardless of whether they opt to pay for optional services or consumables. This means that the provider should be clear and communicate to parents details about the days and times that they offer free places, along with their services and charges. Those children accessing the free entitlements should receive the same quality and access to provision.

The provider must follow the EYFS and have clear safeguarding policies and procedures in place that link to the local authority's guidance for recognising, responding, reporting and recording suspected or actual abuse.

The provider must have arrangements in place to support children with special educational needs and/or disabilities (SEND). These arrangements should include a clear graduated approach to identifying and responding to SEND at the earliest opportunity. Providers can apply for the SEN inclusion fund and Disability Access Fund. Providers should ensure that information about effective support is accessible and available, whilst making information available about their SEND offer to parents.

The provider is responsible for ensuring the claim is complete and accurate and that the person submitting the claim is/was an employee of the childcare provider with delegated authority to submit the claim.

### **Safeguarding**

The local authority has overarching responsibility for safeguarding and promoting the welfare of all children and young people in their area. They have a number of statutory functions under the 1989 and 2004 Children's Acts which make this clear, and the ['Working together to safeguard children'](#) guidance sets these out in detail.

On 28 June 2018, the subgroup of Barnsley Safeguarding Children's Board (Policy, Practice and Workforce Development) set out their expectations for the training for; Safeguarding Leads within Early Years Settings, taking account of Ofsted's EYFS; Working Together to Safeguard Children, and finally the Keeping Children Safe in Education documents.

The subgroup agreed that training for Early Years Safeguarding Designated Leads should be every 2 years and approved by the Barnsley Safeguarding Children's Board (since known as Barnsley Safeguarding Children's Partnership). In addition, there are other forums, news bulletins, website information and safeguarding events to allow Designated Safeguarding Leads to access updated information on an annual basis.

Early Start and Family Services offers a one-day Early Years Designated Safeguarding Lead training course which is approved by the Local Safeguarding Children's Partnership. This is for practitioners new to the role of Designated Safeguarding Lead. A subsequent half day refresher course is now available for established DSLs, and this should still be undertaken every two years to meet the requirements set out above.

Barnsley Council's Early Start and Family Service has developed and updated a Safeguarding Audit for early years providers, which is based on the S11 Safeguarding Audit completed by schools that providers must complete and return in a timely manner if they wish to claim early education funding.

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’ guidance and providers must ensure staff are aware of the latest guidance and updates available.

### **Eligibility**

The provider should check original copies of documentation to confirm a child has reached the relevant age on initial registration for all free entitlements. The provider can retain paper or digital copies of documentation to enable the local authority to carry out audits and fraud investigations. Where a provider retains a copy of documentation this must be stored securely and deleted when there is no longer a good reason to keep the data. ***Please refer to the data privacy guidance set out in Annex A: Parent declaration, part 6.***

### **Childminders and related children**

*In October 2022, the Early Years Funding Group agreed that from January 2023 the Authority will fund related children other than Son (or step son), daughter (or step daughter) and Grandchildren (or step grandchildren). The childminder MUST be caring for other (non related) children at the time and all children MUST be given education and care.*

The provider should offer disadvantaged 2-year-olds care on the understanding that the child remains eligible until they become eligible for the universal entitlement for 3–4-year-olds.

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

Alongside the eligibility code, which is the child’s unique 11-digit number, and original copies of documentation (see 2.11), a provider must acquire written consent from, or on behalf of, the parent to be able to receive confirmation and future notifications from the local authority of the validity of the parent’s eligibility code.

Once a provider has received written consent from the parent, they should verify the eligibility code with the local authority (via the provider portal).

The local authority (via the Portal) will confirm the validity of eligibility codes to allow providers to offer free places for eligible children aged 9 months and above. The local authority will provide a validity checking service to providers to enable them to verify the eligibility code. The Eligibility Checking Service (ECS) allows all local authorities to make instant checks for code validity.

