



HILLINGDON  
LONDON

**The  
Hillingdon Code of Practice  
for the Early Years  
Entitlement  
for children from nine months old  
to four-years-old**

**2024**

# Description of the Funding Scheme

The requirements of this Code of Practice apply to all early years settings offering funded places as part of the Early Years Entitlement scheme. This includes childminders, day nurseries, nurseries in independent schools and playgroups.

The “Early Years Entitlement” provides free part-time early education to eligible two-, three- and four-year-old children. From September 2024, some children will be eligible from the term after they are nine months old.

In offering places under the Early Years Entitlement scheme, early years settings must ensure that the way in which places are offered for children being funded is the same as for non-funded children.

This Code of Practice sets out the principles and rules on which the funding operates. It is based upon the DfE document “**Early years provision free of charge and free childcare - Model agreement (June 2018)**” and it should be read in conjunction with this. The DfE Code sets out the requirements of the scheme, Section 9 of the Childcare Act 2006 allows the local authority to set its own conditions of funding in addition to those in the DfE Code.

The Local Authority reserves the right to vary the conditions of funding after the Code of Practice has been implemented to reflect changes in legislation or government guidance. Any such changes will be notified to early years settings. References to legislation will be that legislation is amended from time to time, without significant changes to the provider agreement.

# Legal framework:

The following frameworks and legislation underpin this model agreement:

- Early Education and childcare, Statutory guidance for Local Authorities 2017
- Childcare Act 2006
- Childcare Act 2016
- Equality Act 2010
- School admissions code 2014
- Statutory framework for the early years foundation stage 2014
- 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

## **Key local authority responsibilities**

- Local authorities must secure a free entitlement place for every eligible child in their area.
- The local authority should work in partnership with settings to agree how to deliver early years entitlement 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 settings.
- The local authority must contribute to the safeguarding and promote the welfare of children and young people in their area.

## **Key responsibilities of funded settings**

- The setting must comply with all relevant legislation and insurance requirements, including taking out and maintaining adequate levels of insurance.
- The setting should deliver the early years 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 setting should be clear in their communication to parents about the days and times that they offer funded places, along with their services and charges. Those children accessing the early years entitlements should receive the same quality and access to provision as children not using the early years entitlements.
- The setting 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 setting 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. Settings should utilise the Early Years Inclusion Funding and Disability Access Fund to

deliver effective support, whilst making information available about their SEND offer to parents.

## **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 Acts which make this clear, and the 'Working together to safeguard children' 2023 guidance sets these out in detail.
- The setting 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 setting must have regard to 'Working together to safeguard children' 2023 guidance.

# Educational requirements

Funding for the Early Years Entitlement is provided to early years settings who deliver the Early Years Foundation Stage (EYFS) and comply with the conditions of funding set out in this document.

In doing this, early years settings must:

- Provide education sessions of no more than 10 hours in a day.
- Provide quality education and a range of experiences that follows an educational philosophy or method that promotes children's progress towards the Early Learning Goals.

**Please note that childminders cannot receive early years entitlement funding for children that they are related to.**

Settings must plan for and make assessments of children's progress towards the Early Learning Goals, in line with the EYFS requirements and those within the Early Years Foundation Stage Profile

To do this, early years settings must:

- Be open to a visit from a LA officer to monitor compliance with the conditions set under the Code of Practice – visits by the LA may be unannounced.
- Where actions or areas for development are identified through a visit by a LA officer, an action plan MUST be developed and steps taken to address the issues. Failure to develop an action plan or deliver the steps within it could lead to a setting being withdrawn from the Free Entitlement funding scheme.

The extent to which early years settings are fulfilling their responsibilities as funded early education settings will be monitored by Ofsted and the Local Authority (LA).

# Inclusion

The EYFS requires settings to provide for equality of opportunity, working in an anti-discriminatory way to ensure that every child is included and not disadvantaged because of ethnicity, culture or religion, home language, family background, learning difficulties or disabilities, gender or ability.

Early years settings must ensure that:

- Owners and all staff members are aware of their duties in relation to the SEND Code of Practice and the Equality Act 2010.
- The setting is clear and transparent about the support they offer to children with SEND.

