



HILLINGDON
LONDON

**The
Hillingdon Code of
Practice for the Free Early
Education Entitlement
for two-, three- and four-year-olds
2023**

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Description of the Funding Scheme

The requirements of this Code of Practice apply to all early years providers offering funded places as part of the Free Entitlement scheme. This includes childminders, full daycare nurseries, nurseries and reception classes in independent schools and nursery classes in schools, nursery schools and playgroups.

Aspects of the code that apply to all sectors refer to **early years providers**. Where requirements are not relevant to schools, these refer to **PVI settings**.

The “Free Entitlement” provides free part-time early education to the most disadvantaged two-year-olds and to all three- and four-year-old children from the term after their third birthday attending funded settings in the borough.

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

It is also important that where children receiving a funded place as a two-year-old, they can continue to attend the same setting as a funded three- and four-year-old, if the parent chooses this option.

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 providers. References to legislation will be that legislation is amended from time to time, without express change in the provider agreement.

Glossary of terms used in this document:

Free Entitlement: (FEEE)

Funded settings – all provision that is funded to provide places under the FEEE scheme

PVI: Private, Voluntary and Independent providers who are part of the FEEE scheme

Schools: school nurseries and the maintained Nursery School

LA: Local Authority

SENCO: Special Educational Needs Co-ordinator

SEND: Special Educational Needs and Disabilities

DfE: Department for Education

EYFS: Early Years Foundation Stage

EYFSP: Foundation Stage Profile

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 providers to agree how to deliver free 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 providers.
- 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.
- The setting 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 setting 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 as children not using the free 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' 2015 guidance¹ 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' 2015 guidance.

Educational requirements

Funding for the Free 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

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 providers 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@hillington.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 an Education, Health and Care Plan if they reside in Hillingdon regardless of where the child accesses early education
- Provide the free 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

Settings will:

Offer all eligible children at least one session of funded hours per week for a minimum of 38 weeks a year (equivalent to a maximum entitlement of 570 hours each year of the free entitlement or 1,140 hours if children are eligible for 30 hours free childcare).

If settings are offering less than 38 weeks a year, the LA can include them in the scheme if it identifies that the provision addresses a gap in the supply of childcare to meet parental demand.

Eligible birth dates

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

2 year olds

A child born or between	Will become eligible for a free 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

3 year olds and 4 year olds

A child born or between	
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

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 free 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 agreement 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.

Free 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 following criteria:

Economic criteria

Parents of two year old children can get free childcare from the term after their child's second birthday, if they live in England and get one of the following benefits:

- Income Support
- income-based Jobseeker's Allowance (JSA)
- income-related Employment and Support Allowance (ESA)
- Universal Credit, and your household income is £15,400 a year or less after tax, not including benefit payments
- tax credits, and your household income is £16,190 a year or less before tax
- the guaranteed element of Pension Credit
- the Working Tax Credit 4-week run on (the payment you get when you stop qualifying for Working Tax Credit)

Parent can check their entitlement under this criteria by completing an online form on the council website (<https://www.hillingdon.gov.uk/freechildcare>).

Other criteria (eg Looked After children, SEN / Disability)

Two-year-olds can also get free childcare if they:

- are looked after by a local authority
- have a statement of [special education needs \(SEN\)](#) or an education, health and care (EHC) plan
- get [Disability Living Allowance](#)

- have left care under an adoption order, special guardianship order or a child arrangements order

If parents are a non-UK citizen who cannot claim benefits

Parents who are a non-UK citizen and their immigration status says they have 'no recourse to public funds', they may also be able to get free childcare for their two-year-old. They must live in England and their household income must be no more than:

- £26,500 for families outside of London with one child
- £34,500 for families within London with one child
- £30,600 for families outside of London with two or more children
- £38,600 for families within London with two or more children

Parents cannot have more than £16,000 in savings and investments.

If a parent thinks they may qualify under the "Other Criteria" or as a non-UK citizen with 'no recourse to public funds', they will need to contact Hillingdon Council's Families' Information Service (email fis@hillington.gov.uk).

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.

30-hour free childcare for three- and four-year-olds

Alongside the 30 hours 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 30 hours eligibility code. Once a setting has received written consent from the parent, they should verify the 30 hours eligibility code with the local authority.