Thereafter, the local authority should complete audit checks to review the validity of eligibility codes for children who qualify for the working parent entitlement at 6 fixed points in the year, both at half-term and at the end of term across the year (in line with the dates as listed at table A below). It is the local authority’s responsibility to notify a provider where a parent has fallen out of eligibility and inform them of the grace period end date (via the information on the Actuals tab on the Portal).

Table A: Audit and Grace Period Dates

<b>Date Parent receives ineligible decision on reconfirmation:</b>	<b>LA audit date:</b>	<b>Grace Period end date:</b>
1 Jan - 10 Feb	11 Feb	31 March
11 Feb – 31 March	1 April	31 August
1 April - 26 May	27 May	31 August



27 May – 31 August	1 September	31 December
1 September - 21 October	22 October	31 December
22 October - 31 December	1 January	31 March

### **The Grace Period**

A child will enter the grace period when the child’s parents cease to meet the eligibility criteria set out in the Childcare (Free of Charge for Working Parents) (England) Regulations 2022 as determined by HMRC (or where the child is in foster care, the responsible local authority) or a First Tier Tribunal in the case of an appeal.

Local Authorities will be able to access information about whether a child has ceased to meet the eligibility criteria and entered the grace period via the Eligibility Checking Service. The grace period end date will automatically be applied to eligibility codes (via the Information on the Actuals tab). It is the provider’s responsibility to check this regularly and inform parents of when their entitlement will cease.

The local authority should continue to fund a place for a child who enters the grace period as set out in the Early Education and Childcare Statutory guidance for Local Authorities 2023.

Barnsley Council will honour the Grace Period end dates set out in Table A on Page 8. In the case of the grace period ending 31 March, Barnsley Council will extend this date to be the last funded day of the Spring term (should this be after the 31 March due to Easter dates)

### **Flexibility**

Provision must be offered within the national parameters on flexibility as set out in Section A2 of [Early Education and Childcare Statutory guidance for Local Authorities](#).

The provider should work with the local authority and share information about the times and periods at which they are able to offer free entitlements to support the local authority to secure sufficient stretched and flexible places to meet parental demand in the local authority. The provider must do this by returning the annual Childcare Sufficiency

Assessment audit to Early Start and Family Services. This must include details on the number of places offered, together with information on flexible or stretched provision. If a parent is accessing a stretched offer; this should be indicated on the claim – please seek guidance from Early Start and Family Services. The provider should also make information about their offer and admissions criteria available to parents at the point the child first accesses provision at their setting.

Where a child is receiving their free entitlement at multiple providers (maximum of 2 sites in a day), each provider should hold a completed Parental Declaration Form that clearly indicates the number of hours accessed at each provider. Each individual provider must make their own separate claim.

### **Partnership working**

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

- i. Local authorities and providers
- ii. Providers working with other providers, including childminders, schools and organisations
- iii. Providers and parents
- iv. Local authorities and parents

The local authority should promote partnership working between different types of providers, including childminders, across all sectors and encourage more providers to offer flexible provision, alongside other providers.

The provider should work in partnership with parents, carers and other providers to improve provision and outcomes for children in their setting. An [interactive toolkit](#) has been developed to help providers set up or join a partnership, maximise the benefits of working together and tackle the challenges joint working can bring.

The provider should discuss and work closely with parents to agree how a child's overall care will work in practice when their 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**

The local authority must strategically plan support for children with special

educational needs and/or disabilities (SEND) to meet the needs of all children in their local area as per the [Special Educational Needs and Disability code of practice. 0 to 25 years](#).

The provider must ensure owners and all staff members are aware of their duties in relation to the SEND Code of Practice 2014 and the Equality Act 2010.

The provider's SENCO should be able to demonstrate that they have undertaken sufficient training to carry out their role. Any SENCO training prior to September 2014 is significantly out of date and is not acceptable. Barnsley Council offers a two-day SENCO course for those new to Barnsley or new to their role as setting SENCO. Barnsley Council also offers a SENCO course for childminders. These are the recommended courses, as they are 'full and relevant' for SENCOs to carry out their roles effectively.

The local authority must be clear and transparent about the support on offer in their area, through their Local Offer. Parents and providers must be able to access that support.

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.

