

PLYMOUTH PROVIDERS AGREEMENT 2024/25

Plymouth City Council



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INTRODUCTION

This document (Providers Agreement) sets out the financial requirements associated with claiming all Early Years Government Funding. This includes (however not limited to) the Early Education Grant, any money received in relation to inclusion, special educational needs and disabilities (SEND), deprivation and Early Years Pupil Premium (EYPP), capital and business development grants.

This document is the funding contract between Plymouth City Council (referred to as the local authority) and early years providers who are referred to as providers. This includes:

- private, voluntary and independent early years providers and childminders registered on the Ofsted Early Years Register
- childminders registered with a childminder agency that is registered with Ofsted
- schools, nurseries or classes funded by the local authority,
- independent schools, academies and funded schools taking children which are exempt from registration with Ofsted as an early year's provider.

Providers offering the funded entitlement must tick the agreement box via the Early Years Portal to confirm their agreement of the terms and conditions of funding.

If providers breach the terms and conditions of this agreement, the local authority reserves the right to cancel the agreement and reclaim any outstanding funding.

1. 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 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.
- The local authority must contribute to the safeguarding and promote the welfare of children and young people in their area.

2. 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. No mandatory levy's or enforced and charged for breaks will be imposed upon parents as a condition to accessing their free entitlement.
- 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 approach to identifying and responding to SEND. Providers should utilise the SEN Inclusion Fund and Disability Access Fund to deliver effective support, whilst making information available about their SEND offer to parents. This includes adhering to and implementing the Graduated Approach to Inclusion and the associated guidance, tools and processes.
- The provider will be expected to complete the annual Census in a timely way.
- Information for parents about childcare, the setting, Ofsted judgements, availability of childcare places etc. should be clear, accurate and available using different methods. The provider will agree to use and regularly update their information on:
 - ✓ Family Information Directory (FID)
 - ✓ Internal and external websites (which should be consistent with the Providers Agreement)
- The authority reserves the right to challenge and request the removal or alteration of inaccurate and misleading information regarding parental entitlements.
- Providers must be registered with Ofsted, maintain their Ofsted registration and update any significant changes within 5 working days.
- The provider must inform the authority of any complaints, concerns and significant events that have been raised with Ofsted by the provider or by families within 5 working days.
- The provider must inform the authority of any Ofsted inspections and their outcome within 5 working days following inspection.

3. SAFEGUARDING

- 3.1 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 Acts which make this clear, and the 'Working together to safeguard children' guidance sets these out in detail.
- 3.2 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.

4. EARLY HELP

- 4.1 The provider will work in partnership with the local authority to identify children and families requiring additional help and support them through the Early Help process.

[Early Help - Plymouth Safeguarding Children Partnership \(plymouthscb.co.uk\)](http://plymouthscb.co.uk)

- 4.2 The provider will ensure that staff within their setting/s, are familiar with and/or trained to use and understand local early help and safeguarding processes. Staff must also know how to identify and support families requiring additional help and must be able to work in partnership with other organisations (children's centres/Family Hubs, schools, and health services, Plymouth City Council) in order to provide support at the earliest opportunity to children and their families.
- 4.3 When appropriate and in the child and family's best interest, Providers will encourage and enable their staff to lead and attend early help and safeguarding meetings.
- 4.4 Providers are responsible for ensuring the quality of any paperwork submitted is of a high standard, ensuring that grant applications, assessments and transition paperwork are evidence based, information is accurate and clear, and submitted in a timely way.
- 4.5 Providers are encouraged to register to use the Transition Portal and to follow the Plymouth Transition Framework.

5. ELIGIBILITY FOR FUNDED CHILDCARE

- 5.1 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 B: Parent declaration.
- 5.2 The provider should offer disadvantaged 2-year-old places on the understanding that the child remains eligible until they become eligible for the universal entitlement for 3- and 4- year-olds.
- 5.3 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.
- 5.4 Alongside the eligibility code, which is the child's unique 11-digit number, and original copies of documentation, 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.

- 5.5 Once a provider has received written consent from the parent, they should verify the eligibility code with the local authority.
- 5.6 The local authority 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.
- 5.7 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.

Table A: Audit and Grace Period Dates

Date Parent receives ineligible decision on reconfirmation:	LA audit date	Grace Period End date:
01 Jan – 10 Feb	11 Feb	31 Mar
11 Feb – 31 Mar	01 Apr	31 Aug
01 Apr – 26 May	27 May	31 Aug
27 May – 31 Aug	01 Sep	31 Dec
01 Sep – 21 Oct	22 Oct	31 Dec
22 Oct – 31 Dec	01 Jan	31 Mar

6. THE GRACE PERIOD

- 6.1 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.
- 6.2 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 ECS. The grace period end date will automatically be applied to eligibility codes.
- 6.3 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.
- 6.4 The authority will inform parents through providers if they no longer meet the eligibility criteria and are in their grace period and their grace period end date, this is communicated to providers through the expiration dashboard on the portal which is updated daily.
- 6.5 On occasions, the local authority will consider funding children whether there is an auditable error or problems with revalidation. In these situations, Providers should contact the local authority.

7. FLEXIBILITY

- 7.1 Provision must be offered within the national parameters on flexibility as set out in Section A2 of the Early Education and Childcare Statutory Guidance for Local Authorities.
- 7.2 The provider should work with the authority and share information about the times and periods at which they are able to offer free entitlements via Plymouth Online Directory (POD) and the Family Information Directory (FID).
- 7.3 The provider should work in partnership with the authority to secure sufficient stretched and flexible places to meet parental demand in the local area. 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.
- 7.4 Children should be able to take up their free hours as part of continuous provision and providers should avoid artificial breaks in the day wherever possible. For example, the lunch time hour/session should form part of the free provision where the child is attending a morning and afternoon session. Providers may wish to offer additional hours around the free provision hours. Please see examples shown in Early Years Entitlements Operational Guidance June 2018. [Early_years_entitlements-operational_guidance.pdf](#)
- 7.5 Private, voluntary and independent providers are free to set their own criteria for the admission of children, providing they comply with relevant legislation on equalities and non-discrimination. However, all parents should have the same rights to access a free entitlement place, regardless of whether they choose to pay for additional hours of provision, additional activities or meals. Whilst the child continues to take up their free entitlement there should be no restrictions on that place e.g. parents should not have to reserve a place each term.
- 7.6 Providers should ensure that their admissions information is clear and accessible for parents. Providers must publish the number of standalone 15- and 30-hours places on the Family Information Directory (FID) on the settings information page. This will enable parents to make an informed decision on where to take up their child's entitlement.
- 7.7 Providers should ensure that they are completely transparent and as flexible as possible about which hours/sessions can be taken as free provision and this should be consistent for all parents taking up free hours. Providers should provide parents with clear and itemised invoices showing the breakdown of all charges. The authority reserves the right to challenge unclear invoicing systems.
- 7.8 A child can attend multiple provisions for their weekly funded hours but a maximum of two providers can be used in a day.
- 7.9 It is the parent's responsibility to determine how the hours are divided across all providers and clearly identify the division of hours on the Parent Declaration form. It is the provider's responsibility to ensure the accuracy of hours stated on the Parent Declaration by communicating early with the other providers stated on the form.
- 7.10 A child accessing a Stretched Offer may attend two providers per day and is funded the maximum of 12 hours per week (if in receipt of 15 hours free childcare) or 24 hours per week (if in receipt of 30 hours free childcare).
- 7.11 If the child transfers to another provider during the term, then the parent/carer must indicate where their child was previously attending and for how many weeks and which offer (Standard or Stretched) is being accessed, this should be stated on the Parent Declaration Form. It is the provider's responsibility to communicate with the previous provider.

