

London Borough of Waltham Forest

FREE EARLY EDUCATION ENTITLEMENT (FEEE)

FINANCIAL GUIDANCE

FOR 2, 3 & 4 YEAR OLDS

1st April 2021 – 31st March 2022

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Background

This document covers the financial requirements with regards receipt of Early Years Single Funding Formula (EYSFF) monies in respect of provision of Free Early Education Entitlement places in line with the **EYSFF PAYMENT TERMS AND CONDITIONS** agreement between the provider and the Local Authority.

This document should be read in conjunction with the information on the following web pages:

- **Waltham Forest's position regarding funding FEEE providers:**
<https://thehub.walthamforest.gov.uk/policy/early-years/fee>
- **Provision of 2, 3 & 4 year old FEEE places:**
<http://www.walthamforest.gov.uk/freechildcare>

The following statutory guidance, which forms part of the providers **EYSFF PAYMENT TERMS AND CONDITIONS** agreement with the Local Authority, should also be read alongside this guidance document:

- **DfE's 'Statutory Framework for the early years foundation stage: setting the standards for learning, development and care for children from birth to five** <https://www.gov.uk/government/publications/early-years-foundation-stage-framework--2>
- **Ofsted's Early Years and childcare registration handbook**
<https://www.gov.uk/guidance/childminders-and-childcare-providers-register-with-ofsted>
- **Early education and childcare: Statutory guidance for local authorities**
<https://www.gov.uk/government/publications/early-education-and-childcare--2>
- **Early Years National Funding Formula Operational Guidance**
<https://www.gov.uk/government/publications/early-years-national-funding-formula-allocations-and-guidance>
- **Early years entitlements: operational guidance For local authorities and providers**
<https://www.gov.uk/government/publications/early-years-funding-2021-2022>
- **Special Educational Needs and Disability (SEND) Code of Practice: 0 to 25 years**
Statutory guidance for organisations which work with and support children and young people who have special educational needs or disabilities
<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

LA will ensure that all approved FEEE Providers are consulted prior to any significant changes to this guidance.

LA will ensure that there are forums and procedures in place for Providers to be heard and to communicate with the Local Authority.

Terminology

In this Guidance, unless the context requires otherwise, the following words and expressions shall have the following meanings:

“DERN”	DfE Eligibility Reference Numbers (DERN) for 30 hours of free childcare provided to the parent by HMRC
“EYFS”	Means the Early Years Foundation Stage
“EYFS Guidance”	Means the current Early Years Foundation Stage Statutory Framework and Practice Guidance issued by the Department for Education
“Servelec Provider Portal”	Is the website for validation of DERN’s and checking eligibility for EYPP. It also contains the Pupil Register which will replace headcount forms from Summer 2021
“EYPP”	Means the Early Years Pupil Premium as defined by the Department for Education
“EYSFF”	Means the Early Years Single Funding Formula
“EYNFF”	Means the Early Years National Funding Formulas defined by the Department for Education/ Education Funding Agency
“FEEE”	Means the Free Early Education Entitlement of free early education and childcare to eligible 2, 3 & 4 year olds as defined by the Department for Education
“IDACI”	Means Income Deprivation Affecting Children Index. This is based upon the post code address of pupils and the likelihood (measured from 0 to 1.0) that the family will be income deprived
“LBWF”	Means the London Borough of Waltham Forest
“Legal Requirements”	Means any applicable statute, statutory rule, order, directive, regulation or other instrument or judgement of a court having force of law for the time being in force governing or relating to a project.

“Premises”	means the premises from which the Provider is registered with Ofsted to deliver childcare
“Provider/s”	means the Company, Charity or Individual that has signed an EYSFF PAYMENT TERMS AND CONDITIONS agreement with LA to deliver FEEE places
“PVI”	Private, Voluntary and Independent Sector Providers
“The Hub”	Is the London Borough of Waltham Forest’s website for Education Professionals operating in the Borough https://thehub-beta.walthamforest.gov.uk/

Section 1. Funding for Providers during April 2021-March 2022
This section covers how much Providers get paid for the FEEE hours that they provide to eligible children.

1.1 Early Years Single Funding Formula (EYSFF) – 3 and 4 year olds

- 1.1.1 The EYSFF is agreed by Schools Forum and is the formula used by the Local Authority to pay contracted providers for the FEEE places that they provide to eligible children. This EYSFF has been devised and agreed in line with the DfE EYNFF guidance and in consultation with approved¹ FEEE Providers. Full details of how the EYSFF is calculated have been provided below to allow providers to fully understand and check the formula, should they wish to. Those providers who do not require the full details can proceed directly to **Section 2** which outlines the process for claiming EYSFF payments and **Appendix A**, which will provide details of the hourly rate at which payments will be paid.
- 1.1.2 The purpose of the EYSFF is to arrive at an hourly rate at which Providers will be paid for each eligible child provided a place and submitted by headcount return or EY pupil register to the LA between 1st April 2021 and 31st March 2022.
- 1.1.3 The DfE require budgets to be made available to providers in March each year for the next financial year (e.g. in March 2021 for 2021-22). **Table 1** shows the data that will be used to produce the **indicative hours** of attendance during financial year 2019-20 on which final 2021-22 budget shares will be based:

Table 1- Basis for predicted hours calculation 2021-22

Term	Term dates	Data that will be used as basis for final calculation
Summer Term	April – August 2021	Actual hours delivered in the Summer 2019 term

¹ Approved by the LA as a FEEE Provider at the time of the consultation

Autumn Term	September – December 2021	Actual hours delivered in the Autumn 2019 term
Spring Term	January – March 2022	Actual hours delivered in the Spring 2020 term

1.1.4 **A final hourly rate and predicted budget was produced and approved by Schools Forum in February 2021.** This will be the hourly rate at which settings will be paid for actual hours delivered, to eligible children, between 1st April 2021 and 31st March 2022. The final hourly rate produced will allow providers to accurately calculate/estimate income levels for their setting.

1.1.5 These predicted hours will be multiplied by the overall hourly rate for that provider. The overall hourly rate is the combined hourly rates for base rate and deprivation supplement. This makes it easy for a provider to calculate income based on actual hours recorded and adjust expenditure, where necessary.

1.1.6 Settings will be provided with details of their monthly payment schedule information at the beginning of the financial year. This will be based on the predicted number of hours in each term multiplied by the hourly rate divided by the number of months in the term. For example, in the Spring Term 2022, Provider A has 24,000 predicted hours and an hourly rate of £5. This would mean that payments due amount to £120,000. Therefore the monthly payment for the spring term would be £40,000 for January, February and March.