### **Supporting disadvantaged children**

The local authority should promote equality and inclusion, particularly for disadvantaged families, looked after children and children in need by removing barriers of access to places and working with parents to give each child support to fulfil their potential.

The provider should ensure that they have identified the disadvantaged children in their setting as part of the process for checking EYPP eligibility. They will also use EYPP and any locally available funding streams or support to improve outcomes for this group.

From April 2024, there may be some circumstances where households meet the eligibility criteria for both the disadvantaged 2- year-old entitlement and the working parent entitlement. In these circumstances, the childcare should be provided under the disadvantaged 2-year-old entitlement. The child will remain on the disadvantaged

entitlement until they become eligible for the universal entitlement for the 3–4-year-olds or 30 hours free childcare for 3–4-year-olds if they meet the eligibility criteria. Therefore, households will not lose eligibility for their 15 hours free early education, as is currently the case for the disadvantaged entitlement.

From September 2025, when the working parent entitlement increases to 30 hours, where households meet the eligibility criteria for both 2-year-old entitlements, they should be recorded as taking up 15 hours disadvantaged entitlement and 15 hours of the working parent entitlement. They will need to reconfirm eligibility every 3 months for the working parent entitlement and from September 2025, they will not be defaulted automatically onto the disadvantaged entitlement should they lose eligibility for the working parent entitlement.

### **Quality**

[The Early Years Foundation Stage \(EYFS\) statutory framework](#) is mandatory for all schools that provide early years provision and early years providers registered with Ofsted or with an Ofsted-registered Childminder Agency in England. The EYFS sets the standards that all early years providers must meet to ensure that children learn and develop well and are kept healthy and safe.

Ofsted are the sole arbiter of quality for all childcare entitlements and Ofsted and inspectorates of independent schools have regard to the EYFS in carrying out inspections and report on the quality and standards of provision. Childminder agencies (CMAs) are organisations that can register and quality assure childminders as an alternative to registering with Ofsted.

Local authorities have a legal duty to provide information, advice and training on meeting the requirements of the EYFS, meeting the needs of children with SEND and on effective safeguarding and child protection for providers who are rated less than 'Good' by Ofsted or newly registered providers.

Provision must be offered in accordance with the national parameters on quality as set out in Section A3 of Early Education and Childcare Statutory Guidance for Local Authorities and the EYFS statutory framework.

If an early year setting (excluding maintained schools), receives an Ofsted Judgement that results in the provider no longer being able to offer EEF for a particular

age group, then the local authority will consider A3.13 of the DfE Early education and childcare - Statutory guidance for local authorities. A panel of at least three officers will meet to discuss the actions set out in the Ofsted report/action plan. The panel will undertake a sufficiency assessment as set out in A3.10 of the statutory guidance. The provider will be notified in writing of the outcome and support available. If reasonable progress has not been made the authority may withdraw funding – see Termination and Withdrawal of Funding section.

Occasionally, situations may arise that give cause for concern. If the Local Authority has concerns that they feel warrants attention, a meeting will be held with representatives from Early Start and Family Services and the Funding Team. As these situations fall outside of an Ofsted judgment, the support is subject to a voluntary agreement and reciprocal participation to improve outcomes for children. An action plan will be drawn up and additional support will form part of the offer.

### **Business planning**

The local authority must receive the following documentation from providers to support payment and delivery of free entitlements:

- Portal submissions in line with deadlines issued as part of payment schedules and timetables.
- Early Years Census returns for the DfE – typically in January each year (submitted via the Provider Portal).
- Regular updates for approval of the provider record on the Virtual Family Hub Directory (VFH), including an update of the providers 'Local Offer' for supporting children with SEND.
- In the case of Childminder Agencies, the Agency will be responsible for updating and approving the VFH record not the individual childminder.
- Audit information to inform the Childcare Sufficiency Assessment, which may include, but not exclusively, qualifications of practitioners, occupancy levels, number of places by age group, ethnicity and SEND information for children on roll.
- Barnsley Council's Early Start and Family Service Safeguarding Audit which for early years settings replaces the S11 Safeguarding audit which providers must complete if they wish to claim EEF.
- Timely notification of any changes to setting name, Ofsted registration number (where applicable), company registration details, change of email address, bank account prior to next payment.