- 7.12 If the transfer occurs before the headcount payment is released, then the funding can be apportioned by the authority with agreement of both providers and by informing the local authority finance department.
- 7.13 It is important that the determination of how the 15/30 hours is divided between the providers is completed at the beginning of term when the Parent Declaration forms are signed. If more than 15/30 hours (Double Claimer) are claimed and this is only identified after Headcount, then it is likely to result in a delay of payment or a reclaim of any excess payment made. In the event of no agreement being reached between the providers, then the authority will make the final decision.

PARENT DECLARATION FORMS

(SEE ANNEX B: PARENT DECLARATION)

- 7.14 Parent declaration forms should be completed on behalf of all children who attend the setting and take-up their free entitlement. The form should state the number of hours being claimed (rounded down to the nearest half hour) by the parent as well as details of other settings their child may be attending.
- 7.15 Parents are not required to complete a new declaration form in the first week of every term if there has been no change in circumstance/take-up of the free entitlement. Parents should sign their original form on a termly basis to confirm that the original parent declaration form remains valid. Parents will be required to sign a new parent declaration form during the first week of term if their child has started a new setting or has increased/decreased their take-up.
- 7.16 If a child is accessing a 30-hour place and splitting their entitlement across multiple providers, it is important that the Parent Declaration form specifies the number of universal and extended hours that will be claimed with each provider.
- 7.17 If a child joins the setting after the first week of term, the parent/carer must state on the Parent Declaration form where their child was previously attending and for how many weeks.
- 7.19 If the parent/carer is entitled to 30 hours of free childcare, their eligibility code and National Insurance number should be stated on the form. These details will be used by the provider to verify the eligibility code.
- 7.20 The Parent Declaration form includes a section where parents/carers can state if their child is in receipt of Disability Living Allowance (care element or mobility element) and therefore eligible for Disability Access Funding. The provider must also see a copy of the DLA letter and tick the proof of eligibility section. A copy of the eligibility letter should be attached to the parent declaration form and retained by the provider.
- 7.21 The provider must see proof of eligibility of the child's age and tick the proof of eligibility section of the Parent Declaration form.
- 7.22 For two-year-old funding, the provider must also see the Confirmation of Eligibility confirming eligibility for two-year-old funding and tick the two-year-old eligibility section on the Parent Declaration Form. A copy of the confirmation letter should be attached to the Parent Declaration form and retained by the provider. Once the setting has been provided with a confirmation letter, a placement notification should be completed on the early years provider portal.
- 7.23 The responsible officer must sign the Parent Declaration form on behalf of the provider.
- 7.24 Parent Declarations must be retained by the provider and be available for audit verification.

- 7.25 Parent Declaration forms are published on the Early Education Funding and The Provider Portal webpage.

PARENT CONTRACTS

- 7.26 The provider may incorporate the details of Parent Declaration form as set out above into their Parent Contract, in order to simplify the paperwork.

8. PARTNERSHIP WORKING

- 8.1 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
- 8.2. The 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.
- 8.3. 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 [30 hour mixed model partnership toolkit](#) has been developed to help providers set up or join a partnership, to maximise the benefits of working together to better support families.
- 8.4. 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 a childminder, to ensure a smooth transition for the child.
- 8.5. The provider will ensure that communication with the other provider is robust.
- 8.6. Childminders may offer a chargeable on-call service as part of their offer to parents. This service could include providing emergency childcare cover whilst the child is in another setting taking up free hours. For example:

<u>Before 9am</u>	<u>9am - 12pm</u>	<u>12pm - 3pm</u>	<u>After 3pm</u>
Childminder charges for care, transfer to nursery or playgroup and on-call services	Free hours at nursery class or playgroup	Childminder picks up and provides free hours	Childminder charges for any additional hours needed

- 8.7. The authority will act as an advocate for parents and carers. This will include (but is not limited to) challenging practice, misinformation and barriers limiting their ability to access their entitlements. A provider will be challenged and asked to change practice if they do not follow the statutory guidance. Funding may be affected if a provider is unwilling to remodel their practice.

9. SPECIAL EDUCATIONAL NEEDS AND DISABILITIES

- 9.1 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.

[SEND_Code_of_Practice_January_2015.pdf \(publishing.service.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/264242/SEND_Code_of_Practice_January_2015.pdf)

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.

- 9.2 The local authority must be clear and transparent about the support on offer in their area, through their local offer, so parents and providers can access that support. 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.
- 9.3 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 Early Years Pupil Premium (EYPP) eligibility. They will also use EYPP and any locally available funding streams or support to improve outcomes for this group.
- 9.4 From April 2024, there may be some circumstances where households meet the eligibility criteria for both the disadvantaged two-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 3- and 4-year-olds or 30 hours free childcare for 3- and 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 disadvantage 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 of the disadvantage 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.

10 ADDITIONAL FUNDING

Disability Access Fund (DAF)

- 10.1 The national rate for DAF payable to all providers in 2024/25 is £910 per eligible child per year. Provider should maximise the Disability Access Fund (DAF).
- 10.2 From April 2024, children accessing any of the entitlements will be eligible for DAF, provided they meet the relevant criteria. 4-year-olds in primary school reception classes are not eligible for DAF funding.
- 10.3 Eligible children are those in receipt of Disability Living Allowance (DLA) who are accessing any of the entitlements.