1.1.7 In order to improve the accuracy, efficiency and timeliness of predicted and actual delivery hours, providers are required to complete a January Census return and enter the child’s data onto the Servelec.Provider Portal at the point of admission/commencement of their place as well as regularly updating child records on the Portal when changes in take-up/attendance occur. This will allow payments to be based on accurate attendance information and prevent significant over/under payments. **The Census is the mechanism by which the DfE will calculate the level of Early Years DSG funding that LA receives. Failure to submit accurate Census numbers can result in a significant reduction in the Early Years DSG funding received by the LBWF. The LA therefore reserve the right to refuse to make EYSFF payments to providers who fail to complete and return their Early Years/Schools Census² to the LA by the deadline date**

1.1.8 This process will have the following positive effects:

- Providers will receive actual monies due to them more quickly and be able to more accurately calculate income / cash flow.

² Academies submit their Census information directly to the DfE, but must submit a copy of the census information submitted to the DfE to the LBWF also.

- The Local Authority will have better information available to monitor spend patterns for individual providers and across all providers as a whole.
- Maximise the EYDSG income that the LA receives, in order to fund providers of FEEE places

1.1.9 The Schools and Early Years Finance (England) Regulations 2017, requires Local Authorities to take into account in its formula the predicted total number of hours of attendance of pupils or children, using as a basis for the calculation the most recent data available about the actual numbers of pupils or children. When further information about hours of attendance becomes available a local authority must review the budget share and re-profile the budget share or amount allocated, as the case may be. January Census data and headcount data will be used to re-determine monthly budget share payments.

If there is **evidence** that there will be a variance between the actual numbers of hours delivered during a term/year, the Providers predicted budgeted hours and monthly payment schedules will be adjusted to reflect this. Providers are encouraged to analyse their actual take up on a Regular basis to **ensure their predicted budgets are updated to include all the FEEE funded children in their setting**. This will ensure that payments can be adjusted as soon as possible and avoid significant over/under payments.

1.1.10 At the end of each term, there will be an adjustment for the difference in forecast and actual hours of registered attendance based on an updated pupil register on Servelec.Provider Portal For example, the actual number of hours of registered attendance at Provider A in the spring term 2022 was 26,000 which means they should have received £130,000 (26,000 x £5 per hour). Therefore an additional payment of £10,000 will be made to Provider A as soon as possible after adjustments are calculated.

1.1.11 **Where the additional payment is in excess of £5,000 in a term**, an audit of attendance registers and parental declarations will be carried out by the LA to evidence the increase in FEEE hours provided before the additional payment is made.

1.1.12 There are two elements to the funding formula:

- Universal base rate (see 1.4);
- Deprivation supplement (see 1.5)
- Quality supplement (see 1.6)

1.2 Sufficiency/Place development funding

1.2.1 In addition a one-off sufficiency supplement will be paid for each new FEEE place for 2, 3 and 4 year old child in an area where the Local Authority has an unmet demand for places.³

1.3 Start Date for 3 year old FEEE eligibility

1.3.1 The DfE funds Local Authorities for 3 year olds to take up their FEEE entitlement from the term after they turn 3

1.4 Universal Base Rate

1.4.1 New requirements on how local authorities are able to allocate funding to providers were introduced from 2017-18 by the DfE to ensure funding is fairly distributed to providers. Included in this was the expectation that a local universal base rate for all types of provider would be set by 2019-20 at the Latest.

1.4.2 The only exception to this is the supplementary funding for maintained nursery schools, which is set at an additional £1.71 per hour in 2021-22.

1.4.3 The table below illustrates the universal base rates for 3 and 4 year olds for 2021-22.

Universal Base Rate	1 April 21 to 31st March 22
3 year old	Child eligible from term after child’s 3 rd birthday
Base Funding rate: PVI and School Nursery Classes (including MNS’s)	£5.00 per hour
Maintained Nursery Schools Only	£1.71 per hour

1.5 Deprivation Supplement

1.5.1 Deprivation is the only mandatory supplement outlined in the EYNFF guidance. At Schools Forum it was agreed that deprivation payments be made across IDACI bands 1-6, with a higher payment weighting to IDACI bands 4-6.

1.5.2 The table below illustrates the factors and rates that the deprivation supplement will be paid in respect of 3 and 4 year olds for 2021-22:

³ New places are defined as, an Early Years Ofsted registration number for a premises that has not previously had an Ofsted registration number or an existing provider where they have extended their provision by building/using new space that does not relate to their current registration and would not have previously been used to provide Early Years Ofsted registered provision.

Deprivation (3&4 year olds only)	
Pupil lives in IDACI Band 1 (score 0.2 & 0.25)	£0.25 per hour
Pupil lives in IDACI Band 2 (score 0.25 and 0.3)	£0.50 per hour
Pupil lives in IDACI Band 3 (score 0.3 & 0.35)	£0.75 per hour
Pupil lives in IDACI Band 4 (score 0.35 & 0.4)	£1.50 per hour
Pupil lives in IDACI Band 5 (score 0.4 & 0.45)	£2.25 per hour
Pupil lives in IDACI Band 6 (score 0.5 +)	£2.70 per hour

- 1.5.3 The Local Authority uses IDACI data rather than entitlement to free school meals to measure deprivation. IDACI stands for Income Deprivation Affecting Children Index. This is based upon the post code address of eligible children and the likelihood (measured from 0 to 1.0) that the family will be income deprived.
- 1.5.4 Deprivation Supplement payments are based on children's postcode data submitted by settings as outlined 1.5.5.
- 1.5.5 A calculation was carried out to determine what % of all of the children on the Autumn 2020 census/headcount data in the IDACI bands 1 to 6. This is established by using the DfE's tool at: <http://imd-by-postcode.opendatacommunities.org/> Settings can use this tool and their Autumn 2020 Census/headcount data to calculate/check IDACI % and payments if they choose to. A detailed Step by Step guide on how to use the DfE's tool to calculate/check IDACI % can be found on the in the "User Guide" section of the FEEE Guidance for Provider page on the Hub (<https://thehub-beta.walthamforest.gov.uk/early-years-financial-regulations>)
- 1.5.6 The additional deprivation supplement is based on children identified as living in IDACI bands 1 to 6, as per hourly rate outlined in 1.5.2, this supplement is in addition to the universal base rate outlined in 1.4.3 to produce the settings final total hourly rate outlined in Appendix A.
- 1.5.7 New Providers where Deprivation Supplement information is not available (as they were not an FEEE approved provider at the time of the Early Years Autumn 20 Census/headcount), will be funded using the average proportions of children falling into each IDACI band of all of the other providers operating in the same ward (see Ward table below).
- 1.5.8 Autumn 20 Census/headcount data is used as the basis for calculating an annual/hourly deprivation budget for your school/setting. Deprivation funding is **NOT child specific** and can be used to support any disadvantaged, vulnerable or SEND child attending your school/setting throughout the year to close the gap between the attainment of the most disadvantaged children and their peers.