The local authority will confirm the validity of 30 hours eligibility codes to allow settings to offer 30 hours places for eligible three- and four-year-olds. The local authority will provide a validity checking service to settings to enable them to verify the 30 hours eligibility code.

Thereafter, the local authority will complete audit checks to review the validity of eligibility codes for children who qualify for 30 hours free childcare at 6 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:

Date Parent receives ineligible decision on reconfirmation:	LA audit date:	Grace Period End date:
1 Jan – 10 Feb	11 February	31 March
11 Feb – 31 March	1 April	31 August
1 April – 26 May	27 May	31 August
27 May – 31 August	1 September	31 December
1 September – 21 October	22 October	31 December
22 October – 31 December	1 January	31 March

The Grace Period

A child will enter the grace period when the child's parents cease to meet the eligibility criteria set out in the Childcare (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.

Disability Access Fund

The Disability Access Fund (DAF) is funding is to help childcare settings and schools to support three- and four-year-old children with special educational needs or disabilities. DAF provides funding of £800 per child per year. The eligibility criteria are:

- The child must be receiving up to 15 hours free childcare as a three- or four-year-old (they do not have to attend for their full free entitlement hours to be eligible)
- Their parents must be receiving Disability Living Allowance for the child that DAF is being claimed for

If parents are attending more than one setting, they are asked to nominate their main setting on their Parent agreement form that they sign with a setting and this is the setting that the Disability Access Fund would be paid to. It is paid as a lump sum once a year. If a child moves to a different setting, the new setting is not eligible to receive DAF until the anniversary of the first payment has passed.

To claim DAF for a child, a setting would tick the ‘Yes’ option on the ‘Nominated for DAF’ field on the funding claim for a child that is submitted on the Provider Portal. The setting must also upload evidence of the child’s eligibility to the funding claim for the child on the Provider Portal eg letter to the parent confirming that they will receive Disability Living Allowance for the child. They must also ensure that the parent has given consent for the DAF eligibility check to be done (parental consent is obtained using the Parent Agreement Form).

The Early Years Pupil Premium (EYPP) is paid to settings for children who receive free childcare as a three- or four-year-old and whose parents receive one of a number of benefits or qualify under the other criteria as follows:

- Their family gets one of the following benefits:
 - [Income Support](#)
 - income-based [Jobseeker's Allowance](#)
 - income-related [Employment and Support Allowance](#)
 - support under [part VI of the Immigration and Asylum Act 1999](#)
 - the guaranteed element of [State Pension Credit](#)
 - [Child Tax Credit](#), provided they are not also entitled to [Working Tax Credit](#) and have an annual gross income of no more than £16,190
 - [Working Tax Credit](#) run-on, which is paid for 4 weeks after they stop qualifying for Working Tax Credit
 - [Universal credit](#) (household income must be less than £7,400 a year after tax, not including any benefits - this is assessed on up to 3 of the parent's most recent universal credit assessment periods) - further guidance on checking eligibility is set out below

- They are currently being looked after by a local authority in England or Wales

- They have left care in England or Wales through:
 - an adoption order
 - a special guardianship order
 - a child arrangements order

If a child qualifies for EYPP under more than one set of criteria, they will only attract the funding once.

EYPP is payable only on the universal 15 hours entitlement and not on the additional 15 hours entitlement for working parents. EYPP is paid at a rate of 60p per hour per eligible child up to a maximum of 570 hours (£342 per year).

To claim Early Years Pupil Premium for a child, a setting needs to ensure that on a child's funding claim on the Provider Portal, they add the following to the Parent / Carer details tab:

- ***Tick the EYPP box under to indicate that the parent has given their consent for a check to be done to assess their eligibility for EYPP. (Parents would have indicated if they gave consent on the Parent***

agreement form that the setting gave them to complete and sign before receiving free childcare for the first time)

- ***Enter the parent's surname, date of birth and their National Insurance Number on the child's record***

Flexibility

Wherever possible, the Local Authority would wish the Free Entitlement to be delivered flexibly to meet parental needs. The Local Authority wants children to be able to take up their full entitlement to a free place 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 free 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 will be able to access the Free 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 free hours in continuous blocks and settings must avoid artificial breaks being created during the day, for example over the lunch period.

