



Shropshire Council local agreement with providers receiving funding from the local authority for the provision of the free entitlement for two, three and four year olds

Issued January 2014

Shropshire Council expects all providers to adhere to the following principles which are the basis on which the terms and conditions have been compiled. Equally the council accepts its role in also ensuring that these principles are at the forefront of its work and of the work of providers which receive funding.

The content of this agreement is based largely around the statutory guidance issued to English local authorities by the Department for Education on the delivery of the free early year's entitlement, reference sections 6,7,11 and 13 of the Childcare Act 2006

This agreement includes new elements relating to early years provision for two year-olds from lower income families, and clarifies the changed role for the local authority which now has a particular focus on identifying and supporting disadvantaged children to take up their early education place. This guidance reflects the Government's intention that, as far as possible, early learning for two-year-olds is delivered by providers who have achieved an overall rating of 'outstanding' or 'good' in their most recent Ofsted inspection report.

The Department for Education guidance can be viewed in full at, or downloaded from:

<https://media.education.gov.uk/assets/files/pdf/e/la%20role%20statutory%20guidance%20final.pdf>

Part A: Early education places for two, three and four year olds

Section A1: Eligibility

Principle

All children who meet the prescribed criteria are able to take up high quality early education, regardless of their parents' ability to pay – benefiting their social, physical and mental development and helping to prepare them for school. Evidence shows that regular good quality early education has lasting benefits for all children.

Three and four year-olds

To secure delivery, Shropshire Council is required by legislation to:

A1.1 Secure early education places offering 570 hours a year over no fewer than 38 weeks of the year for every child in Shropshire from the relevant date, as set out in paragraph A1.2 below, until the child reaches compulsory school age (the beginning of the term following their fifth birthday).

A1.2 Relevant dates are as follows:

- Children born in the period 1st January to 31st March: the start of term beginning on or following **1st April** after the child's third birthday.
- Children born in the period 1st April to 31st August: the start of term beginning on or following **1st September** after the child's third birthday.
- Children born in the period 1st September to 31st December: the start of term beginning on or following **1st January** after the child's third birthday.

Two year olds:

To secure delivery, from September 2013 Shropshire Council is required by legislation to:

A1.3 Secure early education places offering 570 hours a year over no fewer than 38 weeks of the year for every eligible child in their area from the relevant date, as set out in paragraph A1.5 below.

A1.4 A child is eligible if:

- they are looked after by the local authority; or
- they come within the criteria used to determine eligibility for Free School Meals (the current criteria are set out in the section on Free School Meals).

A1.5 The relevant dates are as follows:

- Children born in the period 1st January to 31st March: the start of term beginning on or following **1st April** after the child's second birthday.
- Children born in the period 1st April to 31st August: the start of term beginning on or following **1st September** after the child's second birthday.
- Children born in the period 1st September to 31st December: the start of term beginning on or following **1st January** after the child's second birthday.

A1.6 For two-year-olds who become eligible (i.e. they meet the criteria set out in paragraph A1.4), after the beginning of the term following their second birthday (i.e. as set out in paragraph A1.5), Shropshire Council must secure a place from the start of the next term, and can choose to secure a place sooner than this.

A1.7 Shropshire Council must ensure that two year olds who have met the eligibility criteria set out above in paragraph A1.4 continue to receive a place once they have taken it up even if the child no longer comes within the criteria in paragraph A1.4.

Two, three and four year olds:

Providers in receipt of funding must:

A1.8 Offer a free place to any eligible child accessing their provision part way through the term, provided a place is available.

A1.9 Ensure that if they charge for any goods or services, for example meals, optional extras or additional hours of provision outside of the place, this is not a condition of children accessing their place.

A1.10 Ensure that two, three and four year-old children moving to England from another country can access a place on the same basis as any other child in the local authority area, provided they meet the relevant eligibility criteria for their age¹.

A1.11 Provide a place which, as far as possible, suits the parent's needs

A1.12 Promote equality and inclusion, particularly for disadvantaged families, looked after children, children in need and children with disabilities or special educational needs by removing barriers of access to early education and working with parents to give each child support to fulfil their potential. Shropshire Council must ensure that it meets its duties under the Equality Act 2010 when securing early education places.