The average IDACI hourly rate payments for each ward within the Borough are:

Ward	Average IDACI hourly rate
Cann Hall	0.21
Cathall	0.22
Chapel End	0.12
Chingford Green	0.17
Endlebury	0.21
Forest	0.07
Grove Green	0.08
Hale End and Highams Park	0.16
Hatch Lane	0.18
High Street	0.16
Higham Hill	0.36
Hoe Street	0.14
Larkswood	0.14
Lea Bridge	0.26
Leyton	0.19
Leytonstone	0.07
Markhouse	0.24
Valley	0.31
William Morris	0.13
Wood Street	0.23

1.5.9 Ward averages will also be used for childminders due to the small numbers of children provided a place by them. The childminder total hourly rate by ward is outlined in the table below.

WARDS	Childminders Hourly Rates Based on Ward 21-22
Cann Hall	£5.21
Cathall	£5.22
Chapel End	£5.12
Chingford Green	£5.17
Endlebury	£5.21
Forest	£5.07
Grove Green	£5.08
Hale End and Highams Park	£5.16
Hatch Lane	£5.18
High Street	£5.16
Higham Hill	£5.36
Hoe Street	£5.14
Larkswood	£5.14
Lea Bridge	£5.26
Leyton	£5.19
Leytonstone	£5.07
Markhouse	£5.24
Valley	£5.31
William Morris	£5.13
Wood Street	£5.23

Full details regarding IDACI band payment calculations are outlined at Appendix D

1.6 Quality Supplement

- 1.6.1 The Early Years Systems Support (EYSS) Project is a sector led initiative to support the continuous improvement of Early Education across Waltham Forest by growing capacity within the early years sector to support itself, and disseminating the wealth of knowledge and expertise that already exists within the Borough to improve the quality of early years provision even further.

For more information please refer to the EYSS Hub page at:

<https://thehub-beta.walthamforest.gov.uk/earlyyearssystemsupport>

1.7 Early Years Pupil Premium

- 1.7.1 Local Authorities have been required, since 1st April 2015 to pay Early Years Pupil Premium (EYPP) to providers of the free entitlement. Eligible children aged 3 or 4 include those whose parents are in receipt of qualifying benefits for free school meals or who are looked after or who have been adopted from care or who have left care under a special guardianship order.
- 1.7.2 EYPP payments will be made in line with DfE guidance. An EYPP eligibility check should not be done more than a term in advance of the child taking up their free entitlement, in case the family's circumstances change. Once a provider starts receiving EYPP funding in respect of a particular child, they will not lose it while the child is taking up the early years free entitlement. Eligibility does not need to be rechecked.
- 1.7.3 The EYPP payments will be paid at £0.53 per hour for each eligible child. The EYPP is child specific and will be paid in addition to the EYSPFF hourly rate for eligible pupils included on the Servelec Provider Portal. **Please note:** Providers will be required to provide details of how EYPP income has been used to support eligible children in line with DfE and Ofsted requirements.
- 1.7.4 Children whose home address postcode has an IDACI score of 0.3 and above are most likely to be eligible for EYPP. Providers can use the [IDACI Checker](#) to help identify potentially EYPP eligible children as outlined in 1.5.5.
- 1.7.5 Providers should encourage parents to provide their NI numbers and date of birth at the point of registration in order to assess children for EYPP eligibility via the Servelec Provider Portal. (This is GDPR compliant and will securely store this data). A detailed Step by Step guide on how to assess children for

EYPP eligibility can be found on the in the “User Guide” section of the FEEE Guidance for Provider page on the Hub (<https://thehub-beta.walthamforest.gov.uk/early-years-financial-regulations>)

1.8 Start date for 2 year old FEEE eligibility

1.8.1 The DfE funds Local Authorities for 2 year olds to take up their FEEE entitlement from the term after they turn 2. For more details on eligibility for 2 year old funding please go to: www.walthamforest.gov.uk/freechildcare

1.9 2 year old FEEE hourly rate

1.9.1 The table below illustrates the Total hourly rate for 2 year olds for 2021-22.

2 Year Old Total Hourly Rate	Child eligible from term after child's 2 nd birthday
Base Funding rate: (£5.82 from DfE minus 5% deduction for LA centrally retained budget and 3.5% for SEND inclusion Fund)	£5.32 per hour
Base Funding rate: PVI and School Nursery Classes (including MNS's) Topped up from Early Years reserves	£0.50 per hour
Total hourly rate	£5.82 per hour

1.9.2 The hourly rate payable to the LA by the EYNFF for 2 year olds is £5.82, which reduces to £5.32 after permissible deductions are made by the LBWF. (for LA centrally retained budget and SEND inclusion fund)

1.9.3 Providers who deliver FEEE places to eligible 2 year olds will be paid by the LA at a rate of £5.66, which is equivalent to the rate that EYNFF funds the LBWF, before any deductions are made by the LA (for centrally retained or SEND inclusion fund), so in effect we are passing the full rate onto providers. The hourly top up rate of 0.45p per hour paid to providers of 2 year old FEEE places (the difference between the £5.66 and £5.21 hourly rate) in 19-20. This would be funded from the early years underspend.

1.9.4 The financial impact and affordability of this of the local decision with regards to the 21-22 top up rate for 2 year olds will be reviewed at the end of 21-22 and a decision made as part of the 22-23 EYFF budget setting process as to whether this will continue into 22-23.

1.10 Funding to support disadvantaged, vulnerable and SEND children

1.10.1 Deprivation funding can be used to support any vulnerable child attending your setting. Deprivation funding is NOT child specific and can be used to support any disadvantaged, vulnerable or SEND child attending your school/setting throughout the year to close the gap between the attainment of the most disadvantaged children and their peers. Full details regarding deprivation funding is outlined in 1.5.

1.10.2 Setting may also use early years pupil premium (EYPP) outlined in section 1.7 and Disability Access Fund (DAF) outlined in section 1.11 to fund additional costs incurred to support the needs of children with SEND.

1.10.3 Should deprivation, DAF and EYPP funding be insufficient to cover the additional cost of meeting the needs of a child with SEND, apply for additional funding from the SEND Inclusion Fund.

1.11 Disability Access Fund (DAF) payments

1.11.1 3 and 4 year olds will be eligible for the DAF payment if they meet the following criteria:

- The child is in receipt of child disability living allowance and;
- The child receives free early education

1.11.2 Providers delivering a place to a three- and four-year-olds eligible for the DAF will be entitled to receive a one-off payment of £615 per Financial year. The DAF is not based on an hourly rate and is an additional entitlement.

1.11.3 Children do not have to take up the full 570 hours of early education they are entitled to in order to receive the DAF. Children in receipt of the DAF will be eligible where they take-up any period of free entitlement.