In addition, Barnsley Council expects the setting to hold the following information on site to be available for Council Officers to view for audit purposes.

- The owner, or governor is fully aware and understands the Funding Agreement, the DfE Early Years entitlements: operational guidance and the DfE Statutory Guidance for Local Authorities.
- A list of current voluntary management committee members and or Directors' contact details
- A copy of the current insurance document.
- Copy of the provider's SENCO training certificate
- Copy of the provider's Designated Safeguarding Lead training certificate delivered by Early Start and Family Service (one full day course followed by a half day refresher every two years).
- Evidence of the Barnsley Virtual Family Hub Directory and subsequent local Offer being updated by the provider within the last academic year.

The local authority should not charge providers disproportionate penalties for providing late or incomplete information leading to additional administration in the processing of free entitlements. Any charges should be reasonable and proportionate to the inconvenience or costs incurred to the local authority as a result of the lateness, and local authorities will ensure charges are clearly communicated to providers.

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

The provider should ensure they submit timely and accurate information, including, but not limited to, headcount data, census data, parental declarations and invoices, as per the financial guidelines of their local authority. Failure to do so may result in inaccurate, delayed or suspended funding.

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

## **Charging**

Government funding is intended to cover the cost to deliver 15 or 30 hours a week of free, high quality, flexible childcare. It is not intended to cover the cost of meals, additional consumables (personal to the child such as nappies or sun cream), additional hours or additional services (such as trips with additional costs).

The provider can charge for meals and snacks as part of a free entitlement place and they can also charge for consumables, such as nappies or sun cream and for services such as trips and musical tuition. Providers should be mindful of the impact of additional charges, especially on the most disadvantaged parents. Where parents are unable to pay for meals and consumables, providers who choose to offer the free entitlements are responsible for setting their own policy on providing parents with options for alternatives to additional charges, including waiving or reducing the cost of meals and snacks or allowing parents to supply their own meals and snacks.

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.

The local authority should not intervene where parents choose to purchase additional hours of provision or additional services, providing that this is not a condition of accessing the free entitlement.

The provider should publish their admissions criteria and ensure parents understand which hours/sessions can be taken as free provision. Not all providers will be able to offer fully flexible places, but providers should work with parents to ensure that as far as possible the pattern of hours is convenient for parents' working hours.

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.

The provider cannot charge parents "top-up" fees (any difference between a provider's normal charge to parents and the funding they receive from the local authority to deliver free places) or require parents to pay a registration fee as a condition of taking up their child's free place.

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 any fees paid for additional hours over and above the funded childcare and any 'consumables'. The provider will also ensure that receipts contain their full details so that they can be identified as coming from a specific provider.

## **Funding**

The local authority should pay all providers monthly, particularly childminders, unless a provider requests and the local authority agrees to continue an existing alternative sustainable method of payment.

As a result of consultation undertaken in May 2018, Barnsley Council will continue to fund 3–4-year-old claims on an 80% up front (based on numbers submitted through the 'estimate' task prior to the term starting). An 'actual' task headcount will be taken in the first half term, which will result in a balancing payment being made for any additional children and any deficits will be deducted from the first payment in the following term. An 'adjustment' task will then be opened for two weeks in the second half term to allow for any amendments since the closure of the actual task to be submitted. A payment will be made for any new children and any deficits as a result of children leaving will be carried forward and deducted from the first payment in the following term.

It is not possible to pay any funding to the new provider if the start date for funding falls after the adjustment task has closed. Funding would then start from the following term.

Process notes will be displayed on the Portal and settings will be notified if there are any changes for all ages.

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

## **Notice Periods**

The Local Authority will enact a new 4 Weeks' Notice Period process to begin from the Summer 2025 agreed by the Early Years Funding Group December 10<sup>th</sup> 2024.