A1.13 Encourage take-up of early education places and undertake outreach activities to identify children within their local communities who are not taking up their full hours and support them to do so.

¹ This is also relevant where a child or a child's parents is categorised as having 'no recourse to public funds'.

Section 2: Flexibility

Principle

Children are able to take up their full entitlement to free early education at times that best support their learning, and at times which fit with the needs of parents.

Two, three and four year olds:

Providers acknowledge and understand their role in ensuring that the principles of this agreement are met in order to secure flexible delivery, and should:

- A2.1 Deliver early education places at times and in patterns that support parents to maximise the use of their child's place.
- A2.2 Make every reasonable effort to offer flexible packages of early education, subject to the following standards:
 - No session to be longer than 10 hours
 - No session to be shorter than 2.5 hours
 - Not before 7.00am or after 7.00pm
- A2.3 As a minimum, ensure that parents are able to access their child's early education place in the following patterns:
 - 3 hours per day over 5 days of the week
 - 5 hours per day over 3 days of the week
- A2.4 Ensure that parents are aware that there is no requirement for all early education places to be delivered only over 38 weeks of the year or in line with maintained school term dates.
- A2.5 Where there is sufficient, identifiable demand enable parents to take up their child's early education place in patterns of hours that "stretch" their child's entitlement by taking fewer hours a week over more weeks of the year, where there is provider capacity and sufficient parental demand.
- A2.6 Provide the maximum possible flexibility where demand exists beyond the minimum models referred to in A2.3.
- A2.7 Ensure parents are aware that the entitlement to an early education place does not offer a guarantee of a place at any one provider or a particular pattern of provision.
- A2.8 Ensure, when appropriate, that parents are aware that the entitlement should only be taken across a maximum of two providers at any one time.
- A2.9 Publish its flexible offer to parents and make this available to the local authority if required.

Section 3: Quality

Principle

All children are able to take up their entitlement to funded early education in a high quality setting. Evidence shows that higher quality provision has greater developmental benefits for children, particularly for the most disadvantaged children.

Two, three and four year olds:

To secure quality, Shropshire Council is required by legislation to:

A3.1 Deliver funded early education through early years providers who deliver the full early years foundation stage (EYFS) and are either registered with Ofsted as early years providers, or are schools taking children age three and over and therefore exempt from registration with Ofsted as early years providers.

To secure quality, Shropshire Council will:

A3.2 Base its decision whether to fund a provider to deliver early education places solely on the provider's Ofsted² inspection judgement, and not undertake a separate assessment of the quality of the provider.

A3.3 Fund places for two, three and four year old children attending any provider rated 'good' or 'outstanding' by Ofsted (see also A4.9).

A3.4 Fund places for three and four year old children attending any provider rated 'satisfactory/requires improvement' (see also A4.10).

A3.5 Only fund two year old children accessing 'satisfactory/requires improvement' providers where there is not sufficient accessible 'good' or 'outstanding' provision.

A3.6 Fund new providers registered with Ofsted until their first full Ofsted inspection judgement is published.

A3.7 Secure alternative provision and withdraw funding, as soon as is practicable, for children who are already receiving their funded entitlement at a provider when it is rated 'inadequate' by Ofsted.

² Or on the judgement of an independent inspectorate approved by the Secretary of State

Section 4: Funding

Principle

The funding of early education places is a fair and transparent process which supports a diverse range of providers. This diversity enables parents to choose a provider that best meets the needs of their child.

Two, three and four year olds:

To fund early education places, Shropshire Council is required by legislation to:

- A4.1 Fund early education places in all sectors using a locally-determined, transparent formula, known as the early years single funding formula (EYSFF).
- A4.2 Issue all providers with an indicative budget at the beginning of the financial year which broadly reflects anticipated participation, and adjust budgets to reflect actual levels of participation within the financial year, across all sectors.
- A4.3 Construct a formula composed of either a single base rate for all providers or a number of base rates differentiated by type of provider according to unavoidable cost differences. The formula must include a deprivation supplement for three and four year olds, but is not required to do so for two year olds. The formula must be based on a count of children conducted at least three times a year.
- A4.4 Provide Free School Meals for children who are registered pupils of a maintained school, who attend early years provision both before and after lunch and whose parents are in receipt of specified benefits. This requirement is distinct from the duty to secure an early education place for two year olds who meet the criteria also used for Free School Meals (paragraph A1.4).
- A4.5 Submit details of funding rates they pay providers for two, three and four year-old places to the Department for Education. This information will be published by the Department and enable providers and parents to compare rates across the country.
To fund early education places, Shropshire Council should:
- A4.6 Maximise the funding that is passed to providers, rather than retained centrally.
- A4.7 Ensure that the EYSFF is clear, simple and transparent, and in particular that:
 - the number of base rates is kept to a minimum;
 - any supplements are understood by providers and help drive positive outcomes for children; and
 - providers of two-year-old early education are funded using a single base rate, with no supplements (except where funding is for children with additional needs such as special educational needs).
- A4.8 Ensure any process to ensure the proper use of public funding does not place undue administrative burdens on providers.