- 10.4 Providers are responsible for identifying eligible children and should make use of the DAF section on the Parent Declaration Form. Providers should apply for DAF by emailing schoolsfinance@plymouth.gov.uk with the child's details (including name, address and DOB) and a copy of the current DLA letter. A copy of the DLA letter should be retained by the provider for audit purposes.
- 10.5 DAF is another form of SEND funding available to providers which is intended to aid access to the entitlements for disabled children. The local authority aims to issue DAF payments at the end of each month based on the DAF applications received for that month.

Conditions of DAF funding:

- If a child receiving DAF moves from one setting to another within a financial year, the new setting is not eligible to receive DAF funding for this child within the same financial year. DAF funding received by the original setting will not be recouped.
 - If an eligible child attends two different settings, the funding will be paid to the child's primary setting.
 - DAF guidance states that "The funds could be used, for example, to support providers in making reasonable adjustments to their settings and/or helping with building capacity, be that for the child in question or for the benefit of children attending the setting as a whole."
- 10.6 Providers must not discriminate for a reason arising in consequence of a child or young person's disability.

[Early Education Funding and the Provider Portal | PLYMOUTH.GOV.UK](#)

- 10.7 The providers must make reasonable adjustments, including the provision of auxiliary aids and services, to ensure that disabled children and young people are not at a substantial disadvantage compared with their peers. This duty is anticipatory, as it requires thought to be given in advance to what disabled children and young people might require and what adjustments might need to be made to prevent that disadvantage. DAF and the Early Years Inclusion Fund should be used to make these reasonable adjustments.
- 10.8 The LA will work in partnership with Providers and may challenge policies that conflict with what the LA are advising and are considered detrimental to a child's development.
- 10.9 The Early Years Graduated Approach covers 0-5 years old. Providers must use the local guidance to ensure they meet the needs and have the appropriate provision at universal, targeted and specialist levels.
- 10.10 The authority reserves the right to challenge practice that contravenes practice that is not lawful.
- 10.11 The authority recommends good practice in settings which includes staff having relevant professional development opportunities and supervision. Training can be found on the POD or on the authority website.
- 10.12 The authority should promote equality and inclusion, particularly for disadvantaged families, looked after children and children in need by removing barriers of access to free places. This includes working with parents to give each child support to fulfil their potential.

Early Years Pupil Premium (EYPP)

- 10.13 The national rate for EYPP payable to all providers in 2024/25 is £0.68 per hour per eligible child and is paid up to a maximum of 570 hours (15 hours per week only). Therefore, it is

important that Parent Declaration Forms specify the number of universal and extended hours that will be claimed with each provider.

- 10.14 From April 2024, children accessing any of the entitlements will be eligible for EYPP, provided they meet the relevant criteria.
- 10.15 EYPP gives providers additional funding to support disadvantaged children accessing an entitlement place and improve early education outcomes for these children. The authority reserves the right to monitor the expenditure associated with this grant.
- 10.16 The eligibility criteria remains the same, aside from the age of child, and is stated on the EYPP application form which can be found on the Plymouth Online Directory (POD).
- 10.17 Providers are responsible for identifying eligible children so that local authorities can provide the appropriate funding. It is the responsibility of the local authority's virtual school head to identify children who are currently in local authority care.
- 10.18 Once a child enters reception, they will no longer be eligible for the EYPP, but may become eligible for the pupil premium.

Deprivation

- 10.19 Deprivation is a supplement used to support children in areas of deprivation taking up the entitlements. From April 2024, deprivation is payable to providers for all eligible children accessing the entitlements, except for the 2-year-old disadvantaged entitlement as this entitlement is already targeted towards children from disadvantaged background.
- 10.20 Deprivation funding is allocated automatically to providers on a per pupil basis after headcount payment. Eligibility is determined by the Income Deprivation Affecting Children Index (IDACI) score linked to a child's home post code. Funding targets those children who live in areas with the most deprivation and providers are expected to use funding to support the needs of these children. Deprivation funding is applied to both the universal and extended entitlement for each eligible child.
- 10.21 Deprivation funding should be used for:
 - operating a lower child to staff ratio for a proportion of the week.
 - enrichment activities.
 - purchasing additional professional or support services.

[Early Education Funding and the Provider Portal | PLYMOUTH.GOV.UK](https://www.plymouth.gov.uk/early-education-funding-and-the-provider-portal)

II QUALITY, SUPPORT AND FUNDING

- 11.1 The authority aims to fund children in provision that has been judged 'Good' and above by Ofsted. 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.
- 11.2 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.

- 11.3 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.
- 11.4 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 2023 and the EYFS statutory frameworks.

Early education and childcare (applies from 1 April 2024) - GOV.UK (www.gov.uk).

Statutory framework for the early years foundation stage for childminders (publishing.service.gov.uk)

Statutory framework for the early years foundation stage for group and school providers (publishing.service.gov.uk)

- 11.5 The Local authority reserves the right to challenge governing bodies including, however not limited to directors, trustees and management committees in relation to practice not meeting acceptable standard and/or are breaching the terms of this agreement, particularly with regard to safeguarding, vulnerable children and children with SEND.
- 11.6 The provider must inform the authority of Ofsted inspections and Ofsted investigated complaints and outcomes within 5 working days of inspection.

12 ENHANCED SUPPORT

- 12.1 The Providers Agreement is a contractual agreement between the authority and providers of childcare. It outlines the expectations for funded providers of childcare. It champions the rights of children to access their free entitlement without barriers in order to receive high quality childcare, which is safe and accessible to all children, especially the most vulnerable and those with SEND.
- 12.2 The authority will therefore challenge any settings where poor practice is evident and/or additional support is required, examples of evidence include, however not limited to:
- ✓ judged less than good by Ofsted
 - ✓ the setting is new and has not yet been inspected
 - ✓ setting self refers and identifies that they require additional support
 - ✓ evidence of untimely and/or poor-quality safeguarding referrals
 - ✓ inconsistent paperwork prevents access to support services and/or grants
 - ✓ there is poor communication and engagement, especially regarding safeguarding, vulnerable children and/or children with SEND
 - ✓ persistent and/or concerning complaints are raised
 - ✓ invoices that show non- voluntary charges, unreasonable deposits/ registration fees/top up fees
 - ✓ parents experience enforced breaks in their childcare offer
 - ✓ discrimination against any child accessing a childcare place and their entitlements

- ✓ financial concerns
- ✓ whistleblowing

- 12.3 If concerns breach the terms outlined in this agreement the authority reserves the right to withdraw funding and/or contact Ofsted or other regulatory bodies in accordance with the Duty to Secure Early Years Provision Free of Charge) Regulations 2014, the regulation 37 of The Childcare (Early Years Provision Free of Charge) and (Extended Entitlement) Regulations 2016.
- 12.4 In order to support providers, plan and monitor improvement actions and any associated work, the local authority operates an enhanced support process (**Settings of Concern**). This internal prioritisation process involves officers within the local authority.

