

Education and Early Years Quality Improvement Service

# Worcestershire Provider Agreement

EFFECTIVE: 1<sup>st</sup> September 2024 to 31<sup>st</sup> August 2025

Page | 1

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## Contents

<b>1. Introduction</b>	<b>3</b>
<b>2. Future Policy Changes</b>	<b>4</b>
<b>3. Key Local Authority Responsibilities</b>	<b>4</b>
<b>4. Key Provider Responsibilities</b>	<b>5</b>
<b>5. Safeguarding</b>	<b>5</b>
<b>6. Eligibility</b>	<b>6</b>
6.1 Two-Year-Old Funding for families in receipt of additional Government support	6
6.2 Three and Four-Year Old Universal Funding	8
6.3 Funding for Working Families (9 months – 5 years)	8
<b>7. Grace Period</b>	<b>11</b>
<b>8. Flexibility</b>	<b>12</b>
<b>9. Partnership Working</b>	<b>13</b>
<b>10. Special Educational Needs and Disabilities</b>	<b>13</b>
<b>11. Supporting Disadvantaged Children</b>	<b>14</b>
<b>12. Quality</b>	<b>16</b>
<b>13. Business Planning</b>	<b>17</b>
<b>14. Charging</b>	<b>17</b>
<b>15. Funding (Payment Arrangements)</b>	<b>18</b>
15.2 Estimate Claims	20
15.3 Actual Claims	21
15.4 Adjustment Claims	21
15.5 Disability Access Fund	22
<b>16. Compliance</b>	<b>22</b>
<b>17. Termination and Withdrawal of Funding</b>	<b>24</b>
<b>18. Refusal of Funding Registration</b>	<b>25</b>
<b>19. Appeals Process and Dispute Resolution</b>	<b>25</b>
<b>20. Complaints Process</b>	<b>26</b>
<b>21. Freedom of Information and Data Protection</b>	<b>27</b>
<b>22. Confidentiality</b>	<b>27</b>

## 1. Introduction

- 1.1 Early years providers<sup>1</sup> who wish to offer free<sup>2</sup> places for 0 - 5 year-old children must register with Worcestershire County Council (WCC) to be on the Worcestershire Directory of Funded Providers. Providers who wish to be included on the Worcestershire Directory of Funded Providers must complete a Nursery Education Funding Provider Declaration Form, confirming compliance with the current Worcestershire Provider Agreement (WPA). It is important all childcare providers understand their responsibilities under this Provider Agreement as it is based on current law and statutory guidance issued by the Department for Education (DfE).
- 1.2 The WPA is based on the model agreement from the DfE, which sets out the Department's expectations on what should be included in agreements between local authorities and provider<sup>3</sup>.
- 1.3 The model agreement has been developed to bring consistency, as far as possible, in provider agreements across the country, by including standard headings and wording which the Department expects local authorities to use. However, they acknowledge that it is not a 'one size fits all' contract, as local authority level processes also need to be included.
- 1.4 The WPA builds on the national DfE document: 'Early Education and Childcare; Statutory Guidance for Local Authorities, April 2024' (Statutory Guidance)<sup>4</sup>. The WPA 2024/25 should be read in conjunction with the national guidance. The WPA does not replace the statutory guidance but instead clarifies and supports the guidance, as well as providing details that are specific to Worcestershire.
- 1.5 The WPA sets out the expectations for delivery of the funded entitlements. It is not otherwise intended to replace, supersede, or negate the requirements or expectations set out in legislation, other published statutory guidance and government advice.
- 1.6 The local authority reserves the right to unilaterally vary the Agreement to reflect changes in legislation and departmental guidance.
- 1.7 The following frameworks and legislation underpin this agreement, which may be amended from time to time (without necessitating a change to this provider agreement) unless a change to the DfE model agreement results:
  - Early Education and Childcare, Statutory Guidance for Local Authorities 2024
  - Childcare Act 2006
  - Childcare Act 2016
  - Social Work Act 2017
  - Equality Act 2010
  - School Admissions Code 2021
  - Statutory framework for the Early Years Foundation Stage 2024
  - Early Years Entitlements: local authority funding operational guidance 2024

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<sup>1</sup> Early years providers include:

- Early years providers and childminders registered on the Ofsted Early Years Register
- Childminders and childcare on domestic premises that is registered with an Ofsted registered Childminder Agency
- Schools taking children aged two and over and which are exempt from registration with Ofsted as an early years provider.

<sup>2</sup> The term 'free' within this document means that hours are provided without cost to the parent/carer, through funding provided by the Department for Education and paid by the Local Authority.

<sup>3</sup> The original version of the model agreement can be found at:

<https://www.gov.uk/government/publications/free-early-years-provision-and-childcare-model-agreement>

<sup>4</sup> The 'Early Education and Childcare; Statutory Guidance for Local Authorities, April 2024' can be found here: <https://www.gov.uk/government/publications/early-education-and-childcare--2>

#### Education and Early Years Quality Improvement Service

- Local Authority (Duty to Secure Early Years Provision Free of Charge) Regulations 2014
  - The Childcare (Free of Charge for Working Parents) (England) Regulations 2022
  - Special Education Needs and Disability Code of Practice: 0 to 25 years 2014
  - Data Protection Act 2018
- 1.8 Providers are responsible for ensuring that they have read the WPA and supporting documents in full. If, after reading the WPA, providers wish to offer Nursery Education Funding (NEF) from 1<sup>st</sup> September 2024 to 31<sup>st</sup> August 2025, the **Nursery Education Funding Provider Declaration Form 2024/25 must be completed and submitted to Worcestershire County Council** before funding can be paid. This should be completed on the Online Provider Portal by completing and submitting the 'Provider Declaration Form 2024/24'.
- 1.9 This document is applicable to all nurseries, pre-schools, maintained nurseries, wraparound care, holiday schemes, childminders and childminder agencies and therefore covers provision run by the local authority, private providers, charities, committees, governors, academies, free schools, and the independent sector.
- 1.10 Failure to return the declaration or comply with the terms of the Agreement will lead to providers being unable to offer funded provision from September 2025.

## 2. Future Policy Changes

- 2.1 WCC retain the right to update the current Worcestershire Provider Agreement at any point during 1<sup>st</sup> September 2024 – 31<sup>st</sup> August 2025 to reflect any national or local policy changes. Any amendments made to legislation during this time period must automatically be adhered to, with or without an updated Worcestershire Provider Agreement.

## 3. Key Local Authority Responsibilities

- 3.1 Local authorities must secure a free entitlement place for every eligible child in their area.
- 3.2 The local authority should work in partnership with providers to agree how to deliver places.
- 3.3 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.
- 3.4 The local authority must contribute to the safeguarding and promote the welfare of children and young people in their area.

## 4. Key Provider Responsibilities

- 4.1 The provider must comply with all relevant legislation and insurance requirements.
- 4.2 The provider must follow the Statutory Guidance in its entirety. Where any element of the Statutory Guidance is not followed, the provider must be able to provide clear evidence to demonstrate that it was in the best interests of the children involved.
- 4.3 The provider should deliver the free entitlements consistently to all parents, whether in receipt of 15 or 30 hours and regardless of whether they opt to pay for optional services or consumables. This means that the provider should be clear and communicate to parents/carers 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.
- 4.4 The provider must follow the Early Years Foundation Stage (EYFS)<sup>5</sup> 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.
- 4.5 The provider must have arrangements in place to support children with special educational needs and/or disabilities (SEND). These arrangements should include a clear approach to identifying and responding to SEND. Providers should utilise the SEN Inclusion Fund and Disability Access Fund to deliver effective support, whilst making information available about their SEND offer to parents.
- 4.6 Providers must only deliver the free entitlements to children who are eligible for funding<sup>6</sup>. To ensure eligibility, providers must have seen proof of each child's date of birth and confirmed their eligibility to the appropriate funding type.