A4.9 Providers rated as 'good' or 'outstanding' must ensure that:

- funded places are entirely free of charge to parents;
- places are offered flexibly to meet the needs of parents;
- the proper use of public funds;
- meet the needs of disabled children or those with a special educational need; and
- ensure children are kept safe and secure

A4.10 In addition to the above, conditions on those providers judged as 'satisfactory/requires improvement' will be limited to those which address concerns raised by Ofsted at inspection or to the safety and well-being of children in their care.

In addition to the above statutory duties the Local Authority will:

A4.11 Ensure providers of early education places receive funding for an eligible child as soon as the child takes up their funded place in the local authority area, regardless of when during the term this is.

A4.12 Make clear their local policy on funding providers of early education places in situations where children change providers within the local authority area during the term.

A4.13 Fund providers who have exemptions from the EYFS Learning and Development requirements if a parent wants their child to attend that provider.

A4.14 Fund providers for children who have exemptions from the EYFS Learning and Development requirements

A4.15 Ensure providers are not penalised for short term absences of children through withdrawing funding, but use their discretion where absence is recurring or for extended periods taking into account the reason for the absence and the impact on the provider. See Appendix 3.

A4.16 Ensure providers are aware of Shropshire Council's policy on reclaiming funding when a child is absent from a setting.

A4.17 Fund separately, through the main schools budget, eligible children who have already been admitted to primary school and are attending a maintained school reception class.

Section 5: Delivery in Partnership

Principle

Parents have a choice of taking up their child's early education place in a variety of settings that meet the needs of their family.

Two, three and four year olds;

Shropshire Council is required by legislation to:

A5.1 Act in accordance with the School Admissions Code in enabling children to take up a place in a maintained school reception class from the September following their fourth birthday.

In addition Shropshire Council will:

A5.2 Maintain a list of providers that choose to receive funding to deliver early education places.

A5.3 Maximise parental choice by funding all providers who wish to deliver early education places if they meet the required quality standards (see A3.3, A3.4 and A3.5) and local conditions of funding.

A5.4 Ensure that early education providers are treated in an equitable way whether they are from the private, voluntary, independent or maintained sectors.

A5.5 Have an appeals procedure for providers who are refused funding to deliver early education places. (See appendix 4)

A5.6 Publicise its complaints procedure so that providers know how to complain if necessary. (See appendix 4)

Part B: Securing Sufficient Childcare

Principle

Parents are able to work because childcare places are available, accessible and affordable and are delivered flexibly in a range of high quality settings.

Two, three and four year olds;

To secure sufficient childcare places, the local authority **are required** by legislation to:

- B.1 Secure sufficient childcare, so far as is reasonably practicable, for working parents, or parents who are studying or training for employment, for children aged 0-14 (or up to 18 for disabled children).
- B.2 Prepare assessments of the sufficiency of the provision of childcare in their area at least every three years.⁵

To secure sufficient childcare places, the local authority **should**:

- B.3 Take into account what is 'reasonably practicable' when assessing what sufficient childcare means in their area and;
 - the state of the local childcare market, including the demand for specific types of providers, in a particular locality and the amount and type of supply that currently exists;
 - the state of the labour market; and
 - the quality and capacity of childcare providers, including their funding, staff, premises, experience and expertise.
- B.4 Report annually to elected council members on how they are meeting their duty to secure sufficient childcare, and make this report available and accessible to parents. Local authorities are responsible for determining the appropriate level of detail in their report, geographical division and date of publication. However, the report should include:
 - a specific reference to how they are ensuring there is sufficient childcare available to meet the needs of: disabled children; children from families in receipt of the childcare element of Working Tax Credit or Universal Credit; children aged two, three and four taking up early education places; school age children; and children needing holiday care;
 - information about the supply and demand of childcare for particular age ranges of children, and the affordability, accessibility and quality of provision; and
 - details of how any gaps in childcare provision will be addressed.