During each meeting officers will:

- ✓ consider progress, any concerns/complaints raised about the setting and decides actions
- ✓ consider, review and monitor the support for settings judged less than good by Ofsted
- ✓ consider the offer of targeted support for settings referring themselves for additional support
- ✓ plan next steps

If settings require additional support these support measures will be implemented:

- initial discussions take place between the providers (the people/persons legally responsible for the setting and for ensuring adherence to the terms of this agreement).
- an Enhanced Support Action Plan will be agreed.
- an Enhanced Support letter, detailing the concerns, expected actions with timescales is sent to the provider/legal persons, if the concerns persist.
- the authority will work with the providers/legal persons to address the issues/concerns.
- if appropriate the local authority will inform Ofsted as the arbiters of quality.
- the local authority reserves the right to inform Ofsted without notifying the setting.
- if appropriate the local authority will inform the financial regulator.

If concerns persist and are significant the authority reserves the right to consider whether the setting continues to receive funding. Please refer to Early education and childcare statutory guidance for local authorities (April 24). [Early education and childcare \(applies from 1 April 2024\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/100000/early-education-and-childcare-statutory-guidance-for-local-authorities-2024.pdf)

13. PROVIDERS JUDGED LESS THAN GOOD BY OFSTED

- 13.1 In the event of a setting receiving a Requires Improvement or Inadequate Judgement by Ofsted the Local Authority will consider **all** aspects of funding. This will include any SEN Inclusion Funding (SENIF) given to support children with SEND and other local authority grants.

- 13.2 The local authority is not required to fund childcare places in settings who do not meet the quality standards set out in Early education and childcare (applies from 1 April 2024) - GOV.UK (www.gov.uk), therefore in the event of a setting not meeting quality standards the processes are as follows:
- 13.3 Following a cancellation and suspension of registration, enforcement action and/or the issuing of welfare requirements notice, these options will be considered:
- following confirmation from Ofsted that the setting's registration has been cancelled or suspended the authority will withdraw funding with immediate effect. The authority will reclaim money. This will ensure that the children are safeguarded and can receive childcare in alternative settings.
 - following confirmation from Ofsted that the setting's registration has been cancelled or suspended the authority will reclaim funding (if paid in advance) from the suspended setting for the period of suspension/cancellation.
 - the authority will also suspend the setting's entry on Plymouth Online Directory and the Family Information Directory.
 - if a setting closes and does not reopen the local authority will reclaim all outstanding debts/monies owing and any assets paid for by authority grants.
 - when appropriate, the break clause within the leases for tenants of the local authority will also be enforced.
 - the setting will be notified of this decision via email and confirmed in writing.
 - the local authority will work with the setting to agree a communication strategy for parents and other stakeholders.
- 13.4 Following confirmation from Ofsted that the setting's registration has been re-established the local authority will put the funding in place from the date of the reinstatement however the provider will then be subject to the processes associated with the Settings Judged Inadequate or Requires Improvement.
- 13.5 Suspension of registration by Ofsted or childminder agency, or a breach of statutory requirements or safeguarding issues may result in the termination of the arrangement and withdrawal of funding.
- 13.6 Providers have the right to appeal. Please see the Appeals process below.

14 INADEQUATE

- 14.1 The setting informs the local authority about their Ofsted result, within five working days of Inspection.
- 14.2 Upon publication of the Ofsted Report or notification from Ofsted to the local authority will:
- (when there are safeguarding concerns and appropriate to do so) the LADO will convene a strategy meeting. This meeting may include: the LADO, Ofsted, authority staff, the police and where appropriate, the childcare provider concerned. This strategy meeting will consider the concerns and decide the actions required to keep children safe.
 - convene a funding panel meeting at the earliest opportunity to consider Ofsted's findings and decide whether to:

- withdraw all funding with immediate effect. The local authority will also reserve the right to terminate the Leases for tenants of the authority.
- withdraw funding within a set timescale. The break clause within the leases for tenants of the authority will also be enforced.
- continue funding, subject to the setting engaging with the local authority requirements, until the publication of the next Ofsted report

A Funding Panel will meet to decide actions. The Panel is an internal process, attended by council officers only, where decisions are made about funding. The panel is made up of, as a minimum, a senior manager, Early Years Improvement Partner, Early Years Improvement Officer, SEND lead and finance representatives. The Panel is chaired by a senior manager. Providers are not invited to attend. Their views are represented by the Early Years Improvement Officer.

.The funding panel will consider evidence relating to a settings:

- views
- capacity to improve,
- willingness to work with the local authority and /or other agencies to improve,
- sufficiency

Support/monitoring measures may include:

- setting up and agreeing a joint Action Plan
- working towards an Action Plan
- participating in training or other quality improvement programmes.
- the provider may choose to access support from the local authority
- announce and/or unannounced monitoring visits by the local authority
- attending regular monitoring meetings with the authority

- 14.3 The provider will be informed within ten working days of this decision, via email and in writing.
- 14.4 The provider will not accept any new funded children (2-, 3- and 4-year-olds), until the publication of the next Ofsted report if it is 'good or outstanding'.
- 14.5 If a child has been attending a setting prior to the inspection and they become eligible for funding, please notify the authority who will reserve the right to give permission for that child to be newly funded.
- 14.6 The authority will support parents wishing to move their child to an alternative setting after headcount.
- 14.7 The council reserve the right to work closely with and/or report progress/concerns to Ofsted during this period.
- 14.8 Providers have the right to appeal. Please see the Appeals process below.

15 REQUIRES IMPROVEMENT

15.1 The same process will be applied to providers judged Requires Improvement as that of Inadequate settings however if the provider can demonstrate:

- A capacity to improve,
- A willingness to work with the local authority and /or other agencies to improve,
- They have a waiting list and/or there is a sufficiency issue

Within six weeks of their inspection the local authority will reconsider the providers ability to accept newly funded children.

This decision will be confirmed by email and progress will be reviewed on a 6-weekly basis.

CAPACITY TO IMPROVE

15.3 In the eventuality of a settings receiving two or more consecutive inadequate and/or requires improvement Ofsted judgements the authority may withdraw funding following a panel meeting.

The authority will support parents wishing to move their child to an alternative setting after headcount.

16 CHILDMINDER AGENCIES

16.1 If a childminder is registered with a childminding agency and would like to access Early Years Education Funding, they will notify the agency and the council.

16.2 The council will ensure that the childminder has been judged good and above by Ofsted and issue a providers agreement.