Free 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 free places must be taken on or delivered on particular days of the week or at particular times of the day.

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

Settings can choose not to deliver free places.

Entitlement to a free 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 free 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, for example just under 12 hours a week for 48 weeks of the year for the universal 15 hour entitlement or around 23 hours a week for 48 weeks of the year for the extended 30 hour entitlement.

Settings should work with parents to ensure continuity of care for children and effective transitional arrangements to support children's learning and wellbeing when enabling children to take up their free place at more than one setting or on more than one site.

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

The 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 free childcare 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 free childcare hours at the setting.

Children attending more than one setting

Often children will be attending two early years provision and parents will want to receive their free 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 Free 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 Free Entitlement will not be provided to a childcare setting if the child also attends a school nursery apart from the following exceptions:
 - there are free childcare hours not being provided by the school nursery. For example, if a child is entitled to 30 hours free 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). School funding will be determined by the number of hours a child is attending the nursery in the week of the termly schools' census.
 - 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 Free Entitlement funding is four weeks from the last date that the child attended.

No notice period for Free Entitlement Funding is paid if the child is leaving for a school nursery.

Please note that no notice period for Free 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 free 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 & Security

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

The EYFS states that:

- Early Years practitioners have a key role to play in working with parents to support their young children.
- Parents should be enabled to review their child's progress regularly and contribute to their child's learning and development record.
- Early Years settings and practitioners should help parents to understand more about teaching and learning through, for example, workshops and information.

In true partnership, parents understand and are enabled to contribute to the policies within the setting.

Early Years Settings must:

- Provide information for parents about the educational programme they offer and the individual child's progress towards the Early Learning Goals
- Support parents to engage in and understand their child's learning and development to ensure children can make the best possible progress
- Make available to parents information on:
 - The systems in place to enable early identification of development needs so that appropriate support can be put in place
 - The provision for children with SEN
 - The setting's policies as outlined within the Statutory Framework
 - The setting's last Ofsted inspection outcomes and Ofsted inspection report
 - Procedures and dates relating to the Free Entitlement
 - Staffing policies and qualifications

- The dates and times of operation
- The setting's complaints procedure

In addition to this, 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 Free 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 Free Entitlement provided by the LA.

Childcare settings are required to supply parents / carers with a short-written summary of their child's development in the three prime learning and development areas of the EYFS:

- Personal, Social and Emotional development
- Physical development
- Communication and language

This has to be done when the child is aged between 24 and 36 months.

Claiming the funding for the Free Entitlement

Settings claim the funding for this scheme from the LA. 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 agreement form” for every child when they are to receive the Free Entitlement for the first time. This form must be retained by the setting for six years, starting from the last date on which the child is 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 agreement 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 Free 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 free childcare, where there are additional eligibility criteria, before claiming eg asking a parent for evidence that their child is eligible for free childcare for two year olds or 30 hours free childcare for three and four year olds. 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 LA of any information they receive after submitting their headcount forms in respect of a child's eligibility for the Free Entitlement
- Adhere to the deadlines set by the LA in regard to funding for the Free Entitlement, in the knowledge that failure to meet deadlines could have an impact on funding. For example not submitting funding claims on the Provider Portal on time will mean that 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 contacting the Families Information Service (FIS) by e-mailing fis@hillingdon.gov.uk if there is any documentation missing. Settings will also be responsible for checking that their claim for funding has been received and this can be done by e-mailing the FIS 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 free educational places 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 a three- or four-year-old receiving free childcare hours. 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 free childcare**