⁵ The Department has introduced measures in the Children and Families Bill to repeal the duty on local authorities to prepare assessments of the sufficiency of provision of childcare in their area at least every three years (section 11 of the Childcare Act 2006).

Part C: Information to parents

Principle

Parents must be provided with comprehensive information about their child's entitlement to an early education place and childcare options in their area so that they are easily able to take it up. See Appendix 5

Shropshire Council is required by legislation to:

C.1 Provide information, advice and assistance to parents and prospective parents on the provision of childcare in their area.

Providers are required to support Shropshire Council to help:

C.2 Ensure that parents are aware of:

- their entitlement to a free place for two, three and four year-olds;
- the option to continue to take up their child's 15 hour early education place until their child reaches compulsory school age if they choose not to take up a place in a maintained school reception class in the September following their child's fourth birthday; and
- how to identify high quality provision in their area.

C.3 Ensure that parents are aware of the procedures to check eligibility for early education places for two year olds, and any implications for the use of their personal data.

C.4 Ensure that parents can clearly see, from the information they receive from their provider, that they have received their child's full 15 hour place completely free. Appendix 9 to this agreement shows an example of a specimen invoice showing how the entitlement has been applied to a parent's bill. We would encourage providers to use invoices in this format or, if they choose not to, ask that they ensure that all of the information shown on the specimen is included on the invoice that they issue.

C.5 Make parents aware of the quality of providers delivering early education places based on the provider's most recent Ofsted inspection.

C.6 Have a complaints procedure for parents who are not satisfied that their child has received their early education place or with any aspect of the way in which they have received it and publicise this to parents. (See Appendix 5)

Part D: Information to Childcare Providers

Principle

Information, advice and guidance is available to childcare providers to enable them to improve the quality of their provision.

Shropshire Council is required by legislation to³:

D.1 Secure information, advice and training for childcare providers in their area.

Shropshire Council will:

D.2 Secure information, advice and guidance for providers judged 'good' or 'outstanding' by Ofsted if the provider requests it.

D.3 Secure information, advice and training to meet the needs of providers judged less than 'good' by Ofsted.

D.4 Ensure that it is voluntary for providers judged 'good' or 'outstanding' by Ofsted to take up training delivered directly or commissioned by Shropshire Council. Take up of local authority training should not be a condition of a provider judged 'good' or 'outstanding' by Ofsted receiving funding to deliver early education places.

³ The Department for Education intends to introduce measures to refocus the duty on local authorities to provide information, advice and training to childcare providers (section 13 of the Childcare Act 2006 and the associated regulations) judged less than "good" by Ofsted.

Appendix 1

Free Childcare for 2 year olds (24U) – are you eligible?

24U is the Shropshire name for a central government initiative which seeks to secure up to 15 hours of free childcare each week for targeted disadvantaged two year olds.

Full details of the current two year old free entitlement, including details of how to check for eligibility can be found at the following link:

<http://www.shropshire.gov.uk/early-years-and-childcare/childcare-options-0-4/24u-childcare-for-2-year-olds/>

Appendix 2

Free School Meals and Looked After Children

Free School Meals (FSM)

Statutory entitlement to FSM only applies to children in maintained schools, though academies and free schools are required to follow the FSM legislation as if it applied to them by virtue of their funding agreements. FSM requirements do not apply to children in the private, voluntary or independent sector.

In order to qualify for FSM:

- a child must be a registered pupil of a maintained school or receiving education at the school;
- if the child is under compulsory school age, the child must be receiving full time education, or if part time, receiving education before and after the lunch break;
- under current criteria the child's parent must be in receipt of any one or more of the following support payments: income support (IS); income-based jobseeker's allowance (IBJSA); income-related employment and support allowance; support under Part 6 of the Immigration and Asylum Act 1999; or the guarantee element of State Pension Credit; or be entitled to Child Tax Credit but not to Working Tax Credit and have an annual income not exceeding £16,190 (as of 6 April 2012), as assessed by Her Majesty's Revenue and Customs. A child whose parent is entitled to the Working Tax Credit four-week run-on (the payment someone receives for a further four weeks after they stop qualifying for Working Tax Credit) is also entitled to FSM. During the early introduction of Universal Credit, children in families in receipt of Universal Credit will also be entitled; and
- a child who is in receipt of a qualifying benefit in their own right is also entitled to FSM.