16.3 The childminder will sign the terms of the providers agreement and share a copy with the agency.

16.4 In the event the childminder becomes inadequate or requires improvement (not met/ineffective) , the local authority will work with the agency to implement and monitor a joint action plan.

16.5 The funding panel will decide whether to withdraw funding or not.

17 BUSINESS PLANNING AND CHILDCARE SUFFICIENCY

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

17.2 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.

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

- 17.4 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.
- 17.5 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. Providers are expected to store data in accordance with the most update regulations in relation to the Data Protection Act (GDPR) and archive all documentation required in law for the specified period.
- 17.6 To help Plymouth City Council fulfil their statutory duty to support parents to locate suitable childcare we ask that you update your information on your Early Years Providers Portal page. You will need to do this when you initially register to take funded children and then revisit and update when changes to your business occur. This information also supports Plymouth City Council with their Childcare Sufficiency Assessment and supports with planning any childcare expansion city wide.

18 CHARGING

- 18.1 Government funding is intended to deliver 15 or 30 hours a week of free, high quality, flexible childcare. It is not intended to cover the cost of meals, other consumables, additional hours or additional services.
- 18.2 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.
- 18.3 The provider should deliver the free entitlements consistently so that eligible children accessing them will receive the same quality and access to provision, regardless of whether they opt to pay for optional hours, services, meals or consumables.
- 18.4 The local authority should not intervene where parents choose to purchase additional hours of provision or additional services, provided that this is not a condition of accessing the free entitlement.
- 18.5 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 are convenient for parents' working hours.
- 18.6 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.
- 18.7 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.

- 18.8 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.

19 FUNDING

- 19.1 The local authority will pay all providers three time per year unless a provider requests monthly payments, particularly for childminders. A provider may request and the local authority agrees to continue an existing alternative sustainable method of payment.
- 19.2 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.
- 19.3 This funding must be used to deliver free childcare places. If financial misappropriation is suspected the authority reserves the right to carry out formal investigations. This may involve the police and fraud officers. If fraud is detected, grant money will be reclaimed in full. Financial misappropriation of funding refers to all financial remuneration received by the provider from the authority.
- 19.4 The decision to fund a provider to deliver early education places will be based on the provider's Ofsted inspection judgment, and the authority will fund:
- Places for 2-, 4- and 4-year-olds in provision rated good or outstanding by Ofsted.
 - Places for 3- and 4-year-olds in provision rated as requires improvement if the authority is satisfied that concerns raised by Ofsted are being addressed.
 - Places for 2-year-olds in provision that requires improvement if there is a lack of sufficient accessible good or outstanding providers and we are satisfied that concerns raised by Ofsted are being addressed.
 - Provision for children with SEND
- 19.5 Eligible children are entitled to Early Education Funding in the term **following** their 2nd birthday until they are of compulsory school age. For the new 15 hours entitlement for working parents of Under 2s from Sep 2024, eligible children are entitled from the beginning of the term after the child turns 9 months old.
- 19.6 Funding Terms are defined by the Department for Education as:

Summer Term	1 st April to 31 st August
Autumn Term	1 st September to 31 st December
Spring Term	1 st January to 31 st March

- 19.7 Early Education Funding for 2-year-old children is subject to the parent/carer obtaining a confirmation of eligibility letter from Plymouth City Council.
- 19.8 The authority reserves the right to decline requests for providers to provide childcare places for eligible 2-year-old children in settings judged less than good by Ofsted.

- 19.9 The authority reserves the right to suspend new eligible 2-year-old children starting in settings that receive a published Requires Improvement Ofsted judgement, until such time a published good or better Ofsted judgement.
- 19.10 The authority reserves the right to withdraw funding for eligible 2-year-old children in settings following a published Inadequate Ofsted judgement, until such time there is a published good or better Ofsted judgement.
- 19.11 In cases meeting the criteria listed above, the authority will work with parents and providers to source alternative childcare in settings that have a published good or better Ofsted judgement.

FRAMEWORK FOR DELIVERING FLEXIBLE FREE EARLY EDUCATION

19.12 Providers will deliver the free entitlement within the following framework:

- maximum session length is 10 hours
- there is no minimum session length
- funded hours can be delivered between 6am and 8pm
- a maximum of two sites in a single day.

Standard offer of 15/30 hours per week over 38 weeks

Autumn Term	14 weeks	210 / 420 hours
Spring Term	11 weeks	165 / 330 hours
Summer Term	13 weeks	195 / 390 hours

Stretched offer of 12/24 hours per week over 47.5 week

Autumn Term	16 weeks	192 / 384 hours
Spring Term	12 weeks	144 / 288 hours
Summer Term	19.5 weeks	234 / 468 hours

- 19.13 Parents/carers wishing to access the stretched offer must agree to continue the stretched offer for the year up to the end of the financial year (31 March).
- 19.14 A child entitled to the 15 hours only, that requests to take 12 hours per week under a stretched offer may split their entitlement across no more than two providers per day, as long as a stretched offer is used with all providers.
- 19.15 Providers must keep a daily register of attendance of all children who receive Early Education Funding. The register must clearly show the hours claimed for Free Early Education. Daily registers must be retained for 7 years and be available for audit verification.

The combined offer (a mixture of standard and stretched)

- 19.16 A child accessing a 30-hour place can split their entitlement between a standard provider and stretched provider

The combined offer 1:

- 19.17 Under this offer a child can access a standard provider for 38 weeks and a stretched provider for 47.5 weeks.
- 19.18 A parent/carer can claim any number of hours up to 27 hours per week for 38 weeks with a standard provider and no more than 12 hours per week for 47.5 weeks with a stretched provider. The total hours claimed across providers must not exceed 27 hours per week and the total hours claimed with the stretched provider cannot exceed 12 hours.
- 19.19 The table below is an example of how a child can split their 27 hours per week in order to maximise their entitlement, parents are not limited to this example and may choose to split their entitlement differently.

	Standard provider hours per week	Standard weeks per term	Stretched provider hours per week	Stretched weeks per term	Total entitlement
Autumn	15 hours	14	12 hours	16	402 hours
Spring	15 hours	11	12 hours	12	309 hours
Summer	15 hours	13	12 hours	19.5	429 hours

The combined offer 2:

- 19.20 Under this offer a child can access a standard provider for 38 weeks and a holiday club for 9.5 weeks.
- 19.21 A child can claim up to 24 hours per week for 38 weeks with a standard provider and up to 24 hours per week for 9.5 weeks with a holiday club during the school holidays.
- 19.22 Childminders and PVI settings can also offer a holiday club.
- 19.23 The table below outlines the split of funded weeks across the standard provider and the holiday club for each term.