1.11.4 The DAF is payable as a lump sum once a year per eligible child. If a child eligible for the DAF payment is splitting their free entitlement across two or more providers, the parent will be required to confirm in writing to the LA which school or setting they nominate as the main setting, who will receive DAF funding.

1.11.5 If a child receiving DAF moves from one setting to another within a financial year, the new setting is not eligible to receive DAF funding for this child within the same financial year. DAF funding received by the original setting will not be recouped.

1.11.6 In cases where a child who lives in one authority area attends a provider in a different local authority, the provider's local authority is responsible for funding the DAF for the child.

1.12 SEN inclusion Funding (for children NOT on an EHC Plan)

1.12.1 SEN Inclusion funding is available to support children with SEND who are not on an EHC plan, but meet the eligibility criteria for a FEEE place. Details of the

application process for SEND Inclusion funding can be found on the [SEND pages on the Hub](#) or contact EYSENDpanel@walthamforest.gov.uk

1.12.2 Details of payments made are set out on your remittance advice

Ensure that key people such as your Senior Leadership Team, Managing Directors, Trustees, EYFS Leads, Managers & SENCO's are aware of the funding received, particularly those paid in respect of disadvantaged, vulnerable and SEND children so that you can

- ensure that funding is spent on the intended support and interventions and
- evidence the impact that this funding is having on the outcomes for the children to which it relates during Ofsted inspections etc

1.12.3 The SEND inclusion Fund will accept applications to cover the costs of professional reports such as Education Psychology and Speech and Language assessments. Applications can also be made for additional hourly costs due to a reduced ratio – this must be supported by an Educational Psychology report, which evidences the additional hours needed to support the child's additional needs.

1.12.4 Funding agreed by the SENIF panel will be detailed on the decision form including a start date, end date and review date. It is the provider's responsibility to make a SENIF review application on the review date before the end of funding if they wish the funding to continue.

1.12.5 SEN Inclusion Payments will be made monthly. Details of payments made are set out on your remittance advice.

1.13 2 Year Old SEND-Non FEEE (for children NOT on an EHC Plan)

1.13.1 2 Year Old SEND-Non FEEE funding is available to support children with SEND who are not on an EHC plan, and do not meet the eligibility criteria for a FEEE place. Details of the application process for 2 Year Old SEND-Non FEEE funding can be found on the [SEND pages on the Hub](#) or contact EYSENDpanel@walthamforest.gov.uk

1.13.2 Parents are expected to pay for some hours, this will be specified in the SEND panel decision document. This is a condition of being offered a place. Providers **MUST** ensure that parents pay for the hours specified in addition to the free hours.

1.13.3 Details of payments made are set out on your remittance advice. Ensure that key people such as your Senior Leadership Team, Managing Directors, Trustees, EYFS Leads, Managers & SENCO's are aware of the funding received, particularly those paid in respect of disadvantaged, vulnerable and SEND children so that you can;

- ensure that funding is spent on the intended support and interventions and
- evidence the impact that this funding is having on the outcomes for the children to which it relates during Ofsted inspections etc

1.13.4 2 Year Old SEND-Non FEEE funded places will have end dates which may be before the child is eligible for the Universal 3 Year Old FEEE. It is the provider's responsibility to obtain the decision form letter from the parent which will contain the funding end date. If the Provider and parent wish for the funding to continue they must submit a review application before the end date.

1.13.5 Providers must ensure the Servelec Provider Portal is updated with the Unique Reference Number as detailed on the decision form the parent have been sent from the Local Authority.

1.14 Indicative Budget allocation calculations

1.14.1 **Appendix A:** Provides details of the 2021-22 Hourly Rates for 3&4 year olds for each provider.

1.14.2 **Appendix B:** Provides details of the 2021-22 indicative budgets 3&4 year olds universal offer for each provider.

1.14.3 **Appendix C:** Provides details of the 2021-22 indicative budgets 3&4 year olds working family offer for each provider.

1.14.4 These appendices can be found in the "Financial Guidance" on the Hub (<https://thehub-beta.walthamforest.gov.uk/early-years-financial-regulations>)

Section 2.

Claiming FEEE funding from LBWF

This section sets out how Providers should claim funding for the Free Early Education Entitlement that they deliver to eligible children in the borough.

2.1 Process for claiming EYSFF, SENIF & EYPP funding for FEEE places provided to eligible 2, 3 & 4 year old children

2.1.1 The Provider must remain:

- a maintained school; or
- a registered company with Companies House; or
- a registered Charity with the Charities Commission; or
- a sole trader/self-employed/partnership registered with Her Majesty's Revenue & Customs (HMRC)

and meet all of the associated deadlines and legal requirements of the registering body.

- 2.1.2 EYSFF funding is to be used **ONLY** to offset expenditure incurred in delivering the Free Early Education Entitlement (FEEE) to eligible children as defined in the most up to date statutory guidance as issued by the DfE.
- 2.1.3 The LA will make EYSFF payments to Providers to deliver the FEEE.
- 2.1.4 The LA will make EYPP payments to providers in line with 1.7 above.
- 2.1.5 The LA will only make FEEE payments to Providers that have a current, signed **EYSFF PAYMENT TERMS AND CONDITIONS** agreement in place with the LA to deliver FEEE places.
- 2.1.6 The Provider **must** comply with the **EYSFF PAYMENT TERMS AND CONDITIONS** agreement requirements in order to be eligible for EYSFF funding.
- 2.1.7 The EYSFF Payment shall be paid into the main business bank account of the Ofsted registered organisation/person. The Provider must satisfy the Council that robust and secure financial policies, procedures and accounting systems and practices are in place that meet Legal Requirements, FEEE Guidance, maintain an appropriate audit trail of all transactions and ensure that EYSFF payments are used solely for the purpose of delivering FEEE places.
- 2.1.8 It is a statutory requirement for the Provider to ensure that invoices and receipts are clear, transparent and itemised allowing parents to see that they have received their child's free entitlement completely free of charge and understand fees paid for additional hours or services. A parental declaration form **MUST** be fully completed and signed by the parent/carer for **ALL** children taking up their FEEE entitlement and uploaded to the child record on the Servelec Provider Portal. A detailed guide on how to upload documents to the Servelec Provider Portal will be made available in the "User guide" section of the FEEE Guidance for Provider page on the Hub. (<https://thehub-beta.walthamforest.gov.uk/early-years-financial-regulations>)
- The information recorded in this parental declaration can form a useful basis for invoicing and receipt information provided to parents/carers. Example invoices can be found on the Hub at <https://thehub-beta.walthamforest.gov.uk/early-years-financial-regulations> under the "Downloads" section.
- 2.1.9 EYSFF is intended to deliver 15 or 30 hours a week of free, high quality, flexible childcare. It is not intended to cover the costs of meals, other consumables, additional hours or optional activities. **Providers can charge for meals and snacks, consumables and optional activities as part of the free entitlement delivery, as long as parents are not required to pay as a condition of taking up their child's free entitlement place.** Where parents choose to purchase additional hours of provision or optional activities, this is a private matter between the provider and the parent.