Looked after children

Children who are provided with accommodation by the local authority for more than 24 hours on a voluntary basis or who are under a care order. The child may be living with foster carers, in a residential home or with parents or other relatives. A child who is "looked after" is defined in section 22 of the Children Act 1989. ABSENT CHILDREN

Shropshire Council will not request the return of any funding relating to a child who is absent from the provider if:

1. The reason for the absence is known by the provider
2. The provider can demonstrate that they are, or have been, in contact with the parent in respect of the reason and likely length of the absence

3. The child is not claiming funding for the free entitlement at any other setting

In the event of a provider not being able to demonstrate the above then Shropshire Council will not request return of funding relating to the first 7 days of any absence. However, the council reserves the right to request repayment of funding for any period in excess of 7 days if providers cannot meet the requirements set out above.

Appendix 3

Absent Children

Shropshire Council will not request the return of any funding relating to a child who is absent from a provider if:

1. The reason for absence is known by the provider
2. The provider can demonstrate that they are, or have been, in contact with the parent in respect of the reason and likely length of the absence
3. The child is not claiming funding for the free entitlement at any other setting

In the event of a provider not being able to demonstrate the above then Shropshire Council will not request return of funding relating to the first 7 days of any absence. However, the Council reserves the right to request repayment of funding for any period in excess of 7 days if providers cannot meet the requirements set out above.

Appendix 4

Complaints

In the event of a provider wishing to make a complaint relating to either rejection of inclusion in, or notice of removal from the directory, or any decision made by Shropshire Council in respect of this agreement then they should refer to the council's complaints policy which can be found at:

<http://shropshire.gov.uk/customer-service/give-us-some-feedback/>

Or by contacting the Customer Care Team at:

Complaints Team
Service Support, Marketing and Engagement
Shropshire Council
The Guildhall
Frankwell Quay
Shrewsbury
Shropshire
SY3 8HQ

E-mail: customer.feedback@shropshire.gov.uk

Telephone: 01743 256819

Appendix 5

A parent's guide to Shropshire Council's Early Years Free Entitlement

Principal

All providers are requested to ensure that all parents are able to access a copy of the following document at any time during which they are claiming any part of their free entitlement at your setting or enquiring about the availability of places.

Information to parent's regarding eligibility for a free place

All parents of children from the term after their third birthday can get Early Years Free Entitlement regardless of nationality or how much they earn. Some parents of children aged two can also receive funding depending on their personal circumstances. The free entitlement is also available to some two year old children depending on their family income and circumstances. To find out if you can access a free place for your two year old please follow this link to the appropriate page on the Shropshire Council web-site:

<http://www.shropshire.gov.uk/early-years-and-childcare/childcare-options-0-4/24u-childcare-for-2-year-olds/>

or e-mail:

customer.service@shropshire.gov.uk

or telephone the customer service centre on:

0345 678 9000

What is my child entitled to?

- 570 hours of free entitlement
- Over a maximum of 50 weeks of the year
- For a maximum of 10 hours in any one day
- In sessions of at least 2.5 hours
- Over a minimum of 38 weeks of the year
- With a maximum of 2 collaborating providers

The free entitlement can be accessed between the hours of 7:00am and 7:00pm. Providers are free to determine how and when they offer the entitlement, within the above hours, over the course of the day and week. Not all providers are able to offer complete flexibility to parent's in how they can access their entitlement. If the provider you choose does not offer the flexibility that you need then there may be another who can.

Where will the places be offered?

You can use this at a childcare provider that is registered with Ofsted to offer early education and therefore, accepts the nursery education funding for your child.

This may be:

- A pre-school/playgroup
- A nursery attached to a school
- A private/voluntary day nursery
- An independent school
- A childminder

Ofsted will determine the quality of the provision offered by the setting and we recommend that you look at the providers most recent Ofsted inspection report when deciding where to access your entitlement. Providers who have not reached the required quality standards, set out by the government and inspected by Ofsted, may not be able to offer you your free funded place.

