



BEDFORD BOROUGH COUNCIL

# Provider Agreement 2017/18

**A contract to commission improved outcomes for two, three and four year old children in funded early education places.**

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## **Section 1: Overview**

### **Complying with all aspects of the Statutory Guidance on the delivery of Free Early Education for two, three and four year olds (March 2017)**

This agreement should be read in conjunction with the Department for Education “Early Education and Childcare – Statutory Guidance for Local Authorities: March 2017”

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/596460/early\\_education\\_and\\_childcare\\_statutory\\_guidance\\_2017.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/596460/early_education_and_childcare_statutory_guidance_2017.pdf)

#### **All providers of free early education will:**

Comply with all aspects of the Statutory Guidance on the delivery of Free Early Education for two, three and four year olds (March 2017).

This includes:

- Ensuring that admission procedures and administrative processes underpinning the free entitlement are clear, transparent, inclusive and equitable.
- Providing parents and carers with clear written information about any fees or charges for additional services. Invoices for every child attending the setting should clearly show any additional charges.
- Providers must be open for 190 days per financial year (1<sup>st</sup> April – 31<sup>st</sup> March) in order to receive the full entitlement of funding

## **Section 2: Provider agreement requirements**

### **Key local authority responsibilities**

- Local authorities must secure a free entitlement place for every child in their area
- The local authority should work in partnership with providers to agree how to deliver free entitlement. The Local Authority will support providers with SEND through the Bedford Borough Local Offer
- The Local Authority will contribute to the safeguarding and welfare of children and young people in Bedford Borough

### **Key provider responsibilities**

- The provider must comply with all relevant legislation and insurance requirements
- The provider should deliver the free entitlements consistently to all parents, whether in receipt of 15 or 30 hours and regardless of whether they opt to pay for optional services or consumables. The provider must be clear and transparent about the details of 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.

## **Implementing the Statutory Framework for the Early years Foundation stage and other Statutory guidance**

Early years settings, schools and childminders have a statutory duty to comply with the Statutory Framework for the Early Years Foundation Stage (EYFS April 2017),

including; adhering to legislation for learning and development and safeguarding and welfare requirements.

- 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 Early Years SEND funding, additional funding and exceptional needs funding and the Disability Access Fund to deliver effective support, whilst making information available about their SEND offer to parents.

### **Other statutory guidance**

Delivery requirements as set out in all statutory and non statutory guidance, including Early Years Outcomes, Development Matters and 'A Know How' The EYFS progress check at age two, National Children's Bureau NCB guide. Taking into account of any amendment, extension, application or re-enactment and including any subordinate laws for the time being in force made under them and all orders notices codes of practice and guidance made under them.

### **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 guidance sets these out in detail
- The provider must have clear safeguarding policies and procedures in place that are in line with LSCB 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 Safeguarding Children' 2015 guidance
- Identify a named lead from within the staff team to take responsibility for developing and implementing policies, overseeing training and developing practice within the setting against the key areas below:

Safeguarding - This role should be the manager plus a member of the committee

Special Educational Needs and Disability (SEND)

Communication coordinator

Funded 2 year olds coordinator

Please note a childminder will have all roles.

- Ensure that staff can take advantage of continuing professional development and training opportunities against the key areas below;

Safeguarding Children

SEND and Children with a Disability

Early Help

Learning and development (Iters/Ecers/Fccers, Five to Thrive, Communication & Language, 2 year olds)

## Eligibility

- 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; refer to data privacy guidance.
- 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
- 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, the term after the child's third birthday. If a parent who is claiming their universal 15 hours becomes eligible for 30 hours part way through the term, the parent can start claiming their additional hours the term following the date on which they received their code.
- Alongside the 30 hours eligibility code, which is the child's unique 11-digit number, and the original copies of documentation (i.e. birth certificate or passport), a provider must acquire written consent from, or on behalf of, the parent to be able to receive confirmation and future notifications from the local authority of the validity of the parent's 30 hours eligibility code. Once a provider has received written consent from the parent, they should verify the 30 hours eligibility code.
- The local authority will confirm the validity of 30 hours eligibility codes to allow providers to offer 30 hours places for eligible three and four year olds. The local authority will provide a validity checking service to providers to enable them to verify the 30 hours eligibility code swiftly and efficiently. The Eligibility Checking Service (ECS) allows all local authorities to make instant checks for code validity. The local authority should set out details of their validity checking service for providers.
- Thereafter, the local authority should 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 (in line with the dates as listed at table A below) it is the local authority's responsibility to notify a provider where a parent has fallen out of eligibility and inform them of the grace period end date.