The setting should produce a "Local Offer" of what they provide for children with SEND. This Local Offer should be dated so it is clear when it was produced. It should be emailed to the Families' Information Service ([fis@hillingdon.gov.uk](mailto:fis@hillingdon.gov.uk)) so it can be added to the Hillingdon SEND Local Offer website. This Local Offer should be reviewed on an annual basis and an updated version sent to the FIS.

## **Responsibilities of the Local Authority**

The LA will:

- Maintain a child's Education, Health and Care Plan if they reside in Hillingdon regardless of where the child accesses early education.
- Provide the early years entitlement for those children who have an Education, Health and Care Plan and who are educated within Hillingdon but reside outside Hillingdon's borders.

# Eligibility for the Free Entitlements

## Eligible birth dates

The table below shows the age that children have to be to become eligible for the early years entitlement each term:

### *Two-year-olds*

A child born on or between	Will become eligible for a funded place from
1 April and 31 August	1 September from their second birthday
1 September and 31 December	1 January from their second birthday
1 January and 31 March	1 April from their second birthday

### *Three- and four-year-olds*

A child born on or between	Will become eligible for a funded place from
1 April and 31 August	1 September from their third birthday
1 September and 31 December	1 January from their third birthday
1 January and 31 March	1 April from their third birthday

### *Children aged from nine months to two-year-olds*

A child who is nine months old on or between	Will become eligible for a funded place from
1 April and 31 August	1 September after they are nine months old
1 September and 31 December	1 January after they are nine months old
1 January and 31 March	1 April after they are nine months old

Terms should be within these dates:

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



The setting should check original copies of documentation to confirm a child has reached the eligible age on initial registration for all early years entitlements. The setting must retain paper or digital copies of documentation for up to six years from the end of the financial year that they relate to, enabling the local authority to carry out audits and fraud investigations. This also includes parent declaration forms. Where a setting retains a copy of documentation, this must be stored securely and deleted when there is no longer a good reason to keep the data.

### **Funded childcare for two-year-olds**

Up to 570 hours of free childcare a year is available to disadvantaged two-year-olds. In order to be eligible, they need to qualify under the criteria, which can be viewed at <https://www.hillingdon.gov.uk/funded-childcare>.

The setting should offer places to eligible two-year-olds on the understanding that the child remains eligible until they become eligible for the universal entitlement for three- and four-year-olds.

### **Early years entitlement for working parents**

Alongside the eligibility code, which is the child's unique 11-digit number, and original copies of documentation, a setting must get 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. This written consent would normally be obtained through parents completing and signing a parent declaration form. Once a setting has received written consent from the parent, they should verify the eligibility code with the local authority.

The local authority will confirm the validity of eligibility codes to allow settings to offer funded places for eligible children. The local authority will provide a validity checking service to settings to enable them to verify the eligibility codes.

Thereafter, the local authority will complete audit checks to review the validity of eligibility codes for children at six fixed points in the year, both at half-term and at the end of term across the year (as listed at table A below). Settings are notified where a

parent has fallen out of eligibility via a symbol against the child's record on the Provider Portal for the relevant term.

**Table A:**

<b>Date Parent receives ineligible decision on reconfirmation:</b>	<b>LA audit date:</b>	<b>Grace Period End date:</b>
1 January – 10 February	11 February	31 March
11 February – 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 (Early Years Provision Free of Charge) (Extended Entitlement) Regulations 2016, as determined by HMRC 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.

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 2017.

# Flexibility

Wherever possible, the Local Authority would wish the Early Years Entitlement to be delivered flexibly to meet parental needs. Children should be able to take up their full early years entitlement at times that best support their learning and development, and at times which fit with the needs of parents to enable them to work or increase their hours of work if they wish to do so.

In terms of flexibility, the early years entitlement cannot be delivered outside of the following national limits:

- No session longer than 10 hours
- Not before 6am or after 8pm
- The full 15 hours over no fewer than 2 days (no more than 10 hours in a single day)

Parents can access the early years entitlement at a maximum of 2 sites in a day.

Evidence shows that continuous provision is in the best interests of the child.

Children should be able to take up their funded hours in continuous blocks and settings must avoid artificial breaks being created during the day, for example over the lunch period.

Funded places can be delivered:

- over up to 52 weeks of the year
- outside of maintained school term times
- at weekends

There is no requirement that funded places must be taken on or delivered on particular days of the week or times of the day, as long as they comply with the limits as shown above.