## 5. Safeguarding

- 5.1 The local authority has overarching responsibility for safeguarding and promoting the welfare of all children and young people in their area. They have 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.
- 5.2 The provider must follow the EYFS and have clear safeguarding policies and procedures in place that are in line with local guidance and procedures for responding to and reporting suspected or actual abuse and neglect. A lead practitioner must take responsibility for safeguarding and all staff must have training to identify signs of abuse and neglect. The provider must have regard to 'Working together to safeguard children'<sup>7</sup> 2023 guidance.
- 5.3 To keep all children safe, it is recommended that every funded provider ensures that safer recruitment practices are embedded within their organisation.
- 5.4 It is recommended that all Designated Safeguarding Leads (DSL) and Deputy Designated Safeguarding Leads (DDSL) complete the Operation Encompass online training and sign-up to Early Years Operation Encompass to safeguard children.
- 5.5 The provider should ensure that all staff working within their organisation regularly access appropriate safeguarding training.

<sup>5</sup> The EYFS can be found at: <https://www.gov.uk/government/publications/early-years-foundation-stage-framework--2>

<sup>6</sup> As outlined within the Childcare Act 2006, Government funding cannot be claimed by, or spent on, childminders providing childcare for their own child/ren or a related child/ren. Related children attending a childminder are therefore not considered eligible for funding during the time spent with said childminder.

<sup>7</sup> The 'Working together to safeguard children' 2023 guidance can be found at: <https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>

Education and Early Years Quality Improvement Service

- 5.6 The Designated Safeguarding Lead (DSL) should regularly attend the Early Years DSL Network meetings.
- 5.7 The DSL should self-assess safeguarding policies and procedures regularly.

## 6. Eligibility

### 6.1 Two-Year-Old Funding for families in receipt of additional Government support

- 6.1.1 The provider should check original copies of documentation to confirm a child has reached the eligible age on initial registration for all free entitlements. The provider can retain paper or digital copies of documentation to enable the local authority to carry out audits and fraud investigations. Where a provider retains a copy of documentation this must be stored securely and deleted when there is no longer a good reason to keep the data.
- 6.1.2 The provider 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.
- 6.1.3 The local authority must ensure that a child has a free entitlement place no later than the beginning of the term following the child and the parent meeting the eligibility criteria for the free entitlements. Families within Worcestershire who are eligible for two-year-old funding will be provided with a Confirmation Certificate. Funding will start from the beginning of the term following their second birthday if the family applies in advance, or from the day that the application is processed if the child is already of an eligible age.
- 6.1.4 Children who meet the criteria<sup>8</sup> below will become eligible for a free place from the term following their second birthday until the end of the term in which they turn three years of age, as outlined in 'Table 1' below.

#### Application Process for two-year-olds from families in receipt of additional Government support (Two-Year-Old Funding)

Families who meet the economic criteria should apply for Two-Year-Old Funding at: <https://www.worcestershire.gov.uk/council-services/childrens-services/childcare/funded-childcare/funded-childcare-2-year-olds>

Families meeting the Additional Criteria or the Additional Criteria – Non-EEA Citizens should complete a paper application form (a copy is available online using the above link) and return it, along with any requested evidence as stated on the form, to the Business Systems Team at Worcestershire Children First.

Carers of two-year-old children who are looked after by Worcestershire County Council will be automatically contacted by the Business Systems Team regarding their child's entitlement to Two-Year-Old Funding. Carers of two-year-old children who are looked after by another Local Authority must complete a paper application as above.

<sup>8</sup> Further details about the eligibility criteria can be found at: [Help paying for childcare: Free education and childcare for 2-year-olds - GOV.UK \(www.gov.uk\)](#)

Table 1 – Eligible Dates of Birth

Children who turn 9 months, two years or three years between:	Funding can commence from:
1 <sup>st</sup> April and 31 <sup>st</sup> August	Autumn Funding Term – 1 <sup>st</sup> September
1 <sup>st</sup> September and 31 <sup>st</sup> December	Spring Funding Term – 1 <sup>st</sup> January
1 <sup>st</sup> January and 31 <sup>st</sup> March	Summer Funding Term – 1 <sup>st</sup> April

### Eligibility Criteria for two-year-olds from families in receipt of additional Government support (Two-Year-Old Funding)

#### Economic Criteria

To be eligible for 15 hours of funded early education, from the term after their second birthday, children must be living in a household that receives one or more of the following benefits:

- Income Support
- Income-based Jobseeker’s Allowance (JSA)
- Income-related Employment and Support Allowance (ESA)
- Universal Credit with an annual household earned income of no more than £15,400 after tax, not including benefit payments
- Support through part 6 of the Immigration and Asylum Act
- The guaranteed element of State Pension Credit
- Child Tax Credits, with an annual household income of no more than £16,190
- Working Tax Credits, with an annual household income of no more than £16,190
- Working Tax Credit 4-week run on.

#### Additional Criteria

Children are also entitled to a funded place if:

- They are looked after by a Local Authority
- They have a current Education, Health and Care Plan.
- They are in receipt of Disability Living Allowance
- They have left care under a Special Guardianship Order, Child Arrangements Order or an Adoption Order.

#### Additional Criteria – Non-EEA Citizens

Children are also entitled to a funded place if:

- Their parent’s immigration status includes the condition of ‘No Recourse to Public Funds’ and
- Their household income is less than £26,500 with 1 child or £30,600 with 2 or more children.

Families will need to evidence their immigration status and income when applying.

## 6.2 Three and Four-Year Old Universal Funding

- 6.2.1 The provider should check original copies of documentation to confirm a child has reached the eligible age on initial registration for all free entitlements. The provider can retain paper or digital copies of documentation to enable the local authority to carry out audits and fraud investigations. Where a provider retains a copy of documentation, this must be stored securely and deleted when there is no longer a good reason to keep the data.
- 6.2.2 All children become entitled to 15 'universal' hours of free early education from the term following their third birthday, in accordance with 'Table 1' above. Their entitlement continues until either the end of the term in which they become five years of age or until they start in a maintained/academy school reception class.

## 6.3 Funding for Working Families (9 months – 5 years)

- 6.3.1 The provider should check original copies of documentation to confirm a child has reached the eligible age on initial registration for all free entitlements. The provider can retain paper or digital copies of documentation to enable the local authority to carry out audits and fraud investigations. Where a provider retains a copy of documentation, this must be stored securely and deleted when there is no longer a good reason to keep the data.
- 6.3.2 Eligibility for 15 hours of funded childcare for Working Families is determined by HMRC through their online application process<sup>9</sup> (excluding children who are looked after by Foster Parents). Eligible parents will be given an 'Eligibility Code' to pass on to their childcare provider.
- 6.3.3 Children become eligible for the 15 hours of funded childcare for Working Families from the funding term after the child has turned 9 months and an Eligibility Code has been obtained, as per Table Two.