- 2.1.10 Local authorities are responsible for ensuring that all eligible children can take up their free entitlement place completely free of charge and that providers' charging policies enable this.
- 2.1.11 **Providers should ensure that they are completely clear and transparent about which hours / sessions can be taken as free provision and this should be consistent for all parents taking up free hours. Providers should also ensure they have clear invoicing structure in place for parents.**
- 2.1.12 Providers should publish a statement of how they deliver the free entitlement and any additional charges for optional activities outside of the entitlement. Charges should be set out clearly for parents who pay for meals and/or optional activities. A Terms & Conditions Fees and Policy prompt document to assist providers can be found on the hub at <https://thehub-beta.walthamforest.gov.uk/early-years-financial-regulations> under the "Downloads" section.
- 2.1.13 Providers should not require parents to pay a registration fee as a condition of taking up their child's **free** place.⁴
- 2.1.14 Providers should ensure that, if they charge parents a deposit to secure their child's free FEEE place, the deposit is refunded in full to parents within a reasonable time scale.⁵
- 2.1.15 The Provider **must** submit information/documentation requested by LA to evidence that EYSFF funding has been used to cover expenditure incurred in delivering the FEEE only.
- 2.1.16 **Reclaiming funding for absent children** – the LA will not penalise providers if children are booked to attend their free entitlement but are absent for a short period, such as illness or a holiday of up to two weeks (in a rolling 12 month period) and no fees should be charged for absence related to the free entitlement during this time. The LA will, however, use discretion where a child's absence is recurring, or is for extended periods. Where this occurs, the **Provider should submit details of the dates of absence that they are requesting payment for and a copy of the parents written request for extended absence and the reason for this via email to FEEEPvision@walthamforest.gov.uk. Payments will not be made for absences in excess of two weeks unless written approval has been provided by the LBWF.** No retrospective requests for absence payments will be accepted.
- 2.1.17 The 2 week rule will not apply where the setting has to close, or where the parent or child have been asked by the NHS / Public Health to self isolate if they have been in contact with someone that has tested positive for Covid. However, this does not include any period of self-isolation that is required if a family returns from abroad and are required to self isolate.

⁴ Applicable when child is only taking up their FEEE hours and not buying any additional hours or services.

⁵ Applicable when child is only taking up their FEEE hours and not buying any additional hours or services. The LA deem a reasonable timescale for the return of any deposit to be the end of the term in which the child takes up their place.

2.1.18 Before reclaiming funding for absent children, the LA will consider factors such as closures due to pandemics or government guidance as well as whether Providers could fill places from their waiting list, or alternatively use them more flexibly, and whether the absence will impact on Providers’ staffing levels.

2.1.19 The Provider **must** keep records i.e. receipts, financial accounts etc. to show how the EYSFF funding is being used for seven (7) years; and make these records available to LA officers for inspection.

2.1.20 The Provider **must** agree to repay, on demand, any EYSFF payment that may have been made incorrectly due to administrative errors or changes in headcount figures. Clawbacks or balancing payments due to termly reconciliations will be deducted / paid as outlined in **Appendix D**.

2.1.21 Providers are required to update attendance data via the Servelec Provider Portal to ensure payment accuracy, as this information will inform the predicted delivery hours for the month on which your monthly budget share payments are based. Any data updates in the Funding Claims” section should be done using Admission start and leaving dates in the Registration section of child records. A detailed step by step guide on how to make changes in the funding claims on the Servelec Provider Portal can be found in the “User guide section of the FEEE Guidance for Provider page on the Hub. (<https://thehub-beta.walthamforest.gov.uk/early-years-financial-regulations>)

2.1.22 Payments will be made in line with the schedule outlined in **Appendix D**.

2.2 Universal entitlement of up to 15 hr per week for all 3& 4 year olds and eligible 2 year olds

2.2.1 A maximum of 15 free hours per week over a minimum of 38 weeks can be provided in each 12 month period from the date at which the entitlement starts. This equates to a maximum of 570 hours per year. The entitlement can be ‘stretched’ over more than 38 weeks; however this will reduce the number of hours that can be provided each week. The table below outlines the max number of hours that will be paid for over a ‘stretched’ offer if a parent takes up their full entitlement:

	Hours per week (rounded to nearest 30 mins)	Number of weeks per year	Total hours per annum
1	11	51*	570
2	15	38**	570

* Full Academic year with no inset days

** Academic year minus 5 inset days

2.2.2 38 week based entitlement is comprised of 190 teaching/payable days per academic year and 5 inset days (2 Autumn, 2 Summer and 1 Spring) based on the LA published school Term dates:

<https://walthamforest.gov.uk/content/school-term-and-holiday-dates>

Inset days used for payments for 2020-21 will follow the financial year and are set as follows:

April 19 & 20th 2021 (Summer Inset Days);
September 1st & 2nd 2021 (Autumn inset days);
January 4th 2022 (Spring inset day).

Should providers want to take their 5 Inset days on different dates to those above they must submit these in writing to FEEEPvision@walthamforest.gov.uk.

2.3 Up to 30 hr per week entitlement for eligible 3& 4 year olds

2.3.1 Providers who meet the criteria to deliver places as outlined in the **EYSFF PAYMENT TERMS AND CONDITIONS** agreement will receive the hourly rate, outlined in Appendix B, for every eligible child they provide with a place.

2.3.2 Details of the eligibility criteria for up to 30hrs per week FEEE for working parents can be found at: www.walthamforest.gov.uk/freechildcare

2.3.3 **Payments will not be made to providers who have failed to confirm that the unique reference number** provided to them by the parent/carer requesting the place is eligible, and that they are entitled to a place. Regular checks will be carried out by the LA to establish eligibility of children whose details are submitted by the Provider on their headcounts via the Servelec Provider Portal. Any payments made in respect of children who are not eligible as part of these checks will be deducted from the next available payment to the provider.

2.3.4 Providers must ensure that they have **obtained** and **validated** an HMRC eligible unique reference number for all working parents wanting to take up to 30 hours FEEE per week which must be documented on the parental declaration form as well as the Servelec Provider Portal.

2.3.5 Providers must validate all 30 hours Free Childcare codes. Once you have registered and been trained on the use of the Servelec Provider Portal, you can then start validating the 30 hour codes that you have received from your parents. A detailed guide to using the Servelec Provider Portal will be made available on the "Waltham Forest Council Financial Guidance for FEEE providers" hub page at: <https://thehub-beta.walthamforest.gov.uk/early-years-financial-regulations>

Once you have completed and submitted the information, the system will confirm the validity of the code. In cases where 30 Hour entitlement is split between 2 FEEE providers, both providers are required to validate the Code (DERN).