Where a child is leaving the Provider mid-term, Funding will be paid up to the end of the providers official notice period (up to a maximum of 4 weeks and 15 hours (or 30 hours for eligible children) per week or end of term and 15 hours (or 30 hours for eligible children) per



week whichever is shorter), after which funding will not be paid. The notice period will not be carried over to the next term. Where a child reserves a place but does not take it up, no funding will be paid. The maximum notice period a Provider can set for free early education places is four weeks.

When a child is starting mid-term, the receiving Provider must check if the child has attended another Provider previously and if so contact that Provider to ensure no double funding occurs.

If a child is leaving the setting mid-term the leaving Provider should, where the information is available, make the receiving Provider aware of the date that the parent will be able to claim (i.e. when their notice period has ended).

Both Providers should add details in the 'notes' box at child level on the online portal when submitting an Adjustment claim.

If a child starts with the Provider during a notice period, funding will not be paid until the Notice Period at the previous Provider has ended.

If the Provider does not have an official notice period, Funding will only be paid up to the date the child leaves.

**All providers MUST be clear on notice periods and make parents aware of them before children start to access a funded place.**

Parents should sign a contract which includes details of the notice period.

In the event of any disputes around payment of funding the Authority will request a copy of the contract

If provider has a funded child leave with no notice or short notice please email [EarlyYearsEntitlements@barnsley.gov.uk](mailto:EarlyYearsEntitlements@barnsley.gov.uk) provide the child's name, DOB and end of notice date.

When a parent makes an initial enquiry or visits a setting we would expect you to:

- Ask the parent if child is or has been attending another setting within the last month for funded hours. If yes (they have attended elsewhere), ask them for the following information (in writing if possible and signed by parent):

- Child's name and DOB
- previous setting name(s)
- Date notice given (and notice period if known)
- Proposed start date at new provider

Email [EarlyYearsEntitlements@barnsley.gov.uk](mailto:EarlyYearsEntitlements@barnsley.gov.uk) with the information set out above.

The School Access Team before placing children in school nurseries will contact previous setting (if no information received) to check if they are aware child is leaving and have been given relevant notice.

If yes, full notice has been given and will have been served before proposed start date funding will be paid to new provider from first day of attendance (unless this date is after the final adjustment date when no further adjustments will be made)

### **Compliance and auditing**

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

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

Internal Audit may undertake checks on a sample basis of Providers, to ensure that:

- Parents are receiving their child's entitlement completely free at the point of delivery
- Funding is paid in accordance with the statutory guidance from the DfE and the conditions set out in this document.
- Funding is being used appropriately, covering the provision of care for children in attendance at the setting.
- In some circumstances, Internal Audit will undertake unannounced visits.

During an audit visit, the most recent completed term will be checked initially with potential further assessment on other terms. Providers should ensure that the following documents are available for the period of the audit or can be provided within 24 hours of the initial request being made:

- Attendance register (for funded children)

- Parental contracts
- Copies of issued parental invoices
- Annual accounts, income and expenditure statements and supporting documentation to show how funding is reconciled against the cost of providing the free entitlement.
- Evidence of the use of the Early Years Pupil Premium.
- Evidence of the use of the Disability Access Funding.

The Audit may take up to a day depending on the size of the Provider and number of eligible children within the setting. It may be necessary for officers from Internal Audit to make a return visit to complete all checks.

Following an Audit, if it is found that false or incorrect information has been supplied to the Authority, funding will be reclaimed, and the Provider may be removed from the Authority's Register of Providers.

### **Register audits**

A member of staff from Early Years Entitlements Funding Team will visit settings announced 14 working days prior, to check the register of funded children for which they must be granted access by the Provider. The Early Years Entitlements Funding Team members will only perform unannounced visits in exceptional circumstances.

- Registers must always be kept on site and available for inspection.

Irregular Attendance - when a child is contracted for a number of sessions but consistently does not attend these sessions, it is essential that Providers clarify the situation with parents/carers as soon as possible to ensure the safeguarding of children.

In this situation the Provider is advised to encourage the parent/carer to improve the child's attendance to match their original claim. If the parent feels that the contracted number of sessions is too much for their child they should confirm in writing to the Provider that they wish to reduce the number of sessions taken. The claim by the Provider for the following term should reflect the reduced number of sessions. Copies of all correspondence should be retained.