Table 2 – Working Family Eligible Dates

<b>Children who turn 9 months, or whose family begins to meet the Working Family criteria between:</b>	<b>Must apply for an Eligibility Code by:</b>	<b>Funding can commence from:</b>
1 <sup>st</sup> April and 31 <sup>st</sup> August	31 <sup>st</sup> August	Autumn Funding Term: 1 <sup>st</sup> September
1 <sup>st</sup> September and 31 <sup>st</sup> December	31 <sup>st</sup> December	Spring Funding Term: 1 <sup>st</sup> January
1 <sup>st</sup> January and 31 <sup>st</sup> March	31 <sup>st</sup> March	Summer Funding Term: 1 <sup>st</sup> April

<sup>9</sup> Information for parents about the funded hours for Working Families can be found at:  
[www.childcarechoices.gov.uk](http://www.childcarechoices.gov.uk)



### Eligibility Criteria for 15 hours funded childcare for children from Working Families

To be eligible for 15 hours funded childcare for Working Families, children must be living in a household that meets the following criteria:

- The parent of the child (and their partner where applicable) should be seeking the funded childcare to enable them to work.
- The parent of the child (and their partner where applicable) should be in qualifying paid work. Each parent or the single parent in a lone parent household will need to expect to earn the equivalent of 16 hours per week at the national living wage or their national minimum wage rate over the forthcoming quarter.
- Where one or both parents are in receipt of benefits in connection with sickness or parenting, they are treated as though they are in paid work.
- Where one parent (in a couple household) is in receipt or could be entitled to be in receipt of specific benefits related to caring, incapacity for work or limited capability for work, they are treated as though they are in paid work.

Where a parent is in a 'start-up period' (i.e. they are newly self-employed) they do not need to demonstrate that they meet the income criteria for 12 months to qualify for the funded hours for Working Families.

If either or both parents' income individually exceeds £100,000, they **will not** be eligible for the funded childcare for Working Families.

- 6.3.4 Eligibility for the 15 hours of funded childcare for children who are in the care of a Foster Parent is determined by the Local Authority. Eligible foster parents will be given 'Eligibility Code' to pass on to their childcare provider.

### Eligibility Criteria for 15 hours funded childcare for children who are in Foster Care

To be eligible for 15 funded hours childcare, children must be fostered in a household that meets the following criteria:

- All foster parents within the household must be working outside of fostering, or at least one foster parent is working outside of fostering and the other foster parent is in receipt of a qualifying benefit.
- Non-foster parents within the household must meet the criteria listed in the box above (Eligibility Criteria for 15 hours funded childcare for children from Working Families).

**In addition**, the application must be supported by the foster parent's Supervising Social Worker and the hours must be identified as being in the best interests of the child within their Care Plan.

Applications can be made here: <https://www.worcestershire.gov.uk/council-services/childrens-services/childcare/funded-childcare/support-children-who-are-looked-after-or-adopted-care>

## Education and Early Years Quality Improvement Service

- 6.3.5 Alongside the Eligibility Code, which is the child's unique 11-digit number, and original copies of documentation, a provider must acquire written consent from, or on behalf of, the parent/carer to be able to receive confirmation and future notifications from the local authority of the validity of the parent/carer's Eligibility Code; this is collected via the Parent Declaration Form.
- 6.3.6 Once a provider has received written consent from the parent/carer, they should verify the Eligibility Code with the local authority. Funding will start from the beginning of the term following the child turning 9 months of age if the family applies in advance, or from the beginning of the term after they apply for and receive their 'eligibility code' (1<sup>st</sup> September, 1<sup>st</sup> January or 1<sup>st</sup> April), if the child is already of an eligible age.
- 6.3.7 The local authority will confirm the validity of eligibility codes to allow providers to offer 15 funded hour places for eligible children over the age of 9 months. The local authority will provide a validity checking service to providers to enable them to verify the eligibility code, through the Online Provider Portal. The Eligibility Checking Service (ECS) allows all local authorities to make instant checks for code validity.
- 6.3.8 Thereafter, the local authority should complete audit checks to review the validity of eligibility codes for children who qualify for funder childcare for Working Families at 6 fixed points in the year, both at the beginning of term and at half-term across the year (in line with the dates as listed in 'Table 3' below). It is the local authority's responsibility to notify a provider where a parent/carer has fallen out of eligibility and inform them of the grace period end date.

**Table 3 – Working Family Eligibility Code End Dates**

<b>Date parent receives ineligible decision on reconfirmation:</b>	<b>LA Audit Date (or closest working day):</b>	<b>Grace Period End Date:</b>
1 <sup>st</sup> September – 21 <sup>st</sup> October	22 <sup>nd</sup> October	31 <sup>st</sup> December
22 <sup>nd</sup> October – 31 <sup>st</sup> December	1 <sup>st</sup> January	31 <sup>st</sup> March
1 <sup>st</sup> January – 10 <sup>th</sup> February	11 <sup>th</sup> February	31 <sup>st</sup> March
11 <sup>th</sup> February – 31 <sup>st</sup> March	1 <sup>st</sup> April	31 <sup>st</sup> August
1 <sup>st</sup> April – 26 <sup>th</sup> May	27 <sup>th</sup> May	31 <sup>st</sup> August
27 <sup>th</sup> May – 31 <sup>st</sup> August	1 <sup>st</sup> September	31 <sup>st</sup> December

- 6.3.9 Children with a valid eligibility code will be able to continue accessing the 15 funded hours for Working Families until either the end of the term in which they become five years of age or until they start in a maintained/academy school reception class.
- 6.3.10 In exceptional circumstances, the local authority may enable a child to access the 15 hours for Working Families from the start date of their eligibility code, assuming that the child is already of an eligible age. Early access to the child's funded entitlement will only be considered if a child is experiencing difficult circumstances, such as the death of a parent or domestic violence.

### Funded Childcare for Working Families – Early Access

To apply for Early Access to the 15 funded hours for Working Families, the child must be of an eligible age to access the funded entitlement, a current eligibility code must be in place and the child must be experiencing exceptional circumstances.

The provider must submit a request to the NEF Team at Worcestershire Children First, via the Children's Services Portal (CSP). The request must provide evidence of the child's circumstances. The request will be assessed by the Early Years and Childcare Sufficiency and Funding Group and a response will be communicated directly to the provider.

If early access is granted, funding will only be awarded from the date that the request was agreed, up until the end of the funding period. A valid eligibility code must be in place before the start of the next term for the child to continue accessing the 15 funded hours.

## 7. Grace Period

- 7.1 A child will enter the Grace Period when the child's parents/carers cease to meet the eligibility criteria set out in the Childcare (Free of Charge for Working Parents) (England) Regulations 2022, as determined by HMRC (or where the child is in Foster Care, the responsible local authority) or a First Tier Tribunal in the case of an appeal.
- 7.2 Local Authorities will be able to access information about whether a child has ceased to meet the eligibility criteria and entered the Grace Period via the Eligibility Checking Service. The Grace Period end date will automatically be applied to eligibility codes.
- 7.3 The local authority should continue to fund a place for a child who enters the Grace Period as set out in the Early Education and Childcare Statutory guidance for Local Authorities 2024.
- 7.4 In exceptional circumstances, the local authority may further extend the Grace Period to support stability and continuity for a child experiencing difficult circumstances, such as the death of a parent or domestic violence.
- 7.5 The Grace Period is intended to offer continuity for the child and family, as well as financial stability for the provider. The Grace Period therefore does not apply if the child has fallen into their Grace Period before they have taken-up any of the additional hours, or if the child moves to a different setting, unless:
  - The provider closes before the end of the Grace Period.
  - The provider receives an Ofsted inspection judgement of 'Inadequate'.
  - The child is experiencing exceptional circumstances, such as the death of a parent or domestic violence.