Check with our Family Information Service to find out if the childcare provider you are thinking about using is registered to offer early education.

Are there any additional charges?

You must be able to access your free entitlement with no additional costs from your provider.

Providers may charge for meals as long as it is agreed in advance with parents. If this is not affordable, you should be given the option of bringing in a packed lunch for your child. Providers cannot charge you for any other additional services if your child is only accessing the entitlement.

How does the system work?

Shropshire Council pays the funding directly to the childcare provider for each child. This is paid over the school year, which is divided into three funding periods in line with school terms.

No money will be paid directly to the parent but your childcare provider should offer you a place free of charge for the number of hours that you are claiming with them.

You should receive an invoice from your provider showing how the free hours have been calculated.

What if my child is already in full time nursery or another provider that offers Early Years Free Entitlement?

If your child is eligible for Early Years Free Entitlement, the appropriate amount will be deducted by the childcare provider from any fees that you are paying.

Things to remember

You do not have to claim the maximum 15 hours per week; you need to decide how many hours will be suitable for you and your child.

Be honest about any special needs your child may have and share your concerns with the staff. They may be able to access additional help to support your child.

Can I use the Early Years Free Entitlement at more than one setting?

Yes, you can claim across a maximum of 2 providers at any one time.

If a child is attending two different settings it is very important that both providers are made aware of this, as the funding may have to be split between the two settings. Your providers may also want to share information to ensure that they are fully meeting the needs of your child and offering the best possible standard of care and learning.

It is still only possible to claim up to a total of 15 hours, but parents must decide how many hours are claimed for at each setting, and then inform both settings of the decision.

The dates below will help you to work out when your child will become eligible for funding.

A child born in the period	Will become eligible for a free place
1st April to 31st August	1st September following child's 3rd. birthday (Autumn* school term)
1st September to 31st December	1st January following child's 3rd. birthday (Spring* school term)
1st January to 31st March	1st April following child's 3rd. birthday (Summer* school term)

How do I find out about early years providers in my area or general information about the Early Years Free Entitlement?

For more information about the Early Years Free Entitlement providers in your area and what you need to do to access your free place, please contact our Family Information Service.

Further information and contacting us

For further information regarding providers registered to provide the Early Years free entitlement contact Lisa Robinson Tel 01743 254422 or lisa.robinson@shropshire.gov.uk

How to complain if you are dissatisfied with the way in which your provider has administered your Early Years Free Entitlement

Shropshire Council has a duty to make available sufficient free part time places for every eligible child in their area. Working in partnership with Shropshire's childcare sector made up of Local Authority maintained, private, voluntary and independent settings, it commissions them to provide 15 hours of Early Years Free Entitlement per week, for a minimum of 38 weeks per year. All settings must comply with 'Shropshire Council Local Agreement with Providers receiving funding from the Local Authority for the provision of the free entitlement for two, three and four year olds' September 2013. All guidance in the Code of Practice is statutory and providers must adhere to it in order to remain on the Directory of Providers.

Should you, as a parent of a two, three or four year old, feel that your child's Early Years Free Entitlement is administered incorrectly by your chosen provider, you should firstly make a formal complaint to the childcare provider you are using through their complaints procedure.

You should ensure that you receive a written response to your complaint.

If you are unhappy with the outcome of this process you should then contact:

Lisa Robinson
Audit and Performance Monitoring Officer
Shropshire Council
Shirehall
Shrewsbury
01743 254552
lisa.robinson@shropshire.gov.uk

You should provide a short summary of your complaint and copies of all of the correspondence you have had with your childcare provider in respect of the complaint.

When your complaint is received, we will:

- Acknowledge your complaint within 3 working days of receipt
- Explain how your complaint will be investigated
- Let you know of the likely timescales for dealing with your complaint
- We will make every effort to resolve your complaint as soon as possible by contacting your provider. Please note that we cannot deal with anonymous complaints and we will have to share your details with your childcare provider in order to investigate, and respond to, your complaint.