	Weeks per term – standard provider	Weeks per term - holiday club	Total entitlement
Autumn	14	2	384 hours
Spring	11	1	288 hours
Summer	13	6.5	468 hours

Conditions of using a combined offer

- 19.24 A parent/carer can only use one offer at any time.
- 19.25 If a child starts a combined offer they must remain on that offer until the end of the financial year (31 March).

- 19.26 Under offer 1, a child cannot increase their funded hours with the stretched provider during the school holidays, when the standard provider is closed.
- 19.27 Under offer 2, a child cannot reduce the number of weeks claimed with the standard setting to below 38 weeks and increase the number of weeks claimed with the holiday club to above 9.5 weeks.
- 19.28 A child can only access a combined offer if they are eligible for a 30-hour place.
- 19.29 If a child becomes ineligible for 30 hours part way through the year, they can no longer access a combined offer but must remain on a stretched offer until the end of the financial year (31 March).

TRANSFERS IN/OUT DURING THE TERM

- 19.30 The provider is expected to deliver Free Early Education for the whole term. Payment for this service is based on the attendance during Headcount week and the number of weeks in the term.
- 19.31 All providers are expected to offer Free Early Education for children who transfer in during the term, provided there are spaces available.
- 19.32 No additional funding is available for children who transfer in after Headcount.
- 19.33 No reclaim is made for children who leave after Headcount.
- 19.34 Where a child transfers to a childminder from a nursery setting, Early Education Funding will be reclaimed proportionally from the previous provider and transferred to the childminder by the authority.
- 19.35 Where a child transfers to a new setting after the headcount payment has been released, the original provider may agree to transfer funding for the free entitlement to the child's new provider.
- 19.36 If a child transfers from another local authority, the provider will contact the authority to inform them. The authority will deal with each request on a case-by-case basis.
- 19.37 Before Headcount, providers must not charge parents for their Free Entitlement if the child leaves. However, the funding must be apportioned with agreement of both providers and by informing the Early Years' Finance Team. Providers must agree to apportion the funding pro rata, if this is not agreed, the authority will mediate between all parties.
- 19.38 Other Absences: no reclaim will be requested if a parent removes a child for a holiday or sickness. The provider will need to keep evidence related to this absence. However, if the provider has a closedown period beyond their control and the child cannot access their place, the authority will agree on an individual basis if the provider should endeavour to reimburse hours where reasonably practical.
- 19.39 Bank Holidays - Parents should not be charged if the provider is not able to offer a service due to planned closure. If the setting is open but it is parental choice not to access the setting, then they can be charged or entitlement hours claimed as long as this is stated in the provider's fees policy. It is recommended that providers consider spreading their costs across the year so that parents are not charged for bank holidays, or INSET training days.
- 19.40 On days where the Provider is unable to operate or is closed for example: due to training, bank holidays, time off, sickness or adverse weather conditions, the Council recommends that the Provider offers an alternative to the EEF hours the child has lost out on that day. However, if it is not practicable for a Provider to do this, the EEF hours must be used and accounted for on the day of closure in the same manner as if the Provider had been open and children attended.

- 19.41 The early years census is a statutory census that takes place every January. All local authorities have a statutory duty to submit data for this census. The census collects information about the early years providers who receive direct government funding for 2-, 3- or 4-year-olds, including:
- All private, voluntary or independent nurseries and providers of early years education
 - Schools that provide day care for full days or in shorter sessions
 - Childminders and childminding networks
- 19.42 Funded pupil numbers from the early years census return will be used in the calculation of local authorities Dedicated Schools Grant allocation (DSG). Failure to collect such data and submit before the deadline could result in funding implications for the authority's DSG.
- 19.43 Schools with on-site early years free provision make their return via either the school census or the early years census.
- 19.44 Schools with registered children aged 2, 3 or 4 years, which all come under the School's Ofsted registration **should** include their children within the school census return.
- 19.45 Children aged 2, 3 or 4 years attending a separate Ofsted registered PVI provider on a school site are recorded via the early years census and not the school census.
- 19.46 Providers should submit their census information through the Early Years Provider Portal within the timescale provided by the local authority.
- 19.47 Pupil level data for the census will be taken from the January Headcount.
- 19.48 Providers should carefully consider which census return their children are recorded on.
- 19.49 Failure to include children in either the school or early years census may result in inaccurate, delayed or non-payment of funding.

HEADCOUNT

- 19.50 Funding is based on **attendance** as recorded during Headcount week. The week is usually the five days from Monday to Friday including the Thursday on which Schools undertake their census of pupils. The attendance during the week is applied to the whole term for the calculation of funding.
- 19.51 Errors on the headcount form cannot not be corrected after the headcount deadline. Funding adjustments will not be made after the headcount payment to correct any headcount errors.
- 19.52 Where a provider is normally open over the weekend, the provider must inform the authority if it is including a Saturday or Sunday in the headcount.
- 19.53 For children normally in attendance but absent during Headcount week, a letter from the parent/carer stating the reason for absence should be kept by the provider. It is advised absence letters are kept with the parent declaration forms for audit verification. Absences will be allowed on headcount week for sickness and holidays (if expected non-attendance is not expected to exceed 10 working days).
- 19.54 Where a child is not present on headcount week due to an extended absence (exceeding 10 working days) which is out of the provider's control, the provider may request funding for the term. Requests will be considered by the authority on a case-by-case basis, this may require parents to provide evidence of the extended absence. Funding will only be agreed for extended absences on reasonable grounds, which is evidenced. For example, where the child's parent/carer is serving in the armed forces.

- 19.55 It is expected that children in receipt of Free Early Education Funding will attend the number of claimed hours per week for the full number of weeks in the term.
- 19.56 Children with SEN can in some circumstances be funded for their full free entitlement regardless of their actual attendance. The provider must agree this with the authority before claiming the child's full entitlement.
- 19.57 Where a parent/carer or a child is considered vulnerable (as agreed by the authority and local Children's Centre) then special consideration may be given if there are difficulties in getting the child to the provider within the agreed sessional hours resulting in some loss of the child's Free Early Education. In these cases, the provider should inform the Early Years team and the local Children's Centre so that appropriate support and interventions may be offered to the family.
- 19.58 If a parent/carer is unable to take full advantage of their full free entitlement, then the actual attendance during Headcount week must be recorded, unless exceptions apply. The number of hours declared on the Parent Declaration form may then not equal the actual attendance. The provider (s) should make the parent/carer aware of this (referring to the Parent Declaration form Terms and Conditions – Parent/Carer). A forfeit of some of their free entitlement allocated hours for the rest of term.
- 19.59 The authority does not allow parents to 'bank hours'.