- 2.3.6 Parents must complete all sections of the Parental Declaration Form, providing details of the provider names and FEEE hours taken up at each provider. A detailed step by step guide on how to validate and revalidate 30 hour codes (DERN) can be found in the “User guide” section of the FEEE Guidance for Provider page on the Hub. (<https://thehub-beta.walthamforest.gov.uk/early-years-financial-regulations>)
- 2.3.7 Parents must reconfirm 30 hour eligibility every 3 months⁶. Each validated and re-validated 30 hour code will produce three dates:
- a ‘validity start date’ - when it was issued;
 - a ‘validity end date’ – the parents deadline for reconfirming; and
 - a ‘grace period’ – the Last date they should receive their additional 15 hours.
- 2.3.8 Providers must revalidate 30 hour codes (DERN) on the Servelec Provider Portal every three months once parents have reconfirmed eligibility through their HMRC Online account. Validity end dates can be tracked effectively through the Servelec Provider Portal to assist providers in monitoring the validity of each code (DERN).
- 2.3.9 The LA will complete batch checks of all eligibility code at six fixed points in the year; this will clarify whether parents are still eligible and the grace period end date if they are no longer eligible. If the LA establishes that a parent has fallen out of eligibility the provider will be notified in order to take appropriate action. Providers must ensure their Pupil Registers on the Servelec Provider Portal are updated regularly to ensure that the LA are aware of where children are taking up their place and can provide details of the eligibility cease date to the provider offering the place as soon as possible.

The table below outlines the key dates for reconfirming eligibility.

Validity End date, as provided to parent by HMRC via on-line account	Approximate date for LA batch check of eligibility codes	Grace period end date/ Placement cease date
1 Jan – 10 Feb	11 Feb	31 Mar
11 Feb – 31 Mar	1 April	31 Aug
1 Apr – 26 May	27 May	31 Aug
27 May - 31 Aug	1 Sept	31 Dec
1 Sept – 21 Oct	22 Oct	31 Dec
22 Oct – 31 Dec	1 Jan	31 Mar

- 2.3.10 If a parent is no longer eligible for the additional FEEE hours for working parents, they are still entitled to the 15hrs per week universal entitlement, and can purchase additional hours should they wish to.

⁶ Via the parents HMRC on line account

2.3.11 If the parents circumstances change and gain employment again they can reapply via their HMRC online account for a new eligibility code for the 30hrs/working parent's entitlement.

2.3.12 Eligible parents can access up to 30 free hours (between 16 and 30 hours) per week over a minimum of 38 weeks in each 12 month period from the date at which the entitlement starts. This equates to a maximum of 1140 hours per year. The entitlement can be 'stretched' over more than 38 weeks; however this will reduce the number of hours that can be provided each week. The table below outlines the max number of hours that will be paid for over a 'stretched' offer if a parent takes up their full entitlement:

	Hours per week (rounded to nearest 30 mins)	Number of weeks per year	Total hours per annum
1	22	51*	1140
2	30	38**	1140

* Full Academic year with no inset days

** Academic year minus 5 inset days

2.4 Two year old FEEE payment

2.4.1 Providers who meet the criteria to deliver places as outlined in the **EYSFF PAYMENT TERMS AND CONDITIONS** agreement will receive the hourly rate, outlined in 1.9.1, for every eligible child they provide with a place.

2.4.2 **Providers must ensure that they have obtained an eligible unique reference number for all children taking up a 2 year old FEEE place which must be documented on the parental declaration form as well as the Servelec Provider Portal.**

2.4.3 **Payments will not be made to providers who have failed to confirm that the unique reference number** provided to them by the parent/carer requesting the place is eligible, and that they are entitled to a place. Regular checks will be carried out by the LA to establish eligibility of children whose details are submitted by the Provider on Servelec Provider Portal. Any payments made in respect of children who are not eligible as part of these checks will be deducted from the next available payment to the provider.

2.4.4 Parents who are eligible under financial criteria who have checked their eligibility via the Servelec Provider Portal will have a unique reference number produced by the system.

2.4.5 **Eligibility URNs must be checked by the provider to confirm eligibility and, once confirmed, must be entered onto the parental declaration (Appendix A) and on the child record in the Servelec Provider Portal.**

2.4.6 **Children who are eligible under the Looked After, Adoption, Residence or Special Guardianship Order or receipt of Disability Living Allowance**, should provide documentary⁷ evidence of this to the provider.

2.4.7 The eligibility for the free early education entitlement for two year olds has been extended to include the following eligible groups:

- Children of Zambrano carers;
- Children in families granted immigration leave on the basis of Article 8 of the European Convention on Human Rights (ECHR) and subject to a condition that they have no recourse to public funds;
- Children of families supported under section 4 of the Immigration and Asylum Act 1999 (“the 1999 Act”);
- Children of families supported under section 17 of the Children Act 1989 who also have no recourse to public funds.

2.4.8 Prior to offering a place to a child eligible under and of the groups outlined in 2.4.7 or 2.4.8 above, providers should upload the documentary evidence to the child record on the Servelec Provider Portal and notify the LA with an email to childcare@walthamforest.gov.uk. Eligibility will then be checked centrally and, once confirmed, a unique reference number will be given to the provider. This unique reference number must be entered onto the parental declaration and Servelec Provider Portal.

2.4.9 Failure to update the Servelec Provider Portal with the appropriate eligibility reference number will result in a delay in payment.

2.4.10 Payments will be made in respect of FEEE hours provided to children with the D.O.B outlined below in the relevant headcount period:

Schools & Private, Voluntary and Independent Sector

Schools & PVI Sector	Summer Term 1st Apr-31st Aug 21	Autumn Term 1st Sept-31st Dec 21	Spring Term 1st Jan-31st Mar 22
2 Year Olds with a D.O.B between	1 st Apr 18 to 31 st Mar 19	1 st Sep 18 to 31 st Aug 19	1 st Jan 19 to 31 st Dec 19

2.5 Three and four year old FEEE payments

2.5.1 Payments will be made in respect of FEEE hours provided to children with the D.O.B outlined below in the relevant headcount period:

Schools & Private, Voluntary and Independent Sector

Schools & PVI Sector	Summer Term 1st Apr-31st Aug 21	Autumn Term 1st Sept-31st Dec 21	Spring Term 1st Jan-31st Mar 22

⁷ For Looked After Children- written confirmation from child’s social worker. Adoption, Residence or Special Guardianship - copy of the Certificate/ Order. Disability Living Allowance- copy of 2020/21 benefits letter

3 & 4 Year Olds with a D.O.B between	1 st Sep 16 to 31 st March 18	1 st Sep 17 to 31 st Aug 18	1 st Sep 17 to 31 st Dec 18
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2.5.2 Due to the number of children that may start at some settings in September, particularly in schools where there are 2-3 form entries, payments will be made from the term start date in September 2021, and not the actual start date to facilitate a phased transition. This transition period ends 2 weeks after the beginning of term. The actual start date will be used for all children with a start date after the 2 week transition period.

