

# Free Early Education Entitlement Guidance 2017

## Introduction

Welcome to Leicestershire County Council's guidance for the delivery of the Free Early Education Entitlement (FEEE) for children aged 2, 3 & 4 years.

Providers should note that this document is applicable from the autumn term 2017 onwards and should be read in conjunction with the Department for Education's (DfE) statutory guidance as of the 1<sup>st</sup> September 2017.

For further advice, guidance and good practice ideas and to access a copy of the statutory guidance and accompanying policies please visit: <http://resources.leicestershire.gov.uk/feee>.

Please note that unless specified otherwise, when referring to 3 & 4 year old funding, advice and guidance should also be applied to the 30 hours extended entitlement.

## 1. The Free Entitlement

There are currently 3 streams of funding which can be accessed:

1. The 3 and 4 year old universal offer. This offers all children up to a maximum of 570 hours per annum or 15 hours per week for up to 38 weeks per year.
2. The 3 and 4 year old extended offer. This offers eligible the children the chance to take up to a maximum of 1140 hours per annum or 30 hours per week for up to 38 weeks per year. Eligibility for this funding has to be checked by parents and validated by providers every 3 months. [Information on eligibility criteria](#).
3. The 2 year old funding offer. This offers eligible the children the chance to take up to a maximum of 570 hours per annum or 15 hours per week for up to 38 weeks per year. Once a parent is eligible for this funding they will remain eligible even if their circumstances change. Parents are not expected to re-check their eligibility. Access [information on eligibility criteria](#).

Where a child accesses provision part way through a term, funding is pro-ratad accordingly.

Parents may want to take less hours in term time and bank hours to use in holiday periods. This is known as a stretched offer and is something Leicestershire supports. If you want advice and guidance on how to implement a stretched offer you can contact us on 0116 305 5788 or email [feee@leics.gov.uk](mailto:feee@leics.gov.uk).

### 1.1 Eligibility of children based on their age

The following table shows when a child is eligible to receive FEEE Funding from (all dates are inclusive). This is applicable to the all 2, 3 & 4 year old funding.

## Eligibility table

A child born between:	Will be eligible for a free place from:
1 April and 31 August.	The start of the autumn term after their 3 <sup>rd</sup> birthday, or if eligible, the start of the autumn term after their 2 <sup>nd</sup> birthday, until statutory school age.
1 September and 31 December.	The start of the spring term after their 3 <sup>rd</sup> birthday, or if eligible, the start of the spring term after their 2 <sup>nd</sup> birthday, until statutory school age.
1 January and 31 March.	The start of the summer term after their 3 <sup>rd</sup> birthday, or if eligible, the start of the summer term after their 2 <sup>nd</sup> birthday, until statutory school age.

### 1.2 Additional entitlement for children with Special Educational Needs and Disabilities (SEND)

Eligible children aged 2, 3 & 4 years old, with SEND, who attend either Wigston Menphys Centre, or Sketchley Hill Menphys Nursery Unit can access up to a total of 798 hours per annum which equates to 21 hours of FEEE funding per week for 38 weeks if taken during term time. This additional 6 hours of provision is designed to support the child's time in a specialist setting whilst also providing opportunity to take up some FEEE funded time in a mainstream setting as well.

Providers are expected to claim for any additional SEND take up as they would all other claims for the FEEE funding.

Please note that if parents become eligible for the 30 hours extended entitlement, this will supersede the above 21 hours entitlement. There will not be an additional 6 hours funding for parents accessing the 30 hours funding.

The local authority recognises the costs providers incur when supporting children with SEND and top-up funding maybe available to contribute towards these costs. [Information on the application process and the criteria.](#)

### 1.3 Expectations of providers delivering the FEEE

The local authority requires that:

- any additional goods or services supplied by providers are not a condition of children accessing their FEEE funding and additional financial commitments do not create a barrier to parents accessing the funding
- where children attend for FEEE funded hours only, parents/carers should not be required to pay a retainer and where a deposit is requested arrangements should be made to return the deposit within a suitable timeframe

- providers support vulnerable families, in line with the Equality Act 2010, SEND code of practice and the statutory Early Years Foundation Stage (EYFS), by removing barriers of access to FEEE funded places, working with parents/carers to give each child the support they need to fulfil their potential.

## 1.4 Flexibility

Early years providers are expected to operate in line with Leicestershire's local offer of flexibility which has been determined, for those supporting the 15 hours universal offer, as offering FEEE-funded places in one of the following ways as a minimum:

- hours a day x 5 days a week
- 5 hours a day x 3 days a week.

Leicestershire may support any other combination of 15 hours within the recognised constraints in order to meet local demand.