FORECAST PAYMENT

- 19.60 The forecast payment is made in the first week of term. The payment is a percentage of the hours claimed on the previous term's headcount.
- 19.61 The percentages that will be used to calculate forecast payments for 2024/25 are:

Summer term	
2-year-olds	100% of spring headcount
3-year-olds	100% of spring headcount
4-year-olds	90% of spring headcount
Autumn term	
2-year-olds	100% of summer headcount
3-year-olds	100% of summer headcount
4-year-olds	0% of summer headcount
Spring term	
2-year-olds	100% of autumn headcount
3-year-olds	100% of autumn headcount
4-year-olds	95% of autumn headcount

- 19.62 All PVI nurseries will receive a forecast payment. Childminders should contact the local authority if they require a forecast payment at the start of term, requests for forecast payments should be sent to EarlyYearsProviderPortal@plymouth.gov.uk.

- 19.63 Maintained Nursery Units and Maintained Nursery Schools will also receive a forecast payment at the start of the term.
- 19.64 PVI's who are experiencing many clawbacks on headcount because of the forecast payment, may request not to receive a forecast payment. The decision regarding the removal of the forecast for PVI's setting will be considered by the local authority on a case-by-case basis. Requests for the removal of the forecast should be sent to EarlyYearsProviderPortal@plymouth.gov.uk.

OUTLINE PROCEDURE

- 19.65 Forecast payment made to providers during the first week of term.
- 19.66 The headcount task is released on the portal at the end of headcount week.
- 19.67 Headcount week is usually the fourth week of term.
- 19.68 Headcount on the portal should be completed 2-3 weeks after headcount week.
- 19.69 Final payment is made to providers during week 10 after the start of term. Timetables are shared at the start of term with key deadlines and payment dates.

EARLY YEARS NATIONAL FUNDING FORMULA (EYNFF)

- 19.70 The EYNFF has been designed to allocate funding fairly, efficiently and transparently to local authorities and providers, ensuring that a sufficient number of providers are willing to deliver 30 hours of free childcare on a sustainable basis whilst continuing to deliver the universal 15-hour entitlement.
- 19.71 The formula requires local authorities to use a universal base rate to fund all providers for each hour of free entitlement.
- 19.72 Since the introduction of the EYNFF, Maintained Nursery Schools (MNS) have received supplementary funding, this has protected historic funding levels for MNS. Central Government have confirmed MNS will continue to receive this grant.
- 19.73 Other funding streams are also allocated through the EYNFF, including the Disability Access Fund, Early Years Pupil Premium, SEN Inclusion Funding and Deprivation Funding.
- 19.74 The hourly funding rates payable to all providers during 2024/25 are set out in the table below:

Entitlement	Hourly funding rate 2024/25
3- and 4-year-olds	£5.09
Disadvantaged 2-year-olds	£7.70
Working parent 2-year-olds	£7.56
Working parent Under 2s (<i>from Sep 24</i>)	£10.49
Early Years Pupil Premium (EYPP)	£0.68
Disability Access Fund (DAF) annual rate	£910

- 19.75 Annually, providers are consulted on the proposed hourly funding rates which are reviewed and agreed through School's Forum.
- 19.76 Nursery Units which are linked to an academy will be paid at the same time as PVIs and childminders.
- 19.77 Maintained Nursery Units which are linked to a Maintained School and Maintained Nursery Schools will continue to be funded through the schools funding system.

TWO-YEAR-OLD FUNDING (ME2)

- 19.78 The authority issue confirmation letters to parents confirming their eligibility for two-year-old funding for their child.
- 19.79 Parents with a confirmation of eligibility letter will be able to approach any registered setting in Plymouth to access two-year-old funding.
- 19.80 The claim for two-year-old funding will be made using the headcount procedure for 3- & 4-year-olds.
- 19.81 A forecast payment for two-year-olds is made alongside the three- & four-year-old forecast payment. The forecast payment is based on the previous term's headcount and for two-year-olds it is always 100%.
- 19.82 Funding is provided under the same standard and stretched offers used for three- & four-year-olds
- 19.83 All conditions in this agreement apply to two-year-olds.
- 19.84 All headcount claims for two-year-old funding will be checked against the list of children issued with a confirmation of eligibility letter. All discrepancies will be investigated (a copy of the confirmation letter must be attached to the Parent Declaration form and retained by the providers).
- 19.85 Eligible two-year-olds starting after Headcount can claim funding for the actual weeks and hours attended during the remainder of the term. The provider will need to send a copy of the Parent Declaration form and the eligibility code to earlyyearsproviderportal@plymouth.gov.uk and an additional payment will be made. Providers cannot claim for two-year-olds who have transferred providers after Headcount, when they have already been funded at their previous provider. The original provider may agree to transfer funding for the free entitlement to the child's new provider. This applies to the existing Me2 entitlement only, and not the new working parent entitlement for two-year-olds.
- 19.86 During the pandemic, children in need and those subject to a child protection plan may also claim Me2 funding (this may be subject to change).

Out of area children (2-, 3- and 4-year-olds)

- 19.87 Plymouth will fund out of area children provided they are present on headcount week. These children must be added to the headcount in order to receive payment. Plymouth's funding rules also apply to out of area children whilst they are attending Plymouth settings.
- 19.88 Cross-border arrangements are in place to ensure funding claims across all local authorities do not exceed the annual entitlement (570 hours for children in receipt of the universal entitlement and 1,140 hours for children in receipt of the universal and extended entitlement).
- 19.89 Before funding is confirmed for a two-year-old, the provider must check their eligibility using the methods used by the other local authorities:

- Devon - two-year-old scheme is known as '2gether'. The parent/carer is sent an award letter confirming eligibility, which they must show their chosen provider
- Cornwall - Parents are issued with a voucher which they take along to their chosen provider which shows their eligibility to receive funding. This is called a DWP URN and each voucher number is different. E.g. AF78T6, BG70K7 etc. The vouchers have an expiry date, meaning the provider must check that the parent is still eligible to receive funding and the voucher is valid.

20 COMPLIANCE

The local authority can carry out checks and/or audits on providers to ensure compliance with the requirements of delivering the free entitlements. The authority may conduct audits (with one day's notice) to ensure that the funding paid to providers is administered appropriately in accordance with these guidelines, and the Statutory Guidance. This may include grants, such as the Early Inclusion Fund, EYPP and DAF etc.

The Audit will seek to confirm the following:

- to verify that the headcount claimed is supported by the attendance register entries, Parent Declarations and documentation where there is non-attendance during headcount week
- to ensure there is evidence of good governance and financial controls by sight of bank statements and published accounts
- to verify invoicing formats are clear especially regarding "Free Entitlement"
- to see evidence that any funding administered by the authority is used as intended under the terms of the local providers agreement. This includes however not limited to whether the conditions of funding have been met
- to ensure that parents/carers are receiving their entitlement free and without any involuntary charges such as top up fees etc.