There is no requirement that settings must be open for at least 38 weeks of the year, or that settings must offer 30 hours to receive funding to deliver funded places.

Settings can choose not to deliver early years entitlement places.

Entitlement to a funded place does not offer a guarantee of a place at any one setting or a particular pattern of provision.

Parents can take up their child's funded place in patterns of hours that "stretch" their child's entitlement by taking fewer hours a week over more weeks of the year, where there is provider capacity and parental demand. However, settings must claim the early years entitlement as it is offered eg only claim funding on a term time only basis, if parents are accessing the funded hours on a term time basis. If their funded hours are stretched across the year, then settings should submit their funding claims as stretched hours.

The setting should share information with the local authority about the times and periods at which they are able to offer early years entitlements to support the local authority to secure sufficient stretched and flexible places to meet parental demand.

**The setting must also make information about their offer and admissions criteria available to parents at the point the child first accesses provision at their setting or if already at the setting, before a child starts receiving early years entitlement hours. This information must be communicated to parents with enough notice for parents to make an informed decision about whether to take up the offer of funded childcare hours at the setting.**

## Children attending more than one setting

Often children will be attending two early years provisions and parents will want to receive their early years entitlement for both. We want to ensure that parents are enabled to do this, wherever possible.

These are the rules to remember:

- If a child attends two childcare settings, funding for the early years entitlement will be paid to both on a pro-rata basis if they are both part of the scheme.
- In these circumstances, funding will be paid proportionately in respect of that child. **For example, if a child attends for five hours per week at one setting and 10 hours per week at another, the LA will pay 1/3rd to one setting and 2/3rds to the other.**
- Funding for the early years entitlement will not be provided to a childcare setting if the child also attends a school nursery apart from the following exceptions:
  - there are funded childcare hours not being provided by the school nursery. For example, if a child is entitled to 30 hours funded childcare but only receiving 15 hours at the school nursery, a childcare setting can apply to provide the other 15 hours (assuming it is a term time only place).
  - If a child starts at a childcare setting for the first weeks of term before the child starts in school nursery, then the childcare setting can claim for these weeks. The funding would end when the child starts at the school nursery.
- Where children are attending two settings, both settings must claim the funding using the same method eg both must offer it term time only or both offer it stretched across the year.

**Children who attend a Reception class in a school are not entitled to Free Entitlement funding, from the beginning of the term in which they begin attending a Reception class**

## **Children changing provision during the term**

Childcare settings can apply for children who move from one setting to another during a term, provided that the setting resubmit their funding claim for the reduced number of weeks that the children attended.

***Please note that the maximum notice period that the local authority would pay for early years entitlement funding is four weeks from the last date that the child attended.***

***No notice period for early years entitlement funding is paid if the child is leaving for a school nursery.***

***Please note that no notice period for early years entitlement funding is paid if it is the setting's decision to remove the child's place.***

## **Children changing provision between terms**

Where a child receives funded childcare hours at a setting in a term but leaves at the end of term without any notice, the setting can claim funding for a maximum of a four week notice period, even if this partly covers the following term, unless the child is starting at a school nursery. Please note evidence may need to be provided by the setting for this.

# Early Years Census

The individual level data collection from childcare settings has become a statutory requirement on providers and Local Authorities through regulations under Section 99 of the Childcare Act 2006 (Statutory Instrument 2007 No. 712 - The Education (Provision of Information About Young Children) (England) Regulations 2007).

By putting the Early Years Census on a statutory basis:

- Settings do not need to obtain consent for the provision of information from parents of individual children. They must, however, meet their obligations to Data Subjects under Data Protection legislation - see “Data Protection” below;
- Settings and LAs are protected from any legal challenge that they are breaching a duty of confidence; and
- It helps to ensure that returns are completed by settings.

The Early Years Census is a statutory requirement for settings means that payments to settings will not be made unless this census is completed fully and accurately.

## **Data Protection**

Data kept on children (in any medium) is personal data. The data must be managed in accordance with the requirements of the General Data Protection Regulations. All staff who have access to personal data should be aware of their responsibilities under this legislation.

# Information requirements

**The information that childcare settings need to provide is as follows:**

- Provide any reasonable information requested by parents and/or the LA.
- Make available to the LA information requested about banking and accounts for the setting.
- Inform Ofsted and the LA of any material changes to their setting i.e. new proprietor, changes to premises, potential closure – whether temporary or permanent.
- Inform the LA when an Ofsted inspection has taken place. Any action plans that the setting has developed in the light of the Ofsted inspection must be shared with the LA.