Leicestershire does not currently have a local offer in relation to the 30 hours extended entitlement, however we will be working closely with providers to ensure sufficiency and flexibility of places which meet parental demand where possible.

Leicestershire acknowledges that it may not be always be possible for parents to access the hours they want at the provider of their choice.

The following constraints apply regarding the way in which parents/carers can access FEEE funded hours; this applies to 2, 3 & 4 year old funding:

- no more than 10 hours in any one day.
- no access before 6.00am or after 8.00pm.
- funded time can be accrued throughout the day and does not have to be taken in a single block of time.
- no more than 2 providers should be accessed in 1 day.
- Leicestershire would recommend that children accessing the 2 year old funding do not attend more than one provider.
- There is no longer a minimum claim for providers.
- Funding can be offered 7 days a week according to your business needs.

The local authority requests that where reasonably practicable providers offer the FEEE funding in such a way that children are able to take up their funded hours in continuous blocks to avoid artificial breaks being created throughout the day, for example over the lunch time period.

## 1.5 Quality

Leicestershire County Council will fund providers rated:

***Outstanding, Good or 'Met' by Ofsted:*** for all children aged 3 and 4 and eligible 2 year olds.

***Requiring Improvement/Satisfactory by Ofsted:*** for all children aged 3 and 4 years old.

At present, Leicestershire will not fund eligible 2 year old children in settings rated as 'Requiring Improvement/Satisfactory' by Ofsted. Where providers already claim for eligible 2 year olds and subsequently receive a 'Requiring Improvement' judgement by Ofsted, **no new** 2 year olds will be funded in that provision until the Ofsted grade is improved upon. However, funding will continue to be paid for children who have previously been claimed for.

For those providers who are rated **Inadequate or 'Not Met'** the Council reserves the right to withdraw FEEE funding. Leicestershire will consider each case individually and act in accordance with its [removal of funding policy](#).

In all cases providers must ensure that their grading is improved to that of at least 'Requiring Improvement' at the time of the next Ofsted inspection and will be expected to work with relevant officers of the local authority.

In line with changes to Ofsted's registration process that links established early years providers to any new early years provision set up by the same company / organisation or individual, the local authority also reserves the right to link early years providers in this way. This may have implications for access to funding where linked provisions are seen to be less than adequate in their Ofsted inspections.

In relation to the quality of provision, providers should note that Ofsted will, as part of their inspection schedule, make a judgement as to whether providers are seen to be actively promoting fundamental British values (democracy, the rule of law, individual liberty, mutual respect and tolerance of different faith and beliefs) as reflected in the EYFS. The promotion of fundamental British values should be exemplified in an age appropriate way. Where concerns are raised and well evidenced, the local authority is required to take relevant action. Providers should be aware that this may mean access to funding is withheld, withdrawn or removed as appropriate.

## **2. Funding the Free Entitlement**

In order to receive FEEE funding for 3 and 4 year olds and eligible 2 year olds, providers are required to sign up to the local authority's Directory of Early Years Providers and must:

- be registered by Ofsted on the early years register and subsequently be in receipt of a Certificate of Registration
- or fall under a schools Ofsted registration
- or be considered as 'exempt' from the Ofsted Registration process
- or be part of a registered Childminding Agency (CMA)
- be of the appropriate Ofsted / CMA grade as discussed above
- agree to the terms and conditions stipulated in the Provider Agreement.

Those providers delivering places for 3 and 4 year olds will receive a rate calculated through the Early Years Single Funding Formula (EYSFF). This formula offers a single base rate for all providers with a deprivation supplement calculated using the child's address.

Those providers who are supporting the delivery of the 2 year old funding will be paid a flat rate per child, per hour; no additional supplements will be paid.

## **2.1 Early Years Pupil Premium (EYPP)**

Providers may claim for additional EYPP funding, designed to support the most vulnerable 3 and 4 year olds. This funding equates to a maximum of £300.00 per annum per child and is paid as a lump sum on a termly basis as part of the final payment. [Further information on EYPP eligibility, claiming for funding and how to evidence use of the additional funding](#). Eligibility for the EYPP must be rechecked annually to ensure the continuity of funding.

Each year the local authority releases an indicative budget which estimates the amount of funding you may receive in the following financial year based on the previous year's take up. This will not include any funding received through the deprivation or EYPP elements.

## **2.2 Disability Access Fund (DAF):**

3 & 4 year old children in receipt of Disability Living Allowance (DLA) and in receipt of the free entitlement are eligible for the DAF. This is paid at a fixed rate of £615 per annum. Parents / carers can nominate 1 setting only to receive this funding. Providers should confirm with parents on an annual basis that they wish to re-nominate the setting for receipt of this funding. Providers must alert the local authority if the child is no longer in receipt of DLA or the parent no longer wants to nominate the setting as the funding will continue automatically.