### How to apply for a Grace Period extension and/or change a setting during the Grace Period

To apply for an extension to the Grace Period, or for a child to move settings whilst in their Grace Period due to exceptional circumstances, a provider must submit a request to the NEF Team at Worcestershire Children First, via the Children's Services Portal. The request must provide evidence of the child's circumstances and be submitted before the end of the standard Grace Period. The request will be assessed by the Early Years Sufficiency and Funding Group and a response will be communicated directly to the provider.

## 8. Flexibility

- 8.1 Provision must be offered within the national parameters on flexibility as set out in Section A2 of Early Education and Childcare Statutory guidance for Local Authorities, which includes:
- No session to be longer than 10 hours.
  - No minimum session length.
  - Not before 6am or after 8pm.
  - A maximum of two sites in a single day.
  - Continuous provision during a day, without 'artificial breaks'.
- 8.2 The provider should work with the local authority and share information about the times and periods at which they are able to offer free entitlements to support the local authority to secure sufficient stretched and flexible places to meet parental demand in the local authority. The provider should also make information about their offer and admissions criteria available to parents at the point the child first accesses provision at their setting.
- 8.3 Providers should submit information about their setting to the local authority through the Online Forms section of the Online Provider Portal and should be completed termly. Where providers have given permission, this information will be supplied to parents/carers looking for childcare.
- 8.4 To claim funding for a child, the provider must have a completed Parent Declaration Form for every child, clearly identifying how the funded hours are to be allocated. For three and four-year-old children, this must include details on the allocation of the 'universal' (first 15) hours and the additional 15 funded hours Working Families for qualifying children.
- 8.5 Where a child attends more than one funded setting, the parents/carers will choose how their child's free hours are allocated, unless one of the providers is a specialist<sup>10</sup> provider.

### Accessing funding with two or more providers

- If a child is attending a specialist provider, the specialist provider must be allocated the hours first, up to 15 funded hours per week (the 'universal' hours for three and four-year-olds). Any remaining funded hours can then be allocated to another setting/s by the parent/carer.
  - If a specialist provider offers more than 15 hours per week to a child, any hours above 15 will be funded at the standard hourly Nursery Education Funding rate plus the appropriate Inclusion Supplement.
  - Where a child is attending two or more mainstream providers, the parent/carer can allocate the funded hours to best suit their needs, taking into account what is offered by the providers.
- 8.6 Providers should support parents/carers to complete the Parent Declaration Form appropriately, taking into consideration what 'funded offer' is available at their setting.
- 8.7 Parents/carers will be made aware that if a three and four-year-old child no longer qualifies for the 15 funded hours for Working Families, the child's funded hours will be allocated as per the 'universal' (first 15) offer the parent/carer has indicated on the Parent Declaration Form.

<sup>10</sup> Specialist providers include Special School Nursery Classes, Nursery Plus Classes, Early Years Speech and Language Units, Enhanced Early Years provision and Nursery Assessment Units.

## Education and Early Years Quality Improvement Service

- 8.8 Where providers are offering the funded entitlement on a 'stretched' basis (over more than 38 weeks), parents/carers should have a clear understanding of how many funded hours their child/ren will receive each week and how many weeks they will be provided over. This should be recorded accurately on the Parent Declaration Form.

## 9. Partnership Working

- 9.1 Partnerships should be supported by local authorities on four levels between:
- Local authorities and providers
  - Providers working with other providers, including childminders, schools and organisations
  - Providers and parents
  - Local authorities and parents
- 9.2 The local authority should promote partnership working between different types of providers, including childminders, across all sectors and encourage more providers to offer flexible provision, alongside other providers.
- 9.3 The provider should work in partnership with parents/carers and other providers to improve provision and outcomes for children in their setting. An interactive toolkit<sup>11</sup> has been developed to help providers set up or join a partnership, maximise the benefits of working together and tackle the challenges joint working can bring.
- 9.4 The provider should discuss and work closely with parents to agree how a child's overall care will work in practice when their free entitlement is split across different providers, such as at a maintained setting and childminder, to ensure a smooth transition for the child.

## 10. Special Educational Needs and Disabilities

- 10.1 The local authority must strategically plan support for children with special educational needs and/or disabilities (SEND) to meet the needs of all children in their local area as per the Special Educational Needs and Disability code of practice: 0 to 25 years<sup>12</sup>, 2014.
- 10.2 The provider must ensure owners and all staff members are aware of their duties in relation to the SEND Code of Practice and the Equality Act 2010.
- 10.3 The local authority must be clear and transparent about the support on offer in their area, through their Local Offer<sup>13</sup>, so parents/carers and providers can access that support<sup>14</sup>.
- 10.4 The provider should be clear and transparent about the SEND support on offer at their setting and make information available about their offer to support parents/carers to choose the right setting for their child with SEND.
- 10.5 Based on the child's level of need, additional funding may be available for children with special educational needs and disabilities, through the Local Inclusion Fund - Early Years Inclusion Supplement, as outlined in 'Table 4'.

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<sup>11</sup> The interactive toolkit can be found at: [DfE's 30 hour mixed model partnership toolkit | Family and Childcare Trust](#)

<sup>12</sup> The SEND Code of Practice: 0 to 25 years can be found at: [SEND code of practice: 0 to 25 years - GOV.UK \(www.gov.uk\)](#)

<sup>13</sup> Information about Worcestershire's Local Offer can be found at: [SEND Local Offer | Worcestershire County Council](#)

<sup>14</sup> Information about the Early Years Inclusion Support available to providers can be found at: [Early Years Inclusion Information - Worcestershire Children First Education Services](#)

## Education and Early Years Quality Improvement Service

- 10.6 Parents/carers of children accessing their child's funding entitlement and in receipt of Disability Living Allowance can allocate an annual Disability Access Fund payment of £910 to the provider of their choice.

Table 4 – Early Years Inclusion Supplement Rates

Graduated Response (GR) Level	Hourly Supplement for funded children aged 9 months – 3 years	Hourly Supplement for 3 & 4 Year Old Funded Children
GR1	Included within NEF hourly rate	Included within NEF hourly rate
GR2	Included within NEF hourly rate	£0.90
GR3	£1.60	£1.60
GR4	£2.86	£2.86
Exceptional <sup>15</sup>	£6.30	£6.30

## 11. Supporting Disadvantaged Children

- 11.1 The local authority should promote equality and inclusion, particularly for disadvantaged families, children who are looked after and children in need by removing barriers of access to places and working with parents to give each child support to fulfil their potential. The provider should ensure that they have identified the disadvantaged children in their setting as part of the process for checking Early Years Pupil Premium (EYPP) eligibility. They will also use EYPP and any locally available funding streams or support to improve outcomes for this group.
- 11.2 There may be some circumstances where households meet the eligibility criteria for both the disadvantaged two-year-old entitlement and the working parent entitlement. In these circumstances, the childcare should be provided under the disadvantaged 2-year-old entitlement. The child will remain on the disadvantage entitlement until they become eligible for the universal entitlement for 3- and 4-year-olds or 30 hours free childcare for 3- and 4-year-olds if they meet the eligibility criteria. Therefore, households will not lose eligibility for their 15 hours free early education, as is currently the case for the disadvantage entitlement.
- 11.3 EYPP is in place to support educational outcomes for disadvantaged children. Providers need to be able to demonstrate to Ofsted that they are using it to help close the gap between the attainment of the most disadvantaged children and their peers. Ofsted will assess the progress of children eligible for EYPP during an inspection.
- 11.4 EYPP is paid at a rate of £0.68 per hour. It is paid for a maximum of 15 funded hours. For three and four-year-old children, it is paid for 'universal' hours only and is **not paid** for the additional 15 funded hours. For other age-groups, EYPP is paid for all funded hours.