# Partnership with Parents

Early years settings must:

- Make sure that admission procedures and administrative processes underpinning the free entitlement are clear, transparent, inclusive and equitable.
- Enable vulnerable two-year-olds receiving the Early Years Entitlement to continue in the setting as a funded three- and four-year-old if their parents wish for them to do so, without being required to take up additional hours that would be paid for. Vulnerable two-year-olds would be defined as children who have been referred to the setting by the local authority.
- Actively engage with parents to seek views about the way in which services are delivered and where flexibility can be offered, consider how this might be done to meet identified needs.
- Monitor the take-up and achievement of different groups, examine the reasons for discrepancies and revise their approach when necessary.
- Distribute to parents any information / publicity about the Early Years Entitlement provided by the local authority.

## Claiming funding for the Early Years Entitlement

Settings claim the funding for this scheme from the local authority. To claim funding and receive payment, the setting will:

- Hold an account specifically for the financial business of the setting into which the LA will forward any due funding.
- Have two signatories for the account unless the setting is a sole trader.
- Not claim for any more than 15 hours per week per child (or 30 hours per week if they are eligible for this).
- Ensure parents complete a “Parent declaration form” for every child when they are to receive the Early Years Entitlement for the first time and update if any of the information changes. This form must be retained by the setting for six years, starting from the last date on which the child as eligible for funding or from the end of the last financial year, whichever is greater. This form may be referred to during an audit from the local authority but a copy does not need to be sent to the local authority, unless requested. The setting may be required to upload a copy of the Parent declaration form to the child's record on the Provider Portal and submit this if requested by the local authority.
- Ensure that parents, whose child is due to receive the Early Years Entitlement for the first time, provide the setting with proof of the child’s age to confirm they are eligible for the funding.
- Ensure that they have checked that a child is eligible for funded childcare, where there are additional eligibility criteria. Upload any evidence of eligibility to the child’s claim on the Provider Portal.
- Return a “Declaration form” to the local authority for each term’s funding being applied for.
- Notify the local authority of any information they receive after submitting their headcount forms about a child’s eligibility for the Early Years Entitlement.

- Adhere to the funding deadlines set by the local authority for the Early Years Entitlement. Failure to meet deadlines could have an impact on funding eg late funding claims on the Provider Portal from a setting may mean that their funding will be paid later in the term, after all other settings have been paid.
- Correctly administer paperwork for the scheme and taking responsibility for the accuracy of their claims. This includes checking that all the necessary paperwork has been received and emailing [fis@hillingdon.gov.uk](mailto:fis@hillingdon.gov.uk) if there is any documentation missing. Settings are also responsible for checking that their claim for funding has been received and this can be done by e-mailing the Families' Information Service on the email address above if necessary.
- Ensure that as part of their claims for each individual child, they record accurately if the child has a Special Educational Need (SEN). If they have SEN, this should specify if they are receiving SEN Support or they have an Education, Health and Care Plan. SEN Support can be extra assistance offered by the setting where a child is identified as having SEN or external support such as therapists. If the setting has a child receiving SEN Support, they should be able to provide evidence of how the child's needs have been identified and the extra assistance that is being provided for the child.
- Use all funding in respect of funded educational hours appropriately to sustain and enhance the provision for children's learning and development.

#### **Childcare settings will:**

- Not charge parents in advance for the cost of an early education place, apart from asking for a deposit to be paid for three- or four-year-olds or children from the term after they are nine months old, who qualify for the Early Years Entitlement under the 'working parent' criteria. **This deposit must be reimbursed to the parent within four weeks of the child taking up a place. A deposit must not be requested for a two-year-old child receiving a funded childcare place, because they meet the 'disadvantaged' criteria.** Settings may charge a deposit for any hours in

addition to the funded childcare provision and set its own terms for reimbursement of this deposit.