This will not provide parents / carers with a discount but instead allows providers to maximise the potential of children in their setting through the support of additional resources, staff or activities, making reasonable adjustments where necessary to ensure a quality experience for all children.

## **2.3 The funding process for 2, 3 and 4 year olds**

Parents/carers invoices should show clearly the amount of funded hours accessed and additional services / resources accessed and the cost of these.

Any charges in relation to services/time accessed outside the FEEE funded hours should be agreed with parents/carers prior to any charges being made. Providers should ensure all information relating to their costs are clear and transparent for parents/carers, making sure their prospectus, contracts and invoices all reflect accurate information.

Additional hours / services or resources should not be a condition to accessing the free funded hours, nor should they create a barrier to parents accessing their full entitlement. Where practicable parents/carers should be given the option to 'opt' out of additional services. Where this is not practicable providers should have clear policies in place to share with parents. Where possible providers should consider if there is any alternative funding that may be used to subsidise the cost for the parent, this may mean utilising EYPP funding if the child qualifies or supporting the cost of the 'extras' from the deprivation supplement received. If possible, you should also consider whether offering the parent alternative times to access their hours would mean they incur less additional costs. If an agreement cannot be reached parents should be signposted to the Family Information Service to find an alternative provider which better suits their needs.

The local authority delivers the entitlement on an academic basis - 'Autumn Term', 'Spring Term' and the 'Summer Term'. As you will see from the link below, these 'terms' can also include the half term breaks and the holiday periods which fall at the end of the term.

In each term a set amount of hours is available for providers to claim. Providers may if they wish, offer these hours flexibly throughout the term, including the holiday periods. Using FEEE funding like this may also better support parents who would prefer to access the FEEE funding in a shift format, or may have fluctuating attendance.

Access [full details on the term dates and amount of funding available](#), as well as key payment dates and headcount submission.

## **2.4 How the FEEE is paid**

The FEEE funding paid is based on information supplied by early years providers via the headcount questionnaire. It is the responsibility of the provider to check each term that the information submitted is accurate and reflects the claims and attendance of the children on register at the setting.

For all 2, 3 and 4 year olds we will make two instalments per term.

### **2.4.1 The initial payment**

The initial payment is an advance payment. Specifically the payment is calculated by:

- carrying forward any children eligible for the Funding in the following term, based on the information supplied in the current term
- the number of hours claimed for in respect of those eligible children
- calculating the amount by taking the above number of hours, multiplying it by the number of weeks in the current term and by EYSFF rate (not including the deprivation supplement).

You will then be paid an advance of the total expected funding for that term.

### **2.4.2 The final payment**

The final payment is calculated based on total number of the eligible children on register during the period being claimed for, multiplied by the number of hours claimed in respect of each child multiplied by the amount payable per child, minus the Initial Payment sum.

The Final Payment will not be made unless a completed headcount questionnaire is submitted by the return date advertised.

The local authority also administers mid-term adjustments which give providers an opportunity to adjust their claim after their headcount has been submitted. This may mean telling us about leavers or children who have increased / decreased their hours as well as any new children who joined your setting after the headcount was submitted.

If the initial payment was greater than the total amount payable for the term, the shortfall will be clawed back from the next initial payment.

A payment breakdown will be released after every final payment. These details should be checked to ensure all eligible children have been funded correctly.

## 2.5 Completion of headcount questionnaires

The termly headcount questionnaire allows providers to inform the local authority of eligible children on roll at their setting during the 'term'.

All children to be claimed for should be on register at the provision on or prior to the submission of the headcount data.

Providers are required to submit a **nil return** if there are no eligible children to claim for in order to remain on the Directory of Early Education Providers.

Providers should note that where a headcount questionnaire is not submitted, no FEEE funding will be paid for the final payment.

Providers should also note that they must not make a claim until they have confirmation of the child's eligibility such as a birth certificate, passport or medical card. Funding will be reclaimed if this documentation is missing when monitoring is carried out.

Additionally all parents/carers claiming FEEE must complete a Parental Statement of Undertaking (PSOU). This document should be amended in line with any alterations to the funded hours throughout the term / year. Get a copy of the [PSOU document](#).

## 2.6 Absence management

Children should be in attendance for all of the FEEE funded time claimed for, unless there is a valid reason such as illness or holiday. Providers are expected to maintain accurate records of each child's attendance (including start and leaving times) and ensure they actively engage with parents/carers where attendance is sporadic or consistently lower than the funded hours claimed, amending their claims when relevant. If claims are considered to be inconsistent with the hours attended or there are doubts about the validity of the claim, money will be reclaimed from the provider. Additionally, if a child is taken out of the provision or does not attend for a period of time that equates to half the term or more, only the funded hours attended during that term should be claimed for. Arrangements for keeping the child's place open during long periods of absence are a private business matter and not something the local authority can comment on.