place. Settings may charge a deposit for any hours in addition to the free 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 free childcare entitlement, they must not be required to pay more in fees just because their child is eligible for free childcare hours.**
- Not impose on parents any conditions of access to which they must agree in order to take-up their free hours, i.e., parents **must not** be required to pay a registration fee, purchase additional hours, pay lunch time charges or pay for any additional services in order to secure free provision.
- Deliver the free entitlements consistently, so that all children within a setting accessing any of the free entitlement hours receive the same quality and access to provision, regardless of whether they opt to pay for optional hours, services, meals or consumables.
- Choose whether to charge for meals and snacks as part of a free entitlement place. They can also charge for consumables such as nappies or sun cream, and for services such as trips and specialist tuition. Therefore, parents can be asked to pay for these, although these charges must be voluntary for the parent. Where parents are unable or unwilling to pay for meals and consumables, settings who choose to offer the free entitlements 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.
- Where parents purchase hours at a setting in addition to the Free Entitlement, parents will be provided with a bill that sets out the hours they have accessed in relation to the free entitlement and how any fees relate to additional services or hours. Settings need to ensure that the Free 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 free 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 any additional charges in relation to supporting a child with a disability, where parents purchase additional hours to the Free 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 Free 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 hours per week.
- Publish their admissions criteria and ensure that they work with parents so they understand which hours / sessions can be taken as free provision. Not all settings will be able to offer fully flexible places, but 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 Free Entitlement
- Return data electronically to the LA as requested

The LA 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 in respect of funding for the Free Entitlement

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

- The total amount due for the term is calculated
 - This total amount is 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 Free 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 Free Entitlement is claimed and paid
 - Require setting's account details
 - Ensure, as far as possible, that all dates set in regard to payments will be 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 Free 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 Enrolment 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 LA may write directly to parents whose children receive the Free 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 user name 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.

Funding for school nurseries (Community, Foundation, Academy and Free Schools)

School nurseries complete the Annual Schools Census each January and this determines their indicative budget for the coming financial year.

Schools are paid for their nursery places via a monthly cash advance. They complete a headcount return in May and October and their cash advance is adjusted to take in to account any change in the take up of places.

Schools charging for early years provision

School nurseries must offer the Free Entitlement free of charge to parents. However, if parents wish to access early education that is additional to the hours available from the Free Entitlement, schools can charge for this additional provision. Section 48 of the Education Act 2011 allows schools to charge where nursery provision is an optional extra to the free early years provision that is a child's statutory entitlement.

These charges can cover the costs of the following:

- Teaching staff who are employees of the school and provide the early years provision
- Costs relating to the building and accommodation used, for example heating and lighting costs, and maintenance.
- The costs of materials, books, instruments or other equipment used in the provision of or in connection with the provision of the optional extra time

Where parents are using 30 hours of nursery provision, schools cannot insist that parents pay for the lunchtime period.

Early Years policy for schools wishing to change the number of nursery places they offer

Where schools wish to increase or reduce the number of places they offer in their nursery, they should consider the following issues:

- Parental demand for nursery provision and the extent to which this is likely to be sustained year by year
- They should inform the local authority as this means that the current provision of nursery places in their area including in the PVI sector can be taken in to account before any change in the school's nursery provision is implemented. Changes in the school's nursery places could impact on other providers in their area and in the interests of ensuring that a diverse range of sufficient early years provision is available, this impact needs to be taken in to account before changes in nursery places are made.

Audit

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

If a setting is to be audited, the LA 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 agreement 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 Free 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 Free 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 Free Entitlement Funding, the local authority reserves the right to carry out an unannounced visit if required.

The Directory of Funded providers for the Free Entitlement scheme

The LA maintains a directory of all providers within the borders of Hillingdon who are eligible to claim the Free Entitlement.

The LA will:

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

Adding providers to the Directory

The LA will:

- Make information regarding joining the Directory, the conditions that must be met and payment arrangements, available to settings
- Not charge settings to be included within the Directory
- 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 is able to 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 provider e.g. moving premises or a change of owner
- Enable new settings to access funding for the Free Entitlement the term after their inclusion in the Directory unless the LA recognise a gap in provision
- Record the name and address and other contact details of the proprietor and/or setting
- Once approval has been giving for a setting to join the scheme, confirm this in writing to the setting

The process for applying to offer free childcare places through the Free Entitlement Funding scheme

Any childcare setting that is registered with Ofsted or with a childminding agency on the Early Years Register can offer free childcare places for three- and four-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). In addition, if childcare settings wish to provide free childcare places for two-year-olds, should have an Ofsted rating of "Good" or "Outstanding", if they have had an Ofsted inspection.