- **Ensure that, apart from a deposit, the funded early education place is free at the point of delivery. “Top up” fees cannot be charged for the free hours (any difference between a setting’s normal charge to parents and the funding they receive from the local authority). For any hours that parents pay for in addition to the Early Years Entitlement, they must not be required to pay more in fees just because their child is eligible for funded childcare hours.**
- Not impose on parents any conditions of access to which they must agree in order to take-up their funded hours, i.e., parents **must not** be required to pay a non-refundable registration fee, purchase additional hours, pay lunch time charges or pay for any additional services in order to secure funded provision.
- Choose whether to charge for meals and snacks as part of an early years entitlement place. Early years entitlement funding is intended to cover the costs of funded, high quality, flexible childcare. It is not intended to cover the costs of meals, other consumables, additional hours or additional services. Therefore, settings can charge for meals or snacks, as part of a funded entitlement place. They can also charge for consumables, such as nappies or sun cream, and for additional services such as trips and specialist tuition.

However, where parents are unable or unwilling to pay for meals and consumables, settings who choose to offer the Early Years Entitlement are responsible for setting their own policy on how to respond, with options including allowing parents to supply their own meals or nappies or waiving or reducing the cost of meals and snacks. Settings should be mindful of the impact of additional charges on the most disadvantaged parents. Settings must also clearly state their policy in relation to charges in any information regarding fees shared with parents, prior to their using the Early Years Entitlement and update this if the policy changes.

- Ensure that charges for consumables or additional services should not be made a condition of accessing the funded childcare hours.

Core costs of running a business that delivers some government funded childcare are not consumables used by the child or additional services provided to the child. These include, but are not limited to, insurance, Ofsted registration, maintenance, business rates, training costs, rent and energy bills. These are core costs of running a business and this should be covered by government funding, with parents not being charged for them, as part of the funded childcare hours.

- Deliver the Early Years Entitlement consistently, so that all children within a setting accessing any of the funded entitlement hours receive the same quality and access to provision, regardless of whether they opt to pay for optional hours, services, meals or consumables.
- Ensure that where parents purchase hours at a setting in addition to the Early Years Entitlement, parents will be provided with a bill that sets out the hours they have accessed in relation to the funded entitlement and how any fees relate to additional services or hours. Settings need to ensure that the Early Years Entitlement is not represented to parents as a monetary subsidy but as a free part-time place. The rates which settings charge for their privately funded hours are a matter for them to decide, providing that this does not affect a parent's ability to take up their child's free childcare hours.
- Ensure their invoices and receipts are clear, transparent and itemised allowing parents to see that they have received their child's Early Years Entitlement completely free of charge and understand fees paid for additional hours or services. Invoices and receipts should include the setting's full details so that they can be identified as coming from a specific setting.
- Not levy additional charges in relation to supporting a child with a disability, where parents purchase additional hours to the Early Years Entitlement
- Notify parents in advance of any charges they are likely to incur if their child remains in the setting prior to or beyond their free childcare hours.

- Ensure that if children eligible for the Early Years Entitlement are attending for up to 15 hours per week, whether or not any additional hours are purchased, then they should be able to access their entitlement of up to 15 hours free of charge, regardless of the way in which the hours they attend are provided. If the entitlement is stretched across the whole year, the entitlement would be for up to 11.5 hours per week, depending on the number of weeks a year that the setting is open.
- Publish their admissions criteria and ensure that they work with parents so they understand which hours / sessions can be taken as free provision. Settings should work with parents to ensure that as far as possible the pattern of hours are convenient for parents' working hours.
- Provide information to parents regarding claims for funding for the Early Years Entitlement.
- Return data electronically to the LA as requested.

**The local authority will:**

- Set termly headcount dates and reasonable time deadlines and inform settings of this decision. Headcount dates will normally match the dates for the termly Schools' Census.
- Make monthly payments to settings for the Early Years Entitlement.

These monthly payments will be calculated using the data submitted by settings each term of children receiving the Early Years Entitlement. This information is used to calculate the monthly payments as follows:

- The total amount due for the term is calculated, then divided by the number of months in that term to give a monthly amount (eg five months in the Summer term, four months in the Autumn term and three months in the Spring term)