Providers must complete the headcount questionnaires accurately and ensure that they reflect the child's attendance. Please note where absence does not exceed more than half of the term, we will continue to fund the child's place and providers can continue to claim for the usual amount of hours the child would attend. If you have a specific query regarding attendance you can email us at [feee@leics.gov.uk](mailto:feee@leics.gov.uk).

## 2.7 Adjustment payments

Where adjustments take place after the headcount is submitted, providers should follow the relevant mid-term adjustment process which will be communicated to you after the completion of the headcount forms.

Where a child is transferring between provisions in Leicestershire, both providers should complete the necessary headcount questionnaire, claiming accurately for the hours relevant to their provision. The payments will be amended and reflected at the next payment point.

Providers should be aware when submitting any adjustments that we will not backdate funding further than 1 term in arrears.

Providers should also note that the FEEE and EYPP funding will always follow the child. Notice periods are a private business matter and not something the local authority can comment on. Funding cannot be kept by a provider to subsidise a notice period if the child is not in attendance.

Providers may not keep FEEE funding for a child that has moved to another provision.

## **2.8 Cross border arrangements**

If a child is also attending another setting which is not in Leicestershire, providers must ensure that the parent/carer does not claim for more than their eligible hours in total.

Leicestershire cross-references child data with neighbouring authorities ensuring that no duplication of payment is made.

## **2.9 Specific information for 2 year olds**

When making a claim for eligible 2 year olds, providers must also ensure that they have the correct CURN (Childs Unique Reference Number) relating to the eligible child in order to submit a valid claim.

## **2.10 Specific information for the 30 hours extended entitlement**

When making a claim for children eligible for the extended entitlement, providers must also ensure that they have the correct DERN (Department for Education Reference Number) relating to the eligible child in order to submit a valid claim.

Providers are responsible for validating the DERN numbers and in order to do this will need the parents national insurance number, the DERN, and the child's name and date of birth. Once validated, providers will be made aware of a validity end date and a grace period end date. Please be aware that the grace period end date is only applicable if the validity end date falls within the term the child will be accessing the funding.

Parents are required to re-check their eligibility every 3 months. Providers should ensure they encourage parents to do this prior to the validity end date they are given to enable continuity of funding.

Providers should only accept DERN numbers from parents that have a validity end date that falls within the term they wish to claim funding.

## **3. The monitoring process for the 2, 3 and 4 year old funding**

The local authority undertakes monitoring to ensure that no fraudulent claims are being made and that the FEEE funding is being administered correctly. Providers should be aware that fraudulent claims could result in their removal from the Directory of Early Years Providers and possible legal action.

## 4. The Provider Agreement

As a member of the Directory of Early Years Providers, all providers are required to complete and sign a Provider Agreement. This confirms a commitment to adhere to the local authority's terms and conditions in relation to the receipt of FEEE funding for 2, 3 and 4 year olds.

Please note that the person signing the Provider Agreement must be the person recorded as the Ofsted 'responsible person', as per the Ofsted registration certificate. If the setting is run by a committee or a governing body, the Chair of that responsible body is required to sign the Provider Agreement.

Providers should note that if a valid, signed, Provider Agreement is not in place, funding cannot be released.

### 4.1 What to do if your circumstances change

The local authority requires providers to inform them if there are any significant changes to their business or administration. More information on [when to inform the local authority](#).

### 4.2 Removal from the Directory of Early Education Providers and withdrawal of funding

A provider may find their FEEE funding is withdrawn or withheld if it is found to be in breach of its provider agreement or if serious concerns are raised in relation to the quality of the provision and the safeguarding of children.

Providers should be aware that if FEEE funding is withheld or withdrawn, the base rate, deprivation supplement and any EYPP monies applicable to the settings will be affected.

More information on the [removal of funding policy](#).

## 5. Useful Information

[For all your FEEE advice, guidance, resources and good practice tools](#)

[For access to AnyComms+](#)

[The Family Information Directory](#)

[For all your training needs](#)

[For access to the Provider Portal](#)

To check a child's eligibility for the 2 year old funding parents can visit [www.leicestershire.gov.uk/apply-for-2s](http://www.leicestershire.gov.uk/apply-for-2s). Alternatively you can complete an assisted check by logging into the [provider portal](#).

For advice and guidance on the administration of the FEEE or to discuss your payments please email [fee@leics.gov.uk](mailto:fee@leics.gov.uk) or contact on the helpline on: 0116 305 5788.