<sup>15</sup> The Exceptional funding rate is being reviewed; changes to the rate will be communicated once confirmed.

## Education and Early Years Quality Improvement Service

- 11.5 It is the responsibility of the provider to identify children that may be eligible for EYPP; wherever possible, children who are looked after by Worcestershire Local Authority will be identified on behalf of the provider and EYPP will be automatically allocated to the child.

### EYPP Eligibility Criteria

#### EYPP Financial Criteria

To receive EYPP, the parent/s of the child must meet at least 1 of the following criteria:

- Income Support
- Income-based Jobseekers Allowance
- Income-related Employment and Support Allowance
- Support under part six of the Immigration and Asylum Act 1999
- The guaranteed element of State Pension Credit
- Child Tax Credit (provided they are not entitled to Working Tax Credit and have an annual income of no more than £16,190.00)
- Working Tax Credit run-on (which is paid 4 weeks after they stop qualifying for Working Tax Credit)
- Universal Credit with an annual earned household income of no more than £7,400.

#### EYPP Non-Financial Criteria

In addition, providers will also receive EYPP for children who meet the following criteria:

- Is currently being looked after by a local authority in England and Wales
- Has left care in England or Wales through:
  - An adoption
  - A Special Guardianship Order
  - A Child Arrangement Order.

- 11.6 All providers must use the Early Years Pupil Education Plan (EY PEP) on a termly basis to record the support, interventions and progress of Children who are Looked After. Support will be provided by the Virtual School<sup>16</sup>.
- 11.7 The EYPP allocation per child is paid as part of the Actual Payment each term and is identified on the Termly Actual Statement.

### Claiming EYPP

- When claiming EYPP for children meeting the Financial Criteria, providers must have consent to apply for EYPP as indicated on the Parent Declaration Form. The parent's Surname, Date of Birth and National Insurance Number must be entered onto the Online Provider Portal.
- When claiming EYPP on the Online Provider Portal for children meeting the Non-Financial Criteria, consent must be indicated on the Parent Declaration Form and the reason for eligibility must be included with the 'notes' section.
- If a child is looked after by a local authority other than Worcestershire, providers would also need to the name of the appropriate 'parent' authority within the 'notes' section.

<sup>16</sup> Information about the Virtual School can be found here: [The Virtual School | Worcestershire County Council](https://www.worcestershire.gov.uk/virtual-school)

## Education and Early Years Quality Improvement Service

- 11.8 Eligible funded children who meet the deprivation threshold will receive deprivation funding. Children living in a Worcestershire postcode classified by IDACI as disadvantaged will receive an hourly supplement on **all** funded hours as per Table 5.

Table 5 – Deprivation Weightings

IDACI Band	Hourly Deprivation Supplement
A	£1.00
B	£0.70
C	£0.40
D	£0.10

- 11.9 Maintained, Academy and Free schools with Nursery Classes within their school age-range should provide Free School Meals for eligible **pupils** accessing funded provision **before and after the lunch period** on the same day. A Claim Form will be provided termly by the Early Years Funding Team and the payment will be made as part of the Actual Payment. To confirm eligibility, families must apply for Free School Meals following the individual school's process.

## 12. Quality

- 12.1 The Early Years Foundation Stage (EYFS) statutory framework is mandatory for all schools that provide early years provision and early years providers registered with Ofsted or an Ofsted-registered Childminder Agency in England. The EYFS sets the standards that all early years providers must meet to ensure that children learn and develop well and are kept healthy and safe.
- 12.2 Ofsted are the sole arbiter of quality for all childcare entitlements and Ofsted and inspectorates of independent schools have regard to the EYFS in carrying out inspections and report on the quality and standards of provision. Childminder agencies (CMAs) are organisations that can register and quality assure childminders as an alternative to registering with Ofsted.
- 12.3 Local authorities have a legal duty<sup>17</sup> to provide information, advice<sup>18</sup> and training<sup>19</sup> on meeting the requirements of the EYFS, meeting the needs of children with SEND and on effective safeguarding and child protection for providers who are rated less than 'Good' by Ofsted or newly registered providers.
- 12.4 Provision must be offered in accordance with the national parameters on quality as set out in Section A3 of Early Education and Childcare Statutory Guidance for Local Authorities 2024 and the EYFS statutory framework.

<sup>17</sup> Section 13 of the Childcare Act 2006.

<sup>18</sup> Information about the support and advice available within Worcestershire can be found at: [Early Years Information - Worcestershire Children First Education Services](#)

<sup>19</sup> Information about the training available within Worcestershire can be found at: [Training Information - Worcestershire Children First Education Services](#)



## 13. Business Planning

- 13.1 The local authority should clearly set out the documentation that they need to receive from providers to support payment and delivery of free entitlements and the timetable which providers should follow when submitting their documentation, this includes setting out the importance of timely and accurate census returns.
- 13.2 The local authority should not charge providers disproportionate penalties for providing late or incomplete information leading to additional administration in the processing of free entitlements. Any charges should be reasonable and proportionate to the inconvenience or costs incurred to the local authority because of the lateness and local authorities will ensure charges are clearly communicated to providers.
- 13.3 The local authority should not carry out audit regimes which are disproportionate or are unnecessarily burdensome to providers.
- 13.4 The provider should ensure they submit timely and accurate information, including, but not limited to, headcount data, census data, parental declarations and invoices, as per the financial guidelines of their local authority. Failure to do so may result in inaccurate, delayed or suspended funding.
- 13.5 The provider should maintain accurate financial and non-financial records relating to free entitlement places and should give the local authority access on reasonable notice to all financial and non-financial records relating to free entitlement places funded under the provider agreement, subject to confidentiality restrictions.

## 14. Charging

- 14.1 This agreement does not provide guidance on how settings operate their individual businesses and does not cover any additional hours or services that a parent chooses to access at their child's setting.
- 14.2 Government funding is intended to deliver 15 or 30 hours a week of free, high quality, flexible childcare. It is not intended to cover the cost of meals, consumables, additional hours, or additional services.
- 14.3 The provider can charge for meals and snacks as part of a free entitlement place, and they can also charge for consumables such as nappies or sun cream and for services such as trips and musical tuition. Providers should be mindful of the impact of additional charges, especially on the most disadvantaged parents. Where parents are unable to pay for meals and consumables, providers who choose to offer the free entitlements are responsible for setting their own policy on providing parents with options for alternatives to additional charges, including waiving or reducing the cost of meals and snacks or allowing parents to supply their own meals.
- 14.4 The provider should deliver the free entitlements consistently so that all eligible children accessing them will receive the same quality and access to provision, regardless of whether they opt to pay for optional hours, services, meals or consumables.
- 14.5 The local authority should not intervene where parents choose to purchase additional hours of provision or additional services, provided that this is not a condition of accessing the free entitlement.
- 14.6 The provider should publish their admissions criteria and ensure parents understand which hours/sessions can be taken as free provision. Not all providers will be able to offer fully flexible places, but providers should work with parents to ensure that as far as possible the pattern of hours are convenient for parents' working hours.
- 14.7 The provider can charge parents a deposit to secure their child's free place but should refund the deposit in full to parents within a reasonable time scale.