- At the end of each term, the money already paid is compared to the total funding required. If there is money owing to the setting, this is paid at the end of term. If the setting owes money to the local authority, this is either paid back by the setting or deducted from future payments made to the setting.
- Withhold payment of funding for the Early Years Entitlement from any setting that does not submit funding claims and return the required paperwork (Declaration forms) by the deadline date.
- Ensure that all eligible settings are aware of how funding for the Early Years Entitlement is claimed and paid.
- Require setting's account details.
- Ensure, as far as possible, that dates set for payments are adhered to.
- Late claims – **late claims will no longer be considered** as the timescale for applications for funding and the flexibility it gives to settings means that these should not be necessary. The timescales for claiming funding for the Early Years Entitlement are as follows:
  - Paperwork will be emailed to funded settings at least three weeks before headcount week – this will enable settings to have enough time to obtain Parent declaration forms for any new children requiring funding
  - The deadline for settings to submit funding claims for children attending in headcount week will be one week after the end of headcount week.
  - For children who start at the setting after headcount week, funding claims can be submitted for them until a deadline later in the term, that will be notified to the setting at the start of term.

The local authority may write directly to parents whose children receive the Early Years Entitlement.

# Provider Portal

Settings applying for funding need to do so via the Provider Portal.

The Provider Portal is used to:

- Submit claims for children to be funded.
- Complete a form for the Early Years Census.
- Return other data to the local authority.

Each setting is given at least one username and password to access the Provider Portal. It is the responsibility of each setting to ensure that this contact person has the appropriate responsibility to submit claims on behalf of the setting. If settings wish for more than one person to submit information for the setting on the Provider Portal, each person must have their own separate account for the Provider Portal with their own unique email address. If there are changes at a setting to the people who submit funding claims, each setting must update the Families' Information Service about this by e-mailing [fis@hillingdon.gov.uk](mailto:fis@hillingdon.gov.uk).



## **Audit**

In managing the Early Years Entitlement funding scheme, the local authority has to ensure that public funding is being claimed for and used appropriately. To assist with this, the local authority will audit a sample of funded early years settings in each financial year.

If a setting is to be audited, the local authority will contact them to request relevant information. The types of information required may include, but are not limited to, the following:

- Attendance registers in respect of funded children.
- Parent declaration forms (settings may be asked to upload these to the records for individual children on the Provider Portal).
- Evidence that the setting obtains proof of the date of birth for children for whom funding has been claimed.
- Fees and charges that parents are asked to pay by the setting.
- Terms and conditions that parents must sign up to for childcare places which are partly or wholly funded from the Early Years Entitlement funding scheme.
- The payment arrangements for childcare places eg invoices given to parents.
- Arrangements for auditing accounts.
- Process used by the setting to check the accuracy of claims for Early Years Entitlement funding before they are submitted.

The local authority may carry out audits remotely, through on-site visits or by a combination of the two. Settings will be given at least a week's notice in writing of an audit taking place in order to ensure the relevant documentation is available.

However, in the event of a concern regarding the way in which a setting is delivering Early Years Entitlement funding, the local authority reserves the right to carry out an unannounced visit if required.

# The Directory of Funded settings for the Early Years Entitlement scheme

The local authority maintains a directory of all settings within the borders of Hillingdon who are eligible to claim the Early Years Entitlement.

## **The local authority will:**

- Only pay funding for the Early Years Entitlement to settings during their inclusion in the Directory.
- Ensure that all funded settings are eligible to receive funding for the Early Years Entitlement.
- Ensure all funded settings meet the expectations within the Code of Practice.

## **Adding settings to the Directory**

### **The local authority will:**

- Make information regarding joining the Directory, the conditions that must be met and payment arrangements, available to settings.
- Satisfy itself that the setting fits into one of the categories of eligibility and request documentary evidence of this.
- Satisfy itself that any new setting can meet the conditions that have been set.
- Ensure any new setting has not previously been rejected or withdrawn from the Directory nor is a withdrawn setting opening under another name.
- Check that the setting is based within the borders of Hillingdon and is not included in the Directory of a neighbouring LA.
- Decide if any changes to setting's details creates a new setting e.g. moving premises or a change of owner.
- Enable new settings to access funding for the Early Years Entitlement the term after their inclusion in the Directory unless the local authority recognises a gap in provision.
- When a new funded setting has been approved, confirm this in writing to the setting.

## **The process for applying to offer childcare places through the Early Years Entitlement funding scheme**

Any childcare setting that is registered with Ofsted or with a childminding agency on the Early Years Register can offer funded childcare places for all eligible children (apart from disadvantaged two-year-olds), as long as they have not received a grade of "Inadequate" by Ofsted and they meet the requirements of Hillingdon Council's conditions of funding (eg Code of Practice).