2.6 FEEE payments reception age children – deferred reception places

2.6.1 The majority of 4 year old children will be taking up a place in a reception class in a school. Payments to school in respect of children in their reception class/es are made via the schools DSG budget allocation

2.6.2 We would therefore only expect to see children on the Servelec Provider Portal from a maintained school with reception class D.O.B's where the child has formally deferred their reception place via the LBWF's school admissions service and remains in the schools nursery class.

2.6.3 A child reaches compulsory school age the term after their fifth birthday. Some parents will feel their child is simply not ready to start school in the September following their fourth birthday and there is flexibility in the admissions code to allow for this. Parents can request that:

- Their child attends part-time until they reach compulsory school age. This must be requested directly with the school once a school place has been offered.
- The date their child is admitted is deferred until later in the school year but not beyond the point at which they reach compulsory school age and not beyond the beginning of the final term of the school year for which it was made.
- For summer born children, their child is admitted outside of their normal age group.

Parents/carers must inform the LBWF's School Admissions Service if they wish to defer their child's school place.

2.6.4 **Providers should obtain written confirmation from the LBWF's schools admission service that a parent/carer has formally deferred their maintained school reception place and uploading the document to the Servelec Provider Portal and notify the LA with an email to FEEEPvision@walthamforest.gov.uk.** Information regarding deferred places will be verified by the FEEE finance officer and the LBWF's school admission service before payments are processed.

2.6.5 The school or PVI sector provider that is providing an FEEE place to a child who has formally deferred taking up their school reception place, via the LA school admissions service, can claim EYSFF payments for a maximum of

25hrs per week over a minimum of 38 weeks or 950 hours in each 12 month period from the date at which the entitlement starts e.g.

Deferred reception place (4 Year olds only)

	Hours per week (rounded to nearest 30 mins)	Number of weeks per year	Total hours per annum
1	18.5	51*	950
2	25	38**	950

* Full Academic year with no inset days

** Academic year minus 5 inset days

Payments will be made up to the time the child takes up their maintained school reception place (see 2.6.3) at the rates outlined in section 1. A Child must take up their place no later than the start of the term after their 5th birthday

2.6.6 **The school that is holding the reception place open for a child who has deferred their place, can include the child on their reception class returns for the terms that the child attends only.** Their details must **NOT** be included on the FEEE Nursery class in Servelec Provider Portal once the child has taken up their deferred reception place. Providers must enter a last day in Nursery as leaving date on the child's record on the Servelec Provider Portal.

2.6.7 Schools and PVI settings can only claim EYSFF payments for up to 25 hours per week for those children that have formally deferred their maintained school reception place⁸. The standard statutory hours outlined in 2.2.1 can be claimed for 4 year olds attending a school or PVI provider, where the parent has not deferred their reception place.

2.6.8 Payments will be made in respect of FEEE hours provided to children with the D.O.B outlined below in the relevant headcount period:

Private, Voluntary and Independent Sector (including Independent Schools)

Schools & PVI Sector	Summer Term Apr-Aug 21	Autumn Term Sept-Dec 21	Spring Term Jan-Mar 22
Reception Age Children with a D.O.B between	1 st Apr 16 to 31 st Aug 16	1 st Sep 16 to 31 st Aug 17	1 st Jan 17 to 31 st Aug 17

2.7 Termly Data Submissions on the Servelec Provider Portal

⁸ Children who defer their reception place will not be entitled to the extended up to 30hrs FEEE entitlement but will be eligible for a maximum of 25hrs per week over a minimum of 38wks (or 950hrs over a 12 month period) from the date that the entitlement starts, which is equivalent to the hours they would be entitled to had they taken up their reception class place.

- 2.7.1 Providers should regularly update their Servelec Provider Portal with details of actual days of attendance for all eligible children claiming the FEEE.
- 2.7.2 Termly reconciliation of the Servelec Provider Portal will be processed in the month after the end of term.
- 2.7.3 Children's data must be entered onto the Servelec Provider Portal at the point of admission/commencement of their place.

Updating the Servelec Provider Portal regularly in the term will allow the setting to identify whether there is a significant variance (**increase or decrease of 5 children or more for schools and setting and any increase or decrease for childminders**) between the hours that they predict they will provide, and the hours on which their monthly payments have been based.

If this is the case settings should **contact the LA to advise asap** so that monthly payments can be adjusted during the headcount period to reflect the predicted increase/decrease. This will avoid significant under/overpayments when the termly data analysis is completed at the end of the funding period.

- 2.7.4 Each individual settings monthly budget can be calculated using the estimated FEEE budgets that can be found in Appendix B and C that were presented to Schools Forum in February 2021. These can be found at: <https://thehub-beta.walthamforest.gov.uk/early-years-financial-regulations>
- 2.7.5 If any reconciliation exercise results in a need to adjust a Provider's monthly payment or to claw-back overpayments, payments will be adjusted in the following term.
- 2.7.6 Providers **must** ensure that all children taking up a 2 year old or 30 hours FEEE place have unique eligibility numbers which **MUST** then be documented on the parental declaration form as well as the Servelec Provider Portal.

2.8 Funding to support disadvantaged ,vulnerable and SEND children

2.8.1 Disability Access Fund (DAF) payments

- 2.8.1.1 **Children who are eligible for DAF funding** should provide documentary evidence of this to the provider. Providers should upload this documentary evidence⁹ to the child's record on the Servelec Provider Portal and notify the LA with an email to FEEEPvision@walthamforest.gov.uk. Eligibility will then be checked centrally and, once confirmed, a unique reference number will be given to the provider. This unique reference number must be entered onto the parental declaration and Servelec Provider Portal. A detailed Step by Step guide on how to claim DAF funding will be provided in the "User Guide" section

⁹ evidence of the child's disability living allowance award letter.

of the FEEE Guidance for Provider page on the Hub (<https://thehub-beta.walthamforest.gov.uk/early-years-financial-regulations>)

2.8.2 2 Year Old SEND - Non FEEE (for children NOT on an EHC Plan)

- 2.8.2.1 If an application for SENIF funding is successful the setting will receive confirmation of the SENIF Panel decision as well as a unique reference number. This unique reference number must be entered on the Servelec Provider Portal. A detailed Step by Step guide on how to add Unique reference numbers on the Servelec Provider Portal will be available in the “User Guide” section of the FEEE Guidance for Provider page on the Hub (<https://thehub-beta.walthamforest.gov.uk/early-years-financial-regulations>)
- 2.8.2.2 If parents are expected to pay for some hours; this will be specified in the SEND panel decision document. This is a condition of being offered a place. You **MUST** ensure that parents pay for the hours specified in addition to the free hours.