Commented [NB1]: Wording changed in the Model Agreement

### Charging a Refundable Deposit

- Whilst a deposit can be charged for all children accessing their funded entitlement, providers should consider the criteria used to determine eligibility for families in receipt of additional Government support (Two-Year-Old Funding) in particular, when developing their policy on deposits.
- When charging a deposit for children accessing their funded entitlement, it is recommended that deposits are returned within a month of a child taking up their funded place, however it must be returned by the end of the first term of attendance.
- The provider can determine their own policy when charging a deposit or registration fee for non-funded hours or services.

- 14.8 The provider cannot charge parents “top-up” fees (the difference between a provider’s usual fee and the funding they receive from the local authority to deliver free places) or require parents to pay a registration fee as a condition of taking up their child’s free place.
- 14.9 The provider should ensure their invoices and receipts are clear, transparent and itemised, allowing parents to see that they have received their free entitlement completely free of charge and understand fees paid for additional hours. The provider will also ensure that receipts contain their full details so that they can be identified as coming from a specific provider.

## 15. Funding (Payment Arrangements)

- 15.1.1 The local authority should pay all providers monthly, particularly childminders, unless a provider requests and the local authority agrees to continue an existing alternative sustainable method of payment.
- 15.1.2 The provider should accurately complete and submit headcount and other necessary data returns by the agreed date to support the local authority to make payment.
- 15.1.3 The hourly funding rates are outlined in Table 6 below:

Table 6 – Hourly Funding Rates

Funding Age Group	Hourly Rate
Under Two’s	£9.59
Two Year Olds	£7.05
3&4 Year Olds	£5.09

- 15.1.4 Providers must only offer funded hours to children after they have confirmed they meet the appropriate age requirements, as outlined in Table 1, and have in place:
- A Worcestershire Confirmation of Eligibility Certificate or a valid EY Voucher Code for two-year-old children from families in receipt of additional Government support (Two Year Old Funding).
  - A valid Eligibility Code, with an appropriate Start and End Date as outlined in Table 3 for children of Working Families
- 5.1.5 Funding is not moved mid-term. Parents/carers should give notice to their child’s setting by the end of the term’s headcount week, the dates of which can be found in ‘Table 7’ below. If notice is given after headcount week, parents/carers will not be able to transfer their child’s funding during the term, without submitting a successful transfer request.

Commented [NB2]: Discuss timeline/deadlines

### Exceptional request to transfer Nursery Education Funding mid-term

Parents/carers who wish to move their child's funding during the term should contact their local Family hub<sup>1</sup> to submit a request online, demonstrating that:

- The childcare provider is not meeting the needs of the child or family and the child's welfare is compromised **or**
- A change in family circumstances has resulted in the childcare provider becoming un-commutable for the family.

Requests to transfer funding received within 4 weeks of the school term ending will normally be refused unless there is either a safeguarding concern or significant house move.

If a request is successful both providers and the parents/carers will be notified.

Table 7 – Headcount Weeks 2024/25

Funding Term	Headcount Week
Autumn 2024 Funding Term (1 <sup>st</sup> September – 31 <sup>st</sup> December)	16 <sup>th</sup> – 20 <sup>th</sup> September
Spring 2025 Funding Term (1 <sup>st</sup> January – 31 <sup>st</sup> March)	13 <sup>th</sup> – 17 <sup>th</sup> January
Summer 2025 Funding Term (1 <sup>st</sup> April – 31 <sup>st</sup> August 2025)	28 <sup>th</sup> April – 2 <sup>nd</sup> May

Commented [NB3]: Patrick to complete

- 5.1.6 If children are unable to attend their provision due to sickness or holidays, the funding will remain in place until the end of term. A provider is expected to remove the child from the claim at the beginning of the new term. If a parent would like the place to remain open in the new term, providers should contact the NEF Team to discuss the individual circumstances of the child/family.
- 5.1.7 For children with complex additional needs, an hourly supplement may be payable to providers, as outlined in 'Table 4'.
- 5.1.8 Providers will be automatically opted in to receive their funding payments monthly, paid as per the schedule outlined in 'Table Six' below. Providers who wish to instead receive their payments on a termly basis, paid as per the schedule outlined in 'Table 7' below, must indicate this on their Provider Declaration Form 2024/25.
- 5.1.9 All NEF claims must be made using the Online Provider Portal.
- 5.1.10 Providers will receive a detailed NEF Payments and Claim Schedule from the Financial Operating Services (FOS) Team to allow them to plan for the submissions and for their payments.
- 5.1.11 Providers who do not submit their claims by the required dates will not receive a payment until the next scheduled payment date. Payments made outside of the NEF Payments and Claim Schedule will be subject to an Administration Charge.
- 5.1.12 Providers who do not submit their completed NEF registration paperwork on time may be unable to make their claim as scheduled; if this delay results in a request for a payment outside of the NEF Payments and Claim Schedule, the Administration Charge would apply.

Commented [NB4]: To be discussed

### Administration Charge

Providers who are late submitting their Estimate or Actual claims and require a payment to be made at a time not previously included on the NEF Payments and Claim Schedule, will be required to pay a £25.00 administration charge.

Providers who are newly open or newly registered to offer NEF will be exempt from this charge, as long as their submissions have been made at the times agreed by the Early Years Funding Team.

## 15.2 Estimate Claims

- 15.2.1 To make an Estimate Claim, providers must submit the number of funded hours per week that they expect to provide in the following term. Providers who choose to be paid monthly may update their Estimate Claim at any time in the term by emailing the Early Years Funding Team (via [EYFunding@worcestershire.gov.uk](mailto:EYFunding@worcestershire.gov.uk)); any remaining Estimate Payments will reflect the updated Estimate Claim.
- 15.2.2 Monthly Estimate Payments will be paid based on the schedule outlined in 'Table 8'. Termly Estimate Payments will be paid based on the schedule outlined in 'Table 9'.
- 15.2.3 For providers offering a mix of Term Time and Stretched funding patterns, the Estimate Claim should be calculated using the maximum number of weeks available in the funding term and the weekly hours average over the period<sup>20</sup>.

Table 8 – Monthly Estimate Payments

Funding Term	Month Estimate Payment due	Proportion of Termly Total Paid
<b>Autumn</b>	September	30%
Autumn	October	30%
Autumn	November	30%
<b>Spring</b>	January	45%
Spring	February	45%
<b>Summer</b>	April	30%
Summer	May	30%
Summer	June	30%

Table 9 – Termly Estimate Payments

Funding Term	Month Estimate Payment due	Proportion of Termly Total Paid
<b>Autumn</b>	September	75%
<b>Spring</b>	January	68%
<b>Summer</b>	April	75%

<sup>20</sup> The FOS Team can provide a spreadsheet to calculate the Estimate Claim.