If childcare settings wish to provide funded childcare places for disadvantaged two-year-olds, they should have an Ofsted rating of "Good" or "Outstanding", if they have had an Ofsted inspection.

Where settings express an interest in offering the Early Years Entitlement, the Families' Information Service will arrange to meet with the setting to explain the conditions of funding.

Prior to any application for funding to offer funded childcare places for two-year-olds being considered, the Families' Information Service (FIS) and Quality Improvement (QI) team will carry out the following process:

- A member of the FIS team will discuss the Code of Practice and the requirements within this code with the setting. Where necessary and desired by the early years setting, the Local Authority will provide advice and guidance to enable the setting to meet the requirements of the Early Years Entitlement funding scheme. They will ensure all procedures are in place for the administration of the Early Years Entitlement funding scheme.
- A member of the QI team will review policies and procedures for safeguarding and the welfare requirements and the setting's understanding of the EYFS.
- Ensure all required responsibility posts have been identified, for example a SENCO, Behaviour co-ordinator, equal opportunities co-ordinator.

When a setting is judged to meet all the necessary requirements laid out within this Code of Practice:

- The Families' Information Service will provide the setting with the relevant paperwork that they need to complete to offer places under the Early Years Entitlement funding scheme.

Once the paperwork has been completed and received by the local authority, the Families' Information Service will:

- Issue a DfE URN number prior to the term of eligibility for funding
- Parents can then be informed by the setting that they are approved to deliver the Early Years Entitlement

Prior to the registration of any early years setting for this funding scheme, the setting must ensure that:

- The management of the early years provision understand and are committed to fulfilling all expectations and complying with all requirements outlined within the EYFS, the Special Educational Needs Code of Practice and other relevant guidance and legislation.
- All required policies are in place and these inform practice within the setting.
- A URN number have been received from the Families' Information Service prior to notifying parents that the setting is eligible to offer places for the Early Years Entitlement funding scheme on a provisional basis.
- Ensure that they only notify parents that they are fully approved to offer places under the Early Years Entitlement funding scheme when a letter has been received from the Local Authority to confirm that this is the case.

## **Rejecting an application for the Early Years Entitlement funding scheme**

### **The LA will:**

- Reject an application if the setting is unable to meet the conditions set nationally and locally.
- Provide a written explanation to the setting if their application is rejected.

## **Removal from the Early Years Entitlement funding scheme**

The LA will remove a setting from the Early Years Entitlement funding scheme if one or more of the following issues arise:

- The setting ceases to meet the conditions set.
- The setting withholds reasonable co-operation from the local authority.
- The setting does not address actions identified as part of an audit of early years entitlement funding.
- Changes in the setting's details means they are no longer eligible to receive funding for the Early Years Entitlement.
- The setting uses corporal punishment against a child.
- The setting fails to submit to an Ofsted inspection or a visit by a local authority officer.

Where any of the above do occur, the local authority will inform the owner / manager of the provision, via a letter that outlines the areas of concern alongside actions that must be taken by the setting. If these actions are not completed by the stated deadline, continued inclusion on the Early Years Entitlement funding will be considered.

## **Removal from part or all of the Free Entitlement Funding scheme on the basis of an Ofsted inspection grade of 'inadequate' or 'requires improvement'**

Settings may be removed from offering funded childcare through the Early Years Entitlement funding scheme if their setting received an Ofsted grade of 'Inadequate' at the last inspection. In these circumstances, the procedure would be:

- On publication of the Ofsted inspection report, the LA will write to the setting to confirm removal from the Early Years Entitlement funding scheme. There would be a period of notice before removal took effect to promote continuity of care for the children.
- During this period of notice, only children who were already attending on the setting on the date that the local authority wrote to the setting will be funded. Funding cannot be claimed for any children starting after this date.
- The setting may appeal against the local authority decision (see the 'Appeals procedure' section).
- If the appeal is successful, then the date for the setting's removal from the Early Years Entitlement funding scheme will be postponed. If the appeal is not successful, removal from the scheme will go ahead as planned.