Where settings express an interest in offering Free Entitlement funded places for two, three and four year olds, the Families' Information Service will arrange to meet with the setting to explain the conditions of funding for the Free Entitlement Funding scheme.

Prior to any application for funding to offer free 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 with the setting to discuss the Code of Practice and the requirements within this code. 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 Free Entitlement Funding scheme. They will ensure all procedures are in place for the administration of the Free Entitlement Funding scheme.
 - A member of the QI team will review policies and procedures for safeguarding and the welfare requirements. They will check that systems for planning and assessing children's learning are effectively in place, review the learning environment 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 Free Entitlement Funding scheme

Once the paperwork has been completed and received by the LA, 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 free entitlement

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

- Appropriate planning procedures are in place that demonstrates how the requirements of the Learning and Development Framework within the EYFS will be presented to children within different timescales.
- Appropriate processes and procedures are in place to assess and record children achievements of and progress towards the Early Learning Goals and to use this information to plan for children's next learning steps.
- An appropriate learning environment has been established that will support children's development towards the Early Learning Goals.
- Staff supporting children have sufficient knowledge and understanding of the expectations and principles of the Early Years Foundation Stage and the content of the Learning and Development framework.
- All required personnel with specific responsibilities have sufficient understanding of their role to be effective co-ordinators.

- 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 Free Entitlement funding scheme on a provisional basis.
- Ensure that they only notify parents that they are fully approved to offer places under the Free 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 Free Entitlement Funding scheme

The LA will:

- Reject an application if the provider is unable to meet the conditions set nationally and locally
- Not reject an application on the grounds that there is already sufficient provision in Hillingdon
- Provide a written explanation to the provider if their application is rejected

Removal from the Free Entitlement Funding scheme

The LA will remove a provider from the Free Entitlement Funding scheme if one or more of the following issues arise:

- The provider ceases to meet the conditions set
- The provider withholds reasonable co-operation from the LA
- Changes in the provider's details means they are no longer eligible to receive funding for the Free Entitlement
- The provider uses corporal punishment against a child
- The provider fails to submit to an Ofsted inspection or a visit by an LA officer

Where any of the above do occur, the LA 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 provider. If these actions are not completed by the stated deadline, continuation of inclusion on the Free 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 free childcare through the Free 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 Free 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 LA wrote to the setting will be funded. Funding cannot be claimed for any children starting after this date.
- The setting may appeal against the LA decision (see the 'Appeals procedure' section)
- If the appeal is successful, then the date for the setting's removal from the Free Entitlement Funding scheme will be postponed. If the appeal is not successful, removal from the scheme will go ahead as planned.

If a setting 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 free childcare places for two-year-olds. The procedure for this would be:

- When the Ofsted inspection report is published, the LA will write to the setting to notify them that in the light of the inspection grade, their involvement in offering free childcare places for two-year-olds will be reviewed. They will be notified that 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 free childcare for 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 LA would write to the setting to confirm whether they will be able to carry on offering free childcare for two year olds and if so, they will be informed of any deadline at which this will be reviewed or may end.

If it becomes necessary to remove a provider from the Free Entitlement Funding scheme, the LA will:

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

Appeals procedure

Parents

If a parent feels that they have not received their entitlement to free childcare provision, they should raise this issue with their childcare setting. If it cannot be resolved in this way, they can contact the Families' Information Service (FIS) by emailing 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 make a complaint 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 Free 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 from the local authority that their setting has been removed from the Free Entitlement Funding scheme. An appeal should be addressed to Claire Fry, Head of Service, Child and Family Development Services - email cfry@hillingdon.gov.uk. If an appeal is made, settings will not be removed from the Free 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 and feel that maladministration has occurred, 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.

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

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 providers 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 – 82% (based on hours of provision)
- Maintained Nursery lump sum – 2%

Additional factors:

- Deprivation – 8% (is based on the relative deprivation of where funded children live)
- SEN – 4% (is based on the funded children who have been identified by each setting as having special educational needs eg they have SEN Support or an Education, Health and Care Plan)

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 from the Early Years Census in January for childcare settings and the October school census for schools. . If a setting has no children on roll at the time of the census, it will only receive the base rate in the following financial year.