## 15.3 Actual Claims

- 15.3.1 Actual claims must be submitted at the beginning of every term, following the NEF Payment and Claims Schedule issued by the Early Years Funding Team. Claims will be based on the children who are registered to attend during headcount week onwards.
- 15.3.2 Actual claims must be an accurate reflection of each child's attendance pattern, as evidenced by both the Parent Declaration Form and the provider's register of attendance.
- 15.3.3 Claims for children accessing their entitlement on a stretched basis should reflect this fact; the number of weeks claimed on the actual claim should be the same as the number of weeks a child is accessing funding. Term time only claims for children accessing stretched provision may result in funding being reclaimed.
- 15.3.4 Actual Payments will be paid based on the schedule outlined in 'Table 10'.

Table 10 – Actual Payments

Funding Term	Month Actual Payment Due
Autumn	December
Spring	March
Summer	July

## 15.4 Adjustment Claims

- 15.4.1 Children who begin accessing their funded hours after the headcount week, who have not accessed their funded entitlement at any other provider during the term, will be able to access Two Year Old Funding (for two-year-olds from families in receipt of additional Government support) or their Universal three and four-year-old funding from the day that they start or, for children accessing Two Year Old Funding, from the date on their Eligibility Certificate (whichever is later). The 15 funded hours for Working Families will only be available for children who have a valid 'Eligibility Code' with a start date prior to the beginning of the funding term. Providers will be able to claim for the number of weeks the child attends during the term.
- 15.4.2 Where a child's pattern of attendance changes during the term, an Adjustment Claim can be submitted on the Online Provider Portal to reflect the change in funded hours. The Adjustment Claim must be made within the term that the changes occurred. Payment will not be made for any Adjustment Claims submitted after the end of the appropriate term.
- 15.4.3 Where possible, Adjustment Claims will be paid as part of the Termly Actual Payment. Where Adjustment Claims are submitted after the Termly Actual Payment, an additional payment will be made at the end of the funding term.

## 15.5 Disability Access Fund

- 15.5.1 If a child accessing early years funding is also in receipt of Disability Living Allowance, their parent/carer is entitled to allocate an annual payment of £910 (the Disability Access Fund (DAF)) to the setting of their choice. It is recommended that this payment is made to the setting where the child spends the majority of their time, however it is the parent's choice.

### Disability Access Fund Claim Process

If a parent/carer of an eligible child indicates on their Parent Declaration Form that they wish to allocate their child's Disability Access Fund allocation to you, this needs to be indicated on the Online Provider Portal, via the Child Details. A copy of their Parent Declaration Form, along with a copy of their DLA letter, must then be submitted to the Early Years Funding Team via the Children's Services Portal before half-term.

## 16 Compliance

- 16.2 The local authority can carry out checks and/or audits on providers to ensure compliance with the requirements of delivering the free entitlements.
- 16.3 NEF Audits are carried out to ensure that all settings who are funded to deliver NEF within Worcestershire are adhering to the Worcestershire Provider Agreement and are therefore allowing families to access their funded entitlement.
- 16.4 NEF Audits are carried out to confirm:
- Accuracy of funding claims
  - Accuracy of funding payments, including Early Years Inclusion Supplements.
  - Inclusion funding is spent appropriately to positively impact on the child's outcomes.
  - Adherence to Worcestershire Provider Agreement.
  - Parents are able to access their child's funded entitlement without **having** to pay any additional fees.

### NEF Audit Criteria

The following criteria will be used to prioritise when an NEF audit is carried out:

- Settings where there are concerns identified from visits, phone calls or repeated problems with funding claims and/or payments.
- Settings that have been highlighted by phone calls from parents/carers.
- On closure of business. Financial records with Worcestershire County Council will not be finalised and closed until the audit has been completed.
- New settings within the first 3 terms of business.
- At random, based on the capacity of the NEF Team.

## Education and Early Years Quality Improvement Service

- 16.5 The results of completed NEF Audits will be passed on to Worcestershire County Council through the Early Years and Childcare Sufficiency and Funding Group.
- 16.6 Providers found to be making inaccurate claims will be required to reimburse any overpayments to the LA at the earliest opportunity. Failure to rectify any overpayments

### Evidence required for an NEF Audit

Providers who have been selected for an NEF Audit will need to present the following information:

- Copies of registers (daily attendance sheets) for the audited term.
- Copies of all Parent Declaration Forms for the audited term.
- Copies of all parental invoices/bills/statements for a period within the audited term.
- Evidence supporting the level of need for any funded child receiving an inclusion supplement.
- Details of the way in which providers offer the funded entitlement, which should include:
  - A copy of the fee structure.
  - A copy of a registration form/contract.
  - Any funding related information used by the provider for parents/carers.

will result in the provider being referred to the Director of Education, Early Years, Inclusion and Place Planning, via the Early Years and Childcare Sufficiency and Funding Group for removal from the Worcestershire Directory of Funded Providers and possible legal action.

- 16.7 The outcome of the audit will be communicated to the provider as soon as possible. A deadline will be agreed for any required changes to be implemented. If appropriate changes are not made, providers will be referred to the Director of Education, Early Years, Inclusion and Place Planning, via the Early Years Sufficiency and Funding Group for removal from the Worcestershire Directory of Funded Providers, in line with the 'Termination and Withdrawal of Nursery Education Funding Policy'<sup>21</sup>.
- 16.8 Providers who fail to supply the required information to complete a full NEF Audit will be referred to the Director of Education, Early Years, Inclusion and Place Planning, via the Early Years Sufficiency and Funding Group for removal from the Worcestershire Directory of Funded Providers.
- 16.9 Use of the Inclusion Supplement and the impact on the individually named children throughout the term will be monitored by the NEF Team and/or the Early Years Inclusion Team. Providers found to be incorrectly claiming the Inclusion Supplement, either for the level of need of the child or for the hours attended by/offered to the child, will be required to reimburse the overpayment to the Local Authority at the earliest opportunity. Funding for children in receipt of the Inclusion Supplement, who are not deemed to be making appropriate progress, will also be reclaimed.

Commented [NB5]: To discuss

<sup>21</sup> A copy of the 'Termination and Withdrawal of Nursery Education Funding Policy' can be found at: [Nursery education funding \(NEF\) - Worcestershire Children First Education Services](#)

## 17. Termination and Withdrawal of Funding

- 17.1 Suspension of registration by Ofsted or childminder agency, or a breach of statutory requirements or safeguarding issues may result in the termination of the arrangement and withdrawal of funding. Funding will be not provided during periods of suspension.
- 17.2 All children should be able to access their funded entitlement with a high-quality provider.
- 17.3 Providers who are judged by Ofsted or their Childminder Agency as 'Requires Improvement' will be unable to offer funded places for new two-year-old children from families in receipt of additional Government support.
- 17.4 Providers who are judged by Ofsted or their Childminder Agency as 'Not Met' or 'Inadequate' (including 'special measures' and 'serious weaknesses' for school-based provision) will be unable to offer funded places for any new eligible children.
- 17.5 Childminders registered with a Childminder Agency receiving a repeat Ofsted judgement of 'Ineffective' will be removed from the Worcestershire Directory of Funded Providers.
- 17.6 In addition, providers may also be removed from the Worcestershire Directory of Funded Providers if they:
  - Fail to supply adequate information to complete an NEF Audit, as stated above.
  - Do not adhere to the 'Early education and childcare: Statutory guidance for local authorities', April 2024 and/or the Worcestershire Provider Agreement 2024/25.
  - Fail to complete the annual Early Years Census.
  - Fail to engage with the Early Years Personal Educational Plan process and therefore fail to meet the needs of children who are looked after.