Children with a disability or complex health need may have a phased induction, but this should be reasonable and is dependent on the individual child's need. If the induction period is longer than one month, due to circumstances beyond their control such as medication, training delay or other care plan needs, the Provider should notify Early Start and Family Services as this could impact on their claim of funding.

## **Debt and Overpayments**

Please note that any debt/overpayment on the EEF entitlement to the Local Authority will be recovered in accordance with the Council's financial regulations. Any overpayments made will be subject to a deduction of the full amount from the Provider's subsequent claim the following payment period, even if this falls in a new financial year. If it is unlikely that the provider will make a claim in the near future (e.g. a childminder) then they will be invoiced for any overpayment.

## **Termination and withdrawal of funding**

Suspension of registration by Ofsted or a breach of statutory requirements or safeguarding issues may result in the termination of the arrangement and withdrawal of funding.

This section is applicable to all early years' providers except maintained schools. Providers that joined the register may have their funding terminated, if it is found that they re-registered their setting with Ofsted to avoid making the quality improvements identified by Ofsted. Recent information published by Ofsted, including their recent history may be taken into account – see A3.16 of the DfE Statutory Guidance. Only in exceptional circumstances would Barnsley Council withdraw funding and terminate the arrangement. Funding will not be withdrawn until the Ofsted inspection judgement is published and in the case of an Inadequate judgement **a minimum of 8 weeks' notice will be given if possible**. A written explanation of the reasons for removal from the Directory of Providers will be provided, and this will take place at the end of the term or sooner if circumstances require. Providers must notify parents of their removal from the Directory of Providers and the removal of provision of free Early Years education. Termination provisions must also include those required by regulation 7 (Termination of the arrangements) of the Local Authority, (Duty to Secure Early Years Provision Free of Charge) Regulations 2014 and regulation 37 (Arrangements between local authorities and early years providers: termination) of The Childcare (Early Years Provision Free of Charge) (Extended Entitlement) Regulations 2016.

## **Appeals process**

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

Providers must appeal in writing, in the first instance, to Barnsley Council, Early Years Funding Team, Education, Early Start and Prevention Service, Early Start and Family Services, Childrens Services Directorate, Barnsley S70 9GG.

Appeals will be heard by an Independent Appeal Panel within 30 working days of the appeal being received. The procedure will be as follows:

- 1 The Local Authority representative and the Provider will be invited into the meeting.
  - 2 Those present will introduce themselves.
  - 3 The Local Authority Clerk will explain the procedure for hearing the Provider's representation.
  - 4 The case for removing the Provider will be made by the Local Authority's Representative.
  - 5 The Provider will be invited to ask questions on the case presented by the Local Authority.
  - 6 The Panel will ask questions on the Local Authority's presentation.
  - 7 The Provider will be invited to present their case for not being removed from the Register of Providers.
  - 8 The Local Authority will be invited to ask questions on the Provider's presentation.
  - 9 The Panel will ask questions on the Providers presentation.
  - 10 The Provider and Local Authority will be invited to summarise their cases.
  - 11 The Provider and the Local Authority will leave the meeting.
  - 12 The Panel will then determine whether to:
    - (a) Allow additional time on the action plan for the Provider to make improvements;
- OR
- (b) Uphold the Local Authority's decision to remove the Provider from the Directory of Providers and withdraw funding.

13 The Clerk will record in the minutes the reasons for the decision taken under step 12 above.

14 The Clerk will write to the Provider informing them of the Panel's decision.

Should a Provider not be satisfied with their treatment under the appeals process they can make a complaint to the Local Authority Ombudsman.

Providers also have the right to make a complaint as set out on the Council's web site:

<https://www.barnsley.gov.uk/have-your-say/complaints-and-compliments/>

## **Complaints relating to an early education provider**

The provider should ensure they have a complaints procedure in place that is published and accessible for parents who are not satisfied their child has received their free entitlement in the correct way, as set out in this agreement and in Early Education and Childcare Statutory Guidance for Local Authorities.