21 APPEALS PROCESS

- 21.1 A provider may be denied approval to offer the free entitlements or have their funding withdrawn as set out above. The provider can appeal against that decision.
- 21.2 You can complain about an Ofsted inspection report if you're a school, childcare provider or other institution inspected by Ofsted, and you think there was a problem with:
- the inspection process.
 - how the inspection was conducted, for example the behaviour of an inspector
 - the outcome of the inspection, including the report.

You can complain at any time up to 10 working days:

- after the concern was raised
- after the report has been published.

- 21.3 The Provider may appeal against a decision to withdraw Early Education Funding, or removal from the Local Directory of Providers, Plymouth Online Directory (POD), Family Information

Directory (FID), if they are dissatisfied. Plymouth City Council's complaints procedures and associated guidance can be found on:

<https://www.plymouth.gov.uk/selfservice/feedbackandcomplaints>.

Ofsted www.ofsted.gov.uk

22. COMPLAINTS PROCESS

- 22.1 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.
- 22.2 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.
- 22.3 The authority reserves the right to investigate concerns and complaints and to pass the relevant information to the appropriate bodies such as (however not limited to) Ofsted, Environmental Health, the Fraud Team, Police, Local Authority Designated Officer (LADO), this may include informing regulatory authorities etc. If the complaint and/or concern is substantiated this may result in the provider having to produce an improvement plan, and this will be regularly monitored. Funding will be withdrawn in severe cases. The authority reserves the right to decide whether to inform the providers or reserve the right for anonymity in these matters.

ANNEX A

PLYMOUTH CITY COUNCIL PRIVACY NOTICE

Being transparent and providing accessible information to individuals about how we use personal information is a key element of the Data Protection Act 2018 and the General Data Protection Regulation.

What Information are we processing about you?

The Council is collecting the following information in relation to your organisation, and this being used by Plymouth City Council for the purposes of processing funding for aged 9 months and over.

- Name
- Business name
- Address
- Telephone Number
- Email address
- Age range of children you can care for
- What Children's Service register you are on
- Name of Agency, academy, umbrella organisation/chain you are registered with
- Agency, academy, umbrella organisation/chain registration number
- Agency, academy, umbrella organisation/chain contact details
- Agency, academy, umbrella organisation/chain address
- The date you registered.

How do we obtain this information?

We will collect the information from the childcare organisation making an application via a form that is emailed to the childminder/manager/owner/head teacher to complete.

Why do we need it?

We are collecting the information for the purpose of the setting becoming registered to receive government funding for children 9 months until they are 5 years old.

What is the Lawful basis for processing the information?

The information being collected is being processed under the Data Protection Act lawful basis of legal Obligation: specifically, the legislation listed below:

- Early Education and Childcare Statutory guidance for Local Authorities 2018
- Early Years Entitlements: local authority funding of providers operational guidance 2018-2019
- Childcare Act 2006
- Childcare Act 2016
- Equality Act 2010

- School Admissions Code 2014
- Statutory framework for the Early Years Foundation Stage (EYFS) 2024
- Local Authority (Duty to Secure Early Years Provision Free of Charge) Regulations 2014

Information sharing

To ensure that the council provides you with an efficient and effective service we will sometimes need to share your information between teams within the council as well as with our partner organisations that support the delivery of the service you may receive. In this case, the information collected will be shared with:

- ✓ Other departments within the Council (e.g. Childrens Social Care or Local Authority Designated Office LADO)
- ✓ Plymouth Early Years Team
- ✓ The Agency, academy, umbrella organisation/chain to which you are registered
- ✓ Police

We will only ever share your information if we are satisfied that our partners or suppliers have sufficient measures in place to protect your information in the same way that we do.

We will never share your information for marketing purposes.

How long do we keep your data?

We will only keep your information for the time that you are registered.

Principles for processing personal information

As a local authority, the council delivers services to you. To do this in an effective way we will need to collect and use personal information about you.

The Data Protection Act 2018 and the EU General Data Protection Regulation ensure that we comply with a series of data protection principles. These principles are there to protect you and they make sure that we:

- Process all personal information lawfully, fairly and in a transparent manner.
- Collect personal information for a specified, explicit and legitimate purpose.
- Ensure that the personal information processed is adequate, relevant and limited to the purposes for which it was collected.
- Ensure the personal information is accurate and up to date.
- Keep your personal information for no longer than is necessary for the purpose(s) for which it was collected.
- Keep your personal information securely using appropriate technical or organisational measures.

Your rights

You have certain rights under the Data Protection Act 2018 and the EU General Data Protection Regulations (GDPR), these are:

- The right to be informed via privacy notices such as this.

- The right of access to any personal information the council holds about you.
- The right of rectification, we must correct inaccurate or incomplete data within one month.
- The right to erasure. You have the right to have your personal data erased unless we are processing your data on the basis of a legal obligation or for the purposes of a public task.
- The right to restrict processing. You have the right to the suppression of your personal data. We can retain just enough information about you to ensure that the restriction is respected in future.
- The right to data portability. Depending on the basis of our processing we can provide you with your personal data in a structured, commonly used, machine readable form when asked.
- The right to object. This is dependent on the purpose and basis for our processing.
- You have rights in relation to automated decision making and profiling, to reduce the risk that a potentially damaging decision is taken without human intervention.

Processing your information for other reasons

We may need to process or share your information for a legal reason, outlined in the Data Protection Act, which is not related to the service we are providing, for example:

- To protect a child, an adult with care and support needs, or member of the public
- For the purposes of the prevention and/or detection of crime.
- For the assessment or collection of a tax or duty
- Where the disclosure is directed by the court or required by law

Your information will only be shared where we have a lawful basis for doing so.

Details of transfers to third country and safeguards

Your personal and sensitive data will only be stored and processed on servers based within the United Kingdom.

Data Controller

Plymouth City Council is registered as a data controller with the Information Commissioner's Office (registration number: Z7262171).

For any concerns or enquiries, the contact details for the Council's data controller are:

Data Protection Officer, Plymouth City Council, Ballard House, West Hoe Road, Plymouth PL1 3BJ.

Email: dataprotectionofficer@plymouth.gov.uk

Information Commissioners Office

If you remain dissatisfied with the way we have handled or shared your personal data, you have the right to raise a complaint with the Information Commissioner's Office. They can be contacted at:

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Tel: 0303 123 1113 <https://ico.org.uk/make-a-complaint/>