Parents should note that:

1. If your complaint is regarding a contractual arrangement that you have signed an agreement to with the setting, the Local Authority will not be able to become involved as contracts are legally binding documents. Our advice would be for the parent to contact their nursery setting and ask for a copy of their contract and for the provider to explain any queries a parent may have.
2. We would always advise parents to talk to the setting firstly to try and resolve the problem directly with them. If parents are still unsatisfied we would then advise you to go through the provider's complaints procedure.

If you are still unhappy following this process then you should pursue your complaint through the published Shropshire Council Complaints policy details of which can be found on the Shropshire Council web-site or by contacting Lisa Robinson at the above address.

Appendix 6

DATA PROTECTION ACT 1998 AND FREEDOM OF INFORMATION ACT 2000

The following section covers the regulations that govern how we hold information which is provided to us by settings and also how settings have to store and handle information on children and families.

Under the terms of the Freedom of Information Act 2000 individuals can ask for all the recorded information a public authority may have on any subject, but there is certain personal information that cannot be given out.

If an individual asks for information about themselves, this will be handled under the Data Protection Act 1998.

The Data Protection Act 1998 gives individuals rights in regard to the information held about them by organisations and requires organisations who record this information to follow the 8 Principles of Data Protection. Individuals have the right to request access to information about themselves in writing.

There are some situations where a request for personal information may be withheld such as when the information is covered by an exemption in the Act i.e. information which might cause serious harm to the physical or mental health of a child.

If an organisation is a public authority as defined by the Freedom of Information Act 2000 it will be covered by the provisions of this legislation. If it does not meet the definition it will not be a public authority and will therefore have no obligations under the Act.

The Freedom of Information Act 2000 applies to information that is held by a public authority and sets out which bodies and offices are considered public authorities for the purpose of the Act:

- Government departments (this includes non-departmental Government Bodies);
- Parliament, the Northern Ireland Assembly and the National Assembly for Wales;
- The armed forces (but not Special Forces or units working with Government Communications Headquarters);
- Local authorities;
- NHS bodies;
- Police;
- Other bodies and Offices such as regulators and advisory committees;
- Wholly Owned Companies; and

- Some bodies are only covered for certain sorts of information such as the BBC and Channel 4

Early Years Settings, Schools, Local Authorities (LAs), the Secretary of State for the Department for Education (the government department which deals with education and children's services), the Standards and Testing Agency, and Her Majesty's Chief Inspector of Education, Children's Services and Skills (Ofsted) all process information on children and pupils in order to help administer education and children's services and in doing so have to comply with the Data Protection Act 1998. This means, among other things that the data held about children must only be used for specific purposes allowed by law. We are therefore writing to tell you including information about the types of data held, why that data is held, and to whom it may be passed on.

The Early Years Setting holds information on children in order to support their development, to monitor their progress, to provide appropriate pastoral care, and to assess how well the setting as a whole is doing. This information includes the child's name, address, date of birth, contact details, attendance information, characteristics such as ethnic group, special educational needs and any relevant medical information. From time to time Early Years Settings are required to pass on some of this data to LAs, the DfE and to agencies that are prescribed by law, such as the Standards and Testing Agency, and Ofsted. In particular, at age five an assessment is made of all children (the Foundation Stage Profile) and this information is passed to the Local Authority and receiving maintained school.

The Local Authority (LA) uses information about children for whom it provides services to carry out specific functions for which it is responsible. For example, the Local Authority will make an assessment of any special educational needs the child may have. It also uses the information to derive statistics to inform various decisions. The statistics are used in such a way that individual children cannot be identified from them.

The Standards and Testing Agency uses information about children to administer national assessments such as the Foundation Stage Profile. Any results passed on to the DfE are used to compile statistics on trends and patterns in levels of development. The Standards and Testing Agency can use the information to evaluate the effectiveness of the national curriculum and the associated assessment arrangements, and to ensure that these are continually improved.

Appendix 7

PROVIDERS FREQUENTLY ASKED QUESTION REGARDING THE FREE EARLY YEARS ENTITLEMENT

1. How much will be paid for providing the free entitlement?

You will receive a notification at the beginning of each financial year showing the hourly rate at which you will be paid and an indication of your level of funding for the next financial year based on the previous take up of places within your setting.

2. Can I simply pass on this amount to the parents claiming the entitlement at my setting?

No. You must offer parents free sessions/hours based on your current published charging tariff rather than just passing on the amount you receive from the Local Authority to parents.