2.9 Early Years Pupil Premium Payments

- 2.9.1 EYPP payments will be made to Providers in line with 1.6 above.
- 2.9.2 Provider will receive £0.53 per hour for every eligible 3 & 4 year old child (DfE criteria) provided a place and whose details are submitted on Servelec Provider Portal.
- 2.9.3 Providers must ensure that **all** children taking up 3-4yr old FEEE place that are eligible **under financial criteria** for an EYPP payment have been assessed through the Servelec Provider Portal and documented on the parental declaration form. Further information on eligibility checking can be found at: <https://thehub-beta.walthamforest.gov.uk/early-years-funding> . A detailed Step by Step guide on how to assess for EYPP Eligibility on the Servelec Provider Portal will be available in the “User Guide” section of the FEEE Guidance for Provider page on the Hub (<https://thehub-beta.walthamforest.gov.uk/early-years-financial-regulations>)
- 2.9.4 **EYPP payments will not be made to providers who have failed to confirm eligibility through the Servelec Provider Portal.**
- 2.9.5 Parents who are eligible under the Looked After, Adoption, Residence or Special Guardianship Order, should obtain documentary¹⁰ evidence of this. This documentary evidence should be uploaded to the each eligible child’s entry on Servelec Provider Portal. The LA will then confirm eligibility and provide a unique reference number to confirm this. This unique reference number must be entered onto parental declaration form and recorded in the Servelec Provider Portal. A detailed Step by Step guide on How to upload documents to Servelec Provider Portal will be available on the “User Guide”

¹⁰ For Looked After Children- written confirmation from child’s social worker. Adoption, Residence or Special Guardianship - copy of the Certificate/ Order.

section of the FEEE Guidance for Provider page on the Hub (<https://thehub-beta.walthamforest.gov.uk/early-years-financial-regulations>)

2.9.6 Payments will be made in respect of eligible children as part of the end of term reconciliation payment in the following term

2.10 Suspension of Agreement

2.10.1 Where a provider's Ofsted registration is suspended, the FEEE Contract/payments will cease until the suspension is lifted by Ofsted. Written confirmation will be provided by the Local Authority regarding when suspension has been lifted and payments will recommence. No payments will be made during the suspension period.

2.11 Termination of Agreement

2.11.1 The Council shall be entitled to terminate this Agreement and withdraw funding upon a breach of statutory requirements or a breach of any of the terms and conditions of the agreement, which is incapable of remedy.

2.11.2 The Council may terminate this Agreement in any of the following circumstances:

2.11.3 where:

2.11.3.1 the Early Years Provision is for a child who meets the condition in regulation 3(2);

2.11.3.2 in the immediately preceding Early Years Provision inspection report, published in respect of the Early Years Provision by the said Early Years Provider, the overall effectiveness of the said Early Years Provision was awarded a grade of "good" or higher; and

2.11.3.3 the overall effectiveness of the said Early Years Provision falls below a grade of "good"

Provided that:

(a) the Early Years Provider is not a childminder who is registered with an Early Years childminder agency;

(b) the Early Years Provider is not a governing body of a maintained school

2.11.4 where:

2.11.4.1 the Early Years Provision is for a child who meets the condition in regulation 3(3);

2.11.4.2 in the immediately preceding Early Years Provision inspection report, published in respect of the Early Years Provision by the said Early Years Provider, the overall effectiveness of the Early Years Provision was awarded a grade of "satisfactory" or "requires improvement" or higher; and

2.11.4.3 the overall effectiveness of the Early Years Provisions falls below a grade of "satisfactory" or "requires improvement", as the case may be.

2.11.5 where:

2.11.5.1 the Early Years Provision is for a child who meets the condition in regulation 3(2);

2.11.5.2 the Early Years Provision is by an Early Years Provision childminder who is registered with an Early Years childminder agency;

2.11.5.3 in the immediately preceding Early Years Provision inspection report, published in respect of the Early Years childminder agency, the Early Years childminder agency was awarded a grade of “good” or higher; and

2.11.5.4 the said Early Years childminder agency is awarded a grade which is below “good”

2.11.6 where:

2.11.6.1 the Early Years Provision is for a child who meets the condition in regulation 3(3);

2.11.6.2 the Early Years Provider is a childminder who is registered with a childminder agency;

2.11.6.3 in the immediately preceding Early Years Provision inspection report, published in respect of the Early Years childminder agency, the Early Years childminder agency was awarded a grade of “requires improvement” or higher; and

2.11.6.4 the childminder agency is awarded a grade which is below “requires improvement”

2.11.7 where:

2.11.7.1 the Early Years Provider is a childminder who is registered with an early years childminder agency;

2.11.7.2 the Early Years childminder agency has notified the local authority that, in the reasonable opinion of the agency, the Early Years Provision by the said Early Years Provider has ceased to be of satisfactory quality.

2.11.8 The Council shall be entitled to terminate this Agreement immediately upon breach of any of the terms and conditions of this Agreement which is incapable of remedy.

2.11.9 For the avoidance of doubt, the Council shall be entitled to terminate this Agreement immediately if the Provider breaches any of the conditions set out in clause 14.8 of this Agreement.

2.11.10 The Council shall be entitled to terminate this Agreement by giving reasonable notice in writing if the Provider fails to remedy any breach which

is capable of remedy within a reasonable period which the Council may specify in any written notice advising the Provider of the breach.

2.11.11 As per clause 4.7 if the Provider fails to comply with Schedules 1 and 7 in hiring, employing or engaging staff (including any volunteers) and fails to rectify this breach within the period of time specified by the Council then the Council will be entitled to terminate this.

2.11.12 The Council shall endeavour to give Providers a minimum of 3 months written notice of termination of their Agreement to enable Parents to make alternative arrangements for their Children.

2.11.13 The period of notice to be allowed for remedying a remediable breach and the period of notice required to terminate the Agreement following the Provider's failure to remedy such breach shall be determined by the Council in its absolute discretion having regard to the severity of the breach and the need to enable Parents to make alternative arrangements for their Children

2.11.14 In all cases where funding is withdrawn, the local authority will give the provider a written explanation of the decision to withdraw funding.

2.11.15 Where the EYSFF Payment Terms and Conditions Agreement is terminated the Provider shall have a right of appeal to the Director of Learning & System Leadership. The appeal should be made within 21 days of receipt of the written notice and be in the form of a written report outlining the reason(s) for appeal.