Each Provider must also display the Ofsted's complaints process if a parent wishes to complain directly to the regulatory body for inspecting a setting. All Providers must retain a copy of every complaint, including those submitted to Ofsted and the response, investigation and outcome. However, if the complaint relates to a parent not being satisfied with how their child has received their free entitlement place in the correct way (as set out in the Early Education and Childcare Statutory Guidance) then the Provider must follow their own complaints procedure and retain a record for the local authority.

The local authority commissions private, voluntary and independent childcare Providers to offer the free entitlement and is therefore accountable for appropriate use of the funding.

## **Complaints process (for parents who are not able to resolve their concern directly with the provider)**

The local authority has in place, procedures for dealing with complaints and appeals for parents who are not able to resolve their concern directly with the provider, where the parent is not satisfied that their child has received their free entitlement in accordance with the Early Education and Childcare Statutory Guidance for Local Authorities. Those who are not satisfied that their child has received the free early education to which they are entitled should in the first instance, contact Families Information Service as clarification may resolve the complaint. If the parent is not satisfied that the authority has administered the Early Years Funding within the parameters of the Statutory Guidance, they will then be referred to the local authority complaints procedure.

If a parent or provider is not satisfied with the way in which their complaint has been dealt with by the local authority, or believes the local authority has acted unreasonably, they can make a complaint to the Local Authority Ombudsman. Such complaints will only be considered when the local complaints procedures have been exhausted.

**Annex A: Sample parent declaration for the free early education**

Declaration: I (name) ..... of  
(address) .....

.....  
.....

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

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

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

In collecting your data for the purposes of checking your eligibility for the free entitlements, Early Years Pupil Premium (EYPP) or Disability Access Fund (DAF) (see notes 1 – 3), Barnsley MBC is exercising the function of a government department. Barnsley MBC is authorised to collect this data pursuant to Section 13 of the Childcare Act 2006. Please note that from April 2024 2-year-olds will qualify for DAF and EYPP, and under 2's will qualify from September 2024



## **Annex B**

### **Parent Notes**

#### **Eligibility Criteria for the Free Entitlements**

Eligibility criteria for the free entitlements for 9 months, 2, 3 and 4-year-old children can be found online:

Help with Childcare Costs - <https://www.childcarechoices.gov.uk/>

Please see your childcare provider or contact the Families Information Service, if you wish to access this information.

Note 1: Early Years Pupil Premium (EYPP) is an additional sum of money paid to childcare providers for 9 months, 2, 3- and 4-year-olds of families in receipt of certain benefits. Providing the parent/carer has consented, (by completing the Parent Declaration form), the Provider Portal will automatically check based on the information provided under the parent/carer details tab.

Note 2: 9 months, 2-, 3- and 4-year-old children who are in receipt of child Disability Living Allowance (DLA and are receiving free early education are eligible for the Disability Access Fund (DAF). DAF is paid to the child's setting as a fixed annual sum of £910 from April 2024.

Note 3: Further information about EYPP and DAF is included in the Operational Guide for Local Authorities 2024/25,  
<https://www.gov.uk/government/publications/early-years-funding-2024-to-2025/early-years-entitlements-local-authority-funding-operational-guide-2024-to-2025>

Alternatively, for more information please speak to your childcare provider or

Barnsley Council Families Information Service Freephone 0800 0345 340

[earlyyearsentitlements@barnsley.gov.uk](mailto:earlyyearsentitlements@barnsley.gov.uk)

## **Annex B**

**NB It is not possible to pay any funding to the new provider if the start date for funding falls after the adjustment task has closed. Funding would then start from the following term.**

### **INSET days**

Settings will be allowed to take 1 day per term as a training day provided that:

Barnsley Council is notified of the dates by emailing

[EarlyYearsEntitlements@barnsley.gov.uk](mailto:EarlyYearsEntitlements@barnsley.gov.uk)

An agenda for the day is sent to the Quality Improvement Officer

Parents are given at least 4 weeks' notice of the dates