3. Can I charge for a lunch club session?

If parents are accessing a free morning and afternoon session on the same day and parents also want to take the lunch club as part of their free entitlement then you cannot charge for a lunch session to 'join up' the morning and afternoon. You can charge if parents are accessing ONLY a morning or afternoon session on that day. In either case you can charge for any meals you provide as part of any lunch clubs.

4. Do I have to offer the free entitlement in every session that I am open?

No, you can decide which of your sessions in which to offer parents the free entitlement however we will expect you to be flexible as possible in order that parents can access their hours in the way that best suits them and at no additional cost. If you are in any doubt then you are advised to contact your Early Years Development Officer for clarification.

5. Can I stretch the free entitlement over holiday periods?

Yes you can but you do not have to. Parents must be able to access 15 hours each week for 38 weeks of the year but you can offer 11.4 hours each week over 50 weeks as an alternative, if you choose and if you feel that this will support parents in accessing their free entitlement.

6. Will I have to prove to the Local Authority how I am passing on the free entitlement to parents?

Yes, you will be audited from time to time to ensure that you are passing on the entitlement in accordance with the terms of this agreement.

7. Will I get funding for children who move settings during a funding period?

Yes we will fund children who move settings subject to receiving confirmation of the move from both the settings involved and the parents of the child.

8. Do I have to offer a free place to any child who asks to join my setting after headcount week?

You are strongly recommended to offer children a free place for the rest of the term on the understanding that they are likely to stay with you for the next term and you will then be funded for them. If you are not able to offer a place without employing additional staff in any session then it is accepted that you should not be obliged to offer that child a place.

Appendix 8

AUDIT OF PROVISION OF THE FREE ENTITLEMENT

The local has a statutory duty to ensure that providers are passing on the funding for the free entitlement in a manner which meets the requirements of the Code of Practice.

We will occasionally ask providers to send us the following documents in order to audit the provision of the entitlement to parents:

- A copy of an up to date parental consent form confirming the hours requested in respect of a child(ren) within the setting
- A copy of the setting register of attendance on any given day(s) to confirm a child(ren) attendance is in agreement with the parental consent form and termly claim for funding
- A copy of an up to date invoice sent to a parent(s) in order to verify that the free entitlement claimed has been passed on to parents appropriately and that the free hours are clearly shown as part of that invoice

Having examined these documents we will confirm that these meet the requirements of the Code of Practice and that the nursery is administering the funding appropriately.

Any discrepancies or queries will be raised in writing and providers will be given a timescale within which amendments would be expected to be made in order to ensure that the practice is appropriate in the future.

The local authority reserves the right to reclaim or suspend funding if amendments are not made within the agreed timescales.

If providers are unhappy with the outcome of their audit then they can make a formal complaint using the complaints process detailed above.

The authority will ensure that all information provided is used only for the purposes outlined above and is used and retained in accordance with current data protection requirements.

Appendix 9: Sample of specimen invoice

Name and address of parent, not child.

Little Cherubs Nursery

Angels Lane,
Shrewsbury
SY6 6AN

Tel: 01743-222222

Registered Charity No. 123456789

Ofsted URN: EY123456

Name, address and charity number of provider plus Ofsted URN

Mrs Jones

Rose Cottage,
Sticklebrick Lane,
Alberbury
Shrewsbury,
SY8 4NW

All invoices should be numbered for reference and audit

Date: 3rd September 2012

Title and period covered by this invoice

Invoice number: 1234

Nursery fees for Rhys Jones
Period: January 2012

Details of attendance

Days attended each week: **Wednesday, Thursday & Friday 9.00 a.m. – 3.00 p.m.**

Period covered	Pre-school provision	Total Hours	£
3/09/12– 30/09/12 inclusive	4 weeks @ 15 hours Nursery Education Funded per week	60	FREE
	4 weeks @ 3 hours per week @ £3.50 per hour	12	£42.00
	TOTAL	72	£42.00

No of NEF hours must be shown as **free**

All hours of attendance must be itemised

Clearly show how total fees are arrived at

Fees **payable by** Monday 1st October 2012

Payment terms

Cheques/cash, Internet Banking, Direct Debits accepted.
Cheques to be made payable to 'Little Cherubs Nursery'