

Early Years Inclusion and Childcare Service

Policy for the Removal of Free Early Education Funding (FEEE)

This policy sets out the circumstances under which providers will have their funding removed, withheld, or the need to reapply.

1) Suspension by Ofsted / Childminder Agency (CMA)

Funding will be withdrawn from providers who have been suspended by Ofsted or their registered CMA.

If the suspension is lifted, funding will be reinstated in line with our funding policy. Funding will only be available from the date the suspension was lifted and will not be backdated.

2) Inadequate / Ineffective / Not Met judgement given by Ofsted or CMA

The Local Authority (LA) **will not fund** any **new** eligible children from aged 9 months old until they leave for school in a provision graded Inadequate / Ineffective / Not Met by Ofsted or their registered CMA, following the publication of their inspection report on the Ofsted website / or via notification from the CMA.

Nor will existing 3- and 4-year-old children who become eligible for the extended 30-hour entitlement whilst a provider has one of these grades be able to use any of the additional extended hours in this setting.

If you demonstrate that you are working actively with the LA / your registered CMA to address the Ofsted / CMA key actions, the LA **will** continue to fund those **existing** children who have been receiving funding.

Where an Ofsted registered provider or CMA childminder has received 2 consecutive Inadequate judgements, the LA will **cease funding as soon as practicable** once the inspection report has been published on the Ofsted website / or via a notification from the CMA, and they will be removed from the Directory of FEEE Providers. Only in exceptional circumstances will the LA consider continuation of payment of Early Years Funding to providers rated as Inadequate twice by Ofsted or the CMA. If a provision's Ofsted / CMA inspection grade improves following their second Inadequate grade, they will be allowed to reapply for the funding but will have to complete a new FEEE application form and submit the relevant banking evidence required.

3) Requires Improvement judgement given by Ofsted / CMA

The LA **will not** fund any **new** eligible 2-year-olds who are in receipt of the disadvantaged funding (for families who are receiving some other form of government support) in a provision graded Requires Improvement by Ofsted / their registered CMA following the publication of their inspection report on the Ofsted website / or via a notification from the CMA.

If you demonstrate that you are working actively with the LA / your registered CMA to address the Ofsted / CMA key actions, the LA **will** continue to fund those **existing** children claiming the funding in your provision, irrespective of their age.

It is at the discretion of the LA to fund any new eligible 2-year-olds who are in receipt of the disadvantaged funding (for families who are receiving some other form of government support) in a setting that has a Requires Improvement judgement.

The LA deems it vital that early years providers can demonstrate their capacity to improve. Therefore, removal of funding may be considered under the following circumstances:

- A provider who is judged as Requires Improvement by Ofsted / their registered CMA at two consecutive inspections
- A provider who is judged as Requires Improvement by Ofsted / their registered CMA, and who at their next Ofsted inspection is judged 'Inadequate'.

4) CMA deemed 'Ineffective' by Ofsted

The LA reserves the right to withdraw funding to all childminders registered to a CMA following a second consecutive inspection judgement of 'Ineffective' as soon as practicable, once the Ofsted report has been published.

However, the LA will continue to fund the childminders if the CMA has assessed them as being of acceptable quality and Ofsted has not identified any concerns about the CMA's assessment arrangements. The LA will endeavour to treat all of the agency childminders in a comparable way to Ofsted-registered providers with equivalent judgements.

The LA will determine an appropriate timeframe for withdrawing funding once the Ofsted report has been published. When withdrawing funding, the LA will consider the continuity of care for existing children already claiming the free hours and the Ofsted monitoring information about the CMA. The LA will also take into account parent's / carer's wishes.

5) CMA registration is cancelled by Ofsted

In the event that a childminder is registered by a CMA which after inspection by Ofsted has its registration cancelled, funding may be withheld until such a time that the LA has confirmation of your registration with a relevant Ofsted register. At such point funding will be administered in line with our funding policy.

6) British values

The LA will not fund providers who do not actively promote fundamental British values or if the provider is considered to promote views or theories as fact when contrary to the scientific or historical evidence and explanations.

7) Causes for concern

The Local Authority will inform Ofsted / the CMA where it has concerns over the quality of early years provision.

8) Consistent failure to complete / return mandatory documents

Providers who fail to submit their mandatory requests for information by the given date i.e., the Early Years Census, may have their funding withheld.

Without a valid signed Provider Agreement, no funding will be administered, and providers will be removed from the Directory of Early Years Providers.

9) Failure to administer the FEEE in line with the guidance

Failure to administer and implement the FEEE funding in line with statutory and local guidance, may result in removal or withholding the funding. Providers will need to demonstrate that they are administering the funding appropriately to have their funding reinstated.

Please see the link at the bottom of this policy document for details of statutory and local guidance.

10) Making inaccurate claims for funding

If early years providers are found to make consistently inaccurate or fraudulent claims, funding will be removed. Legal action may also be considered.

The removal of funding process

Any reported breach of the terms and conditions of FEEE, as described above, will immediately trigger a **'Provider Causing Concern'** status. The process is outlined below:

- The Lead Officer will state in writing any improvements required and the relevant timescales
- Failure to meet the requirements will result in the referral of the provider to the Removal of Funding Panel
- The Panel will assess the level of support received from the Early Years Inclusion and Childcare Service Officers and the Ofsted monitoring reports (where relevant) to ascertain the capacity for improvement
- Decisions taken by the Panel will be confirmed in writing. Where necessary, steps will be taken to remove funding with immediate effect
- Where the affected provider is registered with a CMA, the Lead Officer will also put their concerns in writing with the expectation that they take responsibility for monitoring any action required and alerting the Local Authority to the outcome of requested actions
- Whereby the issue lies with the CMA receiving an 'Ineffective' outcome when inspected by Ofsted, which may then have implications for access to funding for their registered childminders, the CMA will be responsible for ensuring regular liaison with the LA to demonstrate how they are working towards an outcome of 'Effective'.

Providers wishing to re-join the Directory of Early Years Providers will not be considered until all actions as required by Ofsted / the CMA and the LA have been carried out.

The right of Appeal

In the event of the removal of FEEE funding, providers have a right of appeal to the Childcare Sufficiency and Organisational Development Team Manager within 10 days of receiving notification of the removal, as per our [appeals policy](#).

[Further information regarding the administration of FEEE](#)

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