If a setting receives a grade of 'requires improvement' from Ofsted, they would be able to continue providing places for three- and four-year-olds. However, they may not be able to offer funded childcare places for disadvantaged two-year-olds. The procedure for this would be:

- When the Ofsted inspection report is published, the local authority will write to the setting to notify them that their involvement in offering funded childcare places for disadvantaged two-year-olds will be reviewed. They must be willing to accept an audit from the Early Years Quality Improvement team. This audit would focus on the extent to which the setting is meeting the actions that it was given as part of the Ofsted inspection. Failure to agree to an audit would lead to the setting being removed from offering funded childcare for disadvantaged two-year-olds.

- After the audit, the Early Years Quality Improvement team will make a recommendation on how much progress made by the setting in meeting the actions from Ofsted.
- The local authority would write to the setting to confirm whether they will be able to carry on offering funded childcare for disadvantaged two-year-olds and if so, they will be informed of any deadline at which this will be reviewed or may end.

If a setting receives an Ofsted inspection grade of 'Requires Improvement', they can continue to offer funded childcare for two-year-olds who are eligible under the working parents entitlement.

**If it becomes necessary to remove a setting from the Early Years Entitlement funding scheme, the local authority will:**

- Notify settings in writing immediately if any decision has been made to remove the setting from the Early Years Entitlement funding scheme. This notification will include the reasons for removal and will be sent prior to any removal taking place.
- Require settings to repay all or part of the funding for the Early Years Entitlement they have received if they are removed from the funding scheme.
- Re-admit a setting onto the Early Years Entitlement funding scheme if the setting is subsequently able to meet all set conditions. Where a setting has been removed from the funding scheme because they have received a grade of "Inadequate" or "Not Met" from an Ofsted inspection, their readmission to the funding scheme would be considered if their Ofsted grade has improved as a result of a subsequent Ofsted inspection.
- Inform the DFE of any setting who has been removed from the Early Years Entitlement funding scheme.

# Appeals procedure

## Parents

If a parent feels that they have not received their entitlement to funded childcare, they should raise this issue with their childcare setting. If it cannot be resolved in this way, they can email the Families' Information Service (FIS) at [fis@hillingdon.gov.uk](mailto:fis@hillingdon.gov.uk). The FIS will consider the appeal as objectively as possible, contacting the parent and the childcare setting as appropriate to seek a resolution to this issue.

If a parent is not satisfied with their treatment under the appeals procedure, they may complain to the Local Authority Ombudsman, after the full appeals process has been exhausted.

## Childcare settings

If a childcare setting is rejected or removed from the Early Years Entitlement funding scheme, they have the right to appeal against this decision. An appeal from a childcare setting must be received in writing no later than 14 calendar days after the setting has received the written notification of their removal from the Early Years Entitlement funding scheme. An appeal should be addressed to Claire Fry, Assistant Director, Child and Family Support Services - email [cfry@hillingdon.gov.uk](mailto:cfry@hillingdon.gov.uk). If an appeal is made, settings will not be removed from the Early Years Entitlement funding scheme until the appeal has been heard and a final decision made. Settings will be notified of the final decision in writing.

If the setting is not satisfied with their treatment under the appeals procedure, they can make a complaint to the Local Authority Ombudsman.

If parents or childcare settings have any queries, they should contact the Families' Information Service by emailing [fis@hillingdon.gov.uk](mailto:fis@hillingdon.gov.uk).



## **Appendix A – Single Funding Formula (SFF)**

Early Years Education provided by state schools and by approved PVI settings and childminders is funded through the Early Years Single Funding Formula (EYSFF).

This formula is clear and transparent and determines how much funding early years settings receive. When determining the hourly rates for funding, all settings, whether schools or PVI settings, are assessed using the same formula.

It has a number of elements:

- Base rate – based on hours of provision.

### ***Additional factors:***

- Deprivation - is based on the relative deprivation of where funded children live).
- SEN –is based on the funded children who have been identified by each setting as having special educational needs and receiving SEN Support.

The hourly rate for a setting is calculated once a year and may increase or decrease each April. The calculation of the additional factors uses data funding claims that childcare settings have submitted in the previous calendar year (eg Spring, Summer and Autumn terms 2023). If a setting did not submit funding claims for children in the previous calendar year, it will only receive the base rate in the following financial year.

# Contact information

If you have any questions about the Code of Practice, please feel free to contact:

Philip Ryan - Manager, Portage and Families' Information Service

By:

Phone: 01895 556489

E-mail: [fis@hillingdon.gov.uk](mailto:fis@hillingdon.gov.uk)