Table A:

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 Mar	1 April	31 August
1 Apr – 26 May	27 May	31 August
27 May – 31 Aug	1 September	31 December
1 Sept – 21 Oct	22 October	31 December
22 Oct – 31 Dec	1 January	31 March

## **The Grace Period**

- A child who ceases to meet the 30 hours eligibility criteria will receive funding for the grace period only as 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
- Local Authority will inform providers of a child's grace period via an email to the setting.

## **Flexibility**

- Provision must be offered within the national parameters on flexibility as set out in Section A of Early Education and Childcare Statutory guidance for local authorities
- The provider should work with the local authority and share information about the times and periods at which they are able to offer free entitlements to support the local authority to secure sufficient stretched and flexible places to meet parental demand in the local authority. The provider should also make information about their offer and admissions criteria available to parents at the point the child first accesses provision at their setting
- Where more than one provider is being used, parents will choose where to receive entitlement. Not more than 3 settings, at 2 different sites can be used. One hour per day, per setting is the minimum claim. Bedford Borough will audit providers to ensure there are no over claims

## **Partnership working**

- The local authorities should promote partnership working between different types of providers, across all sectors and encourage more providers to offer flexible provision, alongside other providers
- The provider should work in partnership with parents, carers and other providers to improve provision and outcomes for children in their setting.
- 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
- A signed parent declaration form for each setting that the child attends will ensure effective partnership working

## **Special educational needs and disabilities**

- As outlined in the Code of Practice (January 2015), all Early Years settings are expected to cooperate with the Local Authority in their duty to publish a relevant and up to date Local Offer for children and young people 0-25 with special educational needs. In Bedford we ask that all settings provide an overview of the support they offer children with additional needs that will be included in the Local Offer.
- 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
- The local authority must be clear and transparent about the support on offer in their area, through their Local Offer, so parents and providers can access that support (<https://sendguide.bedford.gov.uk/>)
- The provider should be clear and transparent and the SEND support on offer at their setting and make information available about their offer to support parents to choose the right setting for their child with SEND
- If a child is entitled to 30 hours, this would not currently allow a child with SEND to have the additional support beyond the current level as specified in the additional and exceptional needs allocations.

## **Social mobility and disadvantage**

- The local authority should promote equality and inclusion, particularly for disadvantaged families, looked after children and children in need by removing barriers of access to free 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 to improve outcomes for this group.

## **Quality**

- The Early Years Foundation Stage (EYFS) statutory framework is mandatory for all schools that provide early years provision and Ofsted-registered early years providers in England. The EYFS sets the standards that all early years providers must meet to ensure that children learn and develop well and are kept healthy and safe
- Ofsted are the sole arbiter of quality for all free 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
- Local authorities have a legal duty to provide information, advice and training on meeting the requirements of the EYFS, meeting the needs of children with SEND and on effective safeguarding and child protection for providers who are rated less than 'Good' by Ofsted or newly registered providers
- Provision must be offered in accordance with the national parameters on quality as set out in Section A3 of Early Education and Childcare Statutory Guidance for Local authorities and the EYFS statutory framework
- Providers must work confidentially in accordance with the Borough's Achieving Continuous Excellence programme.
- Participate in an Annual Conversation with the local authority Early Years Service

- Actively engage with other childcare settings participating in Achieving Continuous Excellence in order to create support networks within the area, to share good practice and to give encouragement and assistance when needed
- Actively attend Early Years Professional Study Groups and Early Years Network Meetings

All providers rated 'Requires Improvement' must also:

- Notify the Local Authority of the inspection grade within 48 hours of the inspection
- Accept support visits and work in conjunction with Bedford Borough Council as well as the PACEY Development Officers (childminders only) as part of approaches to ensuring high quality early years practice
- Ensure that staff can take advantage of continuing professional development and training opportunities to ensure high quality early years practice through the local training providers.
- Work with Bedford Borough Council and PACEY (childminders only) to complete action plans following an Ofsted inspection. Work in co-operation with Bedford Borough to achieve a Good Ofsted rating
- Actively engage with other childcare settings in order to create support networks within the area, to share good practice and to give encouragement and assistance when needed

### **Assessment and Integrated Review and Progress Checks**

The completion of progress checks when a child is aged between two and three must be undertaken. The check must be shared with parents and other appropriate professionals working with a child. Data must also be submitted termly to the Local Authority.

Settings must work in partnership with parents and carers and provide them with relevant information or advice about their children's progress and funding entitlements.