### Removal of Funding Process

If a provider is judged to be 'Requires Improvement', 'Not Met' or 'Inadequate' by Ofsted, the 'Termination and Withdrawal of Nursery Education Funding Policy' will be followed:

- Upon publication of a first Ofsted judgement of Requires Improvement, providers will be unable to offer funded places for any Two-Year-Old Funded (two-year-olds of families in receipt of additional Government Support) children not yet on their register. Families already accessing provision will be written to, outlining the quality requirements to offer Two-Year-Old Funding and providing information about how to transfer their child's funding to a different setting.
- Upon publication of a first Ofsted judgement of Inadequate or Not Met, providers will be unable to offer funded places for any children not yet on their register. Families already accessing provision will be written to, outlining the quality requirements to offer funded hours and providing information about how to transfer their child's funding to a different setting.
- Upon publication of a repeat Inadequate/Not Met/Requires Improvement judgement, an NEF Sufficiency Assessment will be completed; where sufficient funded provision is available within the locality, the provider will be given notice of the LA's intention to remove the setting from the appropriate Worcestershire Directory of Funded Providers.



## 18. Refusal of Funding Registration

- 18.1 The Local Authority is notified by Ofsted or a Childminder Agency when a new registration becomes active. Where possible, a representative from the Local Authority will contact the provider directly to discuss the new registration.
- 18.2 Before agreeing to fund a new provider, WCC will consider any information published by Ofsted about a registered person, provider, or agency. This could include any recent history about childcare offered by the provider or childcare offered at a particular address. This would include a provider employing at least one member of the leadership team from a setting who has been closed or rated by Ofsted as 'Inadequate' or 'Not Met' at any location. This would also include a school opening, or taking-over, pre-school provision when the school is judged to be 'Inadequate'.
- 18.3 Any concern about the inclusion of a new provider on the Worcestershire Directory of Funded Providers will be referred to the Lead Education Improvement Professional, via the Early Years and Childcare Sufficiency and Funding Group for a decision. A provider may be requested to provide evidence to support their application to register as a funded provider.

## 19. Appeals Process and Dispute Resolution

- 19.1 A provider may be denied approval to offer the funded entitlements or have their funding withdrawn as set out above. The provider can appeal against that decision.
- 19.2 Where a provider wishes to appeal against the decision made to refuse their inclusion on the Worcestershire Directory of Funded Providers, the provider may submit supplementary evidence that:
- Clearly demonstrates that the organisation and management of the setting has changed sufficiently to make a new setting, rather than a rebranded setting.
  - Clearly demonstrates that the new setting will be offering high quality early years provision.
  - All information will be referred to the Group Manager – Sufficiency & Place Planning, via the Early Years and Childcare Sufficiency and Funding Group, for a final decision.
  - Where a provider has been removed from the Worcestershire Directory of Funded Providers due to an Ofsted inspection grade of 'Requires Improvement', 'Inadequate' or 'Not Met' and the provider wishes to appeal against the decision, the provider may submit evidence that:
    - Clearly demonstrates that the sufficiency information recorded on the NEF Sufficiency Assessment is incorrect.
    - Clearly demonstrates that there are insufficient funded places available within their locality to meet the needs of the existing funded children, using the criteria outlined in the 'Termination and Withdrawal of Nursery Education Funding Policy'.
  - All information provided will be referred to the Group Manager – Sufficiency & Place Planning, who may consult with the Early Years and Childcare Sufficiency and Funding Group to reach a final decision.

#### Education and Early Years Quality Improvement Service

- If a provider has a complaint about the way in which they were removed from or refused inclusion on the Worcestershire Directory of Funded Providers, the provider may contact the Group Manager – Sufficiency & Place Planning in writing at the following address:  
Worcestershire County Council  
County Hall  
Spetchley Road  
Worcester  
WR5 2NP
- 19.3 If any dispute arises between the local authority and the provider out of, or in connection with, this WPA, either party may at any time serve a notice in writing on the other party that a dispute has arisen. The notice must include reasonable information as to the nature of the dispute.
- 19.4 The parties shall use all reasonable endeavours to reach a negotiated resolution through the following procedures:
- Within 14 days of service of the notice the representative of the provider and a representative of the Early Years and Childcare Sufficiency and Funding Group shall meet to discuss the dispute and attempt to resolve it.
- 19.5 If the dispute has not been resolved within 10 days of the first meeting of the representatives, then the matter shall be referred to the Group Manager – Sufficiency & Place Planning who will meet within 14 days to discuss the dispute and attempt to resolve it. Failure to resolve the dispute will mean a final decision will be made by the Director for Education, Early Years, Inclusion and Place Planning.

## 20 Complaints Process

- 20.1 The Provider should ensure they have a complaints procedure in place that is published and accessible for parents who are not satisfied their child has received their funded entitlement in the correct way, as set out in this agreement and in Early Education and Childcare Statutory guidance for Local Authorities.
- 20.2 Where a parent/carer is not satisfied that their child has received their funded entitlement appropriately, they must raise this concern with their child's setting, following the settings complaints procedure.
- 20.3 Where a parent/carer is not satisfied that their child has received their funded entitlement appropriately, and their concern has not been adequately handled by their child's setting, they can contact their local Family Hub to raise a concern with the NEF Team.
- 20.4 If a parent/carer or provider is not satisfied with the way in which their concern has been dealt with by the NEF Team, a formal complaint can be made to Worcestershire County Council<sup>22</sup>.
- 20.5 If a parent or provider is not satisfied with the way in which their complaint has been dealt with by the local authority or believes the local authority has acted unreasonably, they can make a complaint to the Local Authority Ombudsman. Such complaints will only be considered when the local complaints procedures have been exhausted.

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<sup>22</sup> Information about the Worcestershire County Council complaints process can be found here:  
<https://www.worcestershire.gov.uk/council-services/council-and-democracy/compliments-comments-or-complaints/complaints>

### Parental Concern Process

If a parent/carer contacts their local Family Hub with a concern about their child's Nursery Education Funding:

- The concern will be shared with the Early Years and Childcare Sufficiency and Improvement Lead via [NEF@worcschildrenfirst.org.uk](mailto:NEF@worcschildrenfirst.org.uk) for assessment.
- If the information provided by the parent/carer suggests that a setting is operating outside of the Statutory Guidance and/or the Worcestershire Provider Agreement, the setting will be contacted to discuss the complaint.
- If required, an NEF Audit will be conducted.
- The Early Years and Childcare Sufficiency and Funding Group will be informed of the outcome of the investigation. Where the provider is found to be unwilling or unable to operate within the requirements set out with the Worcestershire Provider Agreement, the provider will be removed from the Directory of Funded Providers, in line with the 'Termination and Withdrawal of Nursery Education Funding Policy'.
- The Family Hub will be kept informed of the NEF Team's investigation and will provide feedback to the parent/carer as appropriate.

## 21 Freedom of Information and Data Protection

- 21.1 The local authority and the provider acknowledge their respective duties under the Freedom of Information Act 2000 and must give all reasonable assistance to each other where appropriate or necessary to comply with such duties.
- 21.2 The provider will comply with any notification requirements under the Data Protection Act 2018 and shall duly observe its obligations under the Data Protection Act which arise in connection with this Agreement.
- 21.3 The provider will maintain formal procedures/systems for the keeping of accurate records that fully comply with any statutory obligations.

## 22 Confidentiality

- 22.1 Neither the Local Authority nor the provider will disclose to any person any confidential information concerning the business or affairs of the other party unless required to do so by law.