Settings must actively work in partnership with Health Visitors and Children's Centres in order to achieve the aims of the integrated review. Parents/carers must be asked for permission to share the progress check.

With the informed consent of parents, the records of individual children and their achievements must be transferred to other providers to enhance the transition process for each child.

### **Business Planning**

- Providers should follow the headcount timetable supplied by Local Authority, send in parent declaration forms and signed provider agreements on time. Failure to do so may result in inaccurate, delayed or suspended funding
- The local authority should not carry out audit regimes which are disproportionate or are unnecessarily burdensome to providers. Bedford Borough will carry out randomly selected audits as and when deemed necessary

- 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 under the provider agreement, subject to confidentiality restrictions

### **Placing funded Two year olds**

Early years settings, Schools and Childminders rated 'Requires Improvement' or 'Inadequate'

These settings, schools and childminders can deliver early education to eligible children aged three and four. Two year old funded children will only be placed at settings, schools or childminders rated Requires Improvement if approved by Bedford Borough. Two year old funded children will not be placed at settings that are Inadequate.

If settings, schools or childminders are rated Outstanding or Good and then receive an OFSTED inspection grade of Requires Improvement/Inadequate the following will occur:

- Funded two year old Children already placed at the setting can remain for continuity of care. Settings must inform families of the OFSTED outcome and published Inspection report
- No new funded two year olds can be placed until the setting, school or childminder receives a Good OFSTED grade.

All Providers rated as Inadequate must also:

- Contact the local authority within 48 hours of the inspection
- Involve the Local Authority in the implementation of an action plan
- Follow the process for working with providers rated 'inadequate by OFSTED in Appendix 3

### **Charging**

- Government funding is intended to cover the cost to deliver 15 or 30 hours a week of high quality, childcare. It is not intended to cover the cost of meals, consumables, additional hours or additional services
- A deposit can be requested but should be refunded in full within 4 weeks.
- The provider can charge for meals and snacks as part of the entitlement place and they can also charge for consumables such as nappies or suncream and for services. These charges must be voluntary for the parent. Where parents are unable or unwilling to pay for meals and consumables, providers who choose to offer the entitlement are responsible for setting their own policy on how to respond, with options including waiving or reducing the cost of meals and snacks or allowing parents to supply their own meals.
- The provider should deliver the free entitlement consistently so that all children accessing any of the free entitlements will receive the same quality and access to provision, regardless of whether they opt to pay for optional hours, services, meals or consumables

- The local authority should not intervene where parents choose to purchase additional hours of provision or additional services, providing that this does not affect the parent's ability to take up their child's free place. The provider should be clear and transparent about any additional charges
- The provider should publish their admissions criteria and ensure that parents understand which hours/sessions can be taken as part of the funding offer. 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
- 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
- The provider should ensure their invoices and receipts are clear, transparent and itemised, allowing parents to see that they have received their 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

### **Funding**

- Please see Appendix 1

### **Compliance**

- See Appendix 2.

### **Termination and withdrawal of funding**

- See Appendix 2.

### **Appeals process**

- See Appendix 4.

### **Complaints process**

- See Appendix 5



### September 2017 Provider Agreement Signed Declaration

On behalf of the provider named below, I have read and agree to abide by all aspects of Bedford Borough's Provider Agreement, including all supplementary information.

**I have read the Supplementary Information:**

- Appendix 1: Guidelines and Process for claiming funding
- Appendix 2: Financial, accounting and auditing requirements
- Appendix 3: Process for removal of providers from Bedford Borough's Directory of Providers
- Appendix 4: Appeals procedure for providers
- Appendix 5: Appeals procedure for parents

**Provider Name:** .....

**Provider Address:** .....

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**Telephone No:** ..... **Email Address:** .....

**Authorised Signatory for the Provider:** ..... **Date:** .....

**Print Name:** ..... **Position:** .....

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**SIGNED for and on behalf of BEDFORD BOROUGH COUNCIL**

**Head of Early Help and Intervention**

**Failure to adhere to the provider agreement:**

Bedford Borough Council seeks to work with providers to ensure that at all times they have the appropriate support and guidance needed to deliver on the necessary commitments, and to ensure that any likely breach is resolved as soon as possible. However if a provider fails to adhere to the provider agreement then funding may be withdrawn.

If any provider is not satisfied with their treatment or the administration of the funding they can appeal using the council's complaints procedure. Please email [wendy.beeton-townshend@bedford.gov.uk](mailto:wendy.beeton-townshend@bedford.gov.uk)

