

# Leicestershire County Council Free Early Education Entitlement (FEEE) Guidance 2021 - 2023

## Introduction

Welcome to Leicestershire County Council's guidance for the delivery of the funded childcare for children aged 2, 3 and 4 years, updated November 2021.

For further advice, guidance, good practice ideas and to access a copy of the current statutory guidance and accompanying policies please [visit our website](#).

## 1. Funding the Entitlement

In order to receive 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
- agree to the terms and conditions stipulated in the Provider Agreement.

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 which is the equivalent of 15 hours per week for 38 weeks per year). [Access information on eligibility criteria](#).
2. The 3 and 4 year old extended offer. This offers eligible children the chance to take up to a maximum of 1140 hours per annum (which is the equivalent of 30 hours per week for 38 weeks per year). Eligibility for this funding has to be reconfirmed by parents and validated by providers every 3 months. [Access information on eligibility criteria](#).
3. The 2 year old funding offer. This offers eligible children the chance to take up to a maximum of 570 hours per annum (which is the equivalent of 15 hours per week for 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 period, funding is pro-rata accordingly

## 1.1 Funding Periods

Leicestershire has moved to funding 'periods'. This is in recognition that the constantly changing term dates can make planning difficult. This new way of working will not only provide consistency year after year, but also brings the funding in line with eligibility deadline dates and birth date criteria.

The number of weeks for each period is typically 11 – Spring, 12 – Summer and 15 – Autumn; However, this can occasionally change so please always refer to our [FEEE Calendar](#) which will confirm the correct number of weeks which can be claimed in each period.

The FEEE calendar also shows the **maximum hours** allowed per period excluding any banked hours.

Term-time only providers should only claim for the number of hours they are open in any period. If the total number of weeks is lower than the maximum that can be claimed for, then the remaining will be banked to enable providers to claim more in the next period.

## 1.2 Eligibility of children based on their age

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

A child born between:	Will be eligible for a free place from:
1 April and 31 August.	From the 1 September following their 3rd birthday, or if eligible, following their 2nd birthday
1 September and 31 December.	From the 1 January following their 3rd birthday, or if eligible, following their 2nd birthday
1 January and 31 March.	From the 1 April following their 3rd birthday, or if eligible, following their 2nd birthday

## 1.3 Specific information for 2 year olds

Reference numbers for 2 year olds are automatically produced when a parent applies online. An email / letter is sent to parents as proof of funding from the local authority. Providers do not need to enter details through the provider portal. They should;

- **For Leicestershire children** ensure that they have the correct reference number relating to the eligible child by seeing a copy of the email / letter sent by the local authority. Please keep a photocopy on file for your records.
- **For reference numbers that have been issued by a different local authority**, these will have to be checked by Leicestershire County Council before payment can be made.

Evidence of eligibility (e.g. the confirmation letter or email provided by another local authority) will need to be sent to us via Anycomms+ for verification.

When claiming please ensure that you adhere to the 'effective date' on the letter. We will only pay funding from this date.

#### 1.4 Specific information for the 30 hours extended entitlement

When making a claim for children eligible for the extended entitlement, Providers are responsible for validating the DERN numbers through the Provider Portal. Once validated, providers will be made aware of a validity end date and a grace period end date.

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.

When parents come to a provision with their eligibility code please make sure you reference the table below which clearly states when a child is eligible based on their birthday. **No payment will be made unless this criteria for funding is met, even if they have an eligibility code.**

If a parent does not complete a check prior to the dates stated below they will have to wait until the following period to take up their extended entitlement, but may still access the universal 15 hours.

#### Eligibility checking deadline dates:

A check completed between:	Allows a child to take up a free place from:
1 April and 31 August.	1 <sup>st</sup> September – assuming the child is already of eligible age (i.e. has reached the term after their 3 <sup>rd</sup> birthday)
1 September and 31 December.	1 <sup>st</sup> January– assuming the child is already of eligible age (i.e. has reached the term after their 3 <sup>rd</sup> birthday)
1 January and 31 March.	1 <sup>st</sup> April – assuming the child is already of eligible age (i.e. has reached the term after their 3 <sup>rd</sup> birthday)

If parents are having difficulty in getting a code or revalidation of a code, we will need to see written evidence from HMRC to make a payment. The local authority can only pass on funding when we see evidence of eligibility. We cannot get involved in any disputes between a parent and HMRC. All enquiries must be settled with HMRC. – contact them on 0300 123 4097.

If you have concerns that a parent / carer has made a fraudulent claim for the 30 hours funding you should raise these concerns directly with the HMRC on 0300 123 4097.

#### 1.5 The funding process

Parents invoices should clearly show the number of funded hours accessed as a zero amount, the number of charged for hours and the cost of additional services / activities. There should not be a

monetary amount shown for the free entitlement as the local authority are purchasing the hours on behalf of the parent.

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

When parents first join the setting they should be told what the policy is when children become eligible for funding.

Additional hours / services or resources should not be a condition to accessing the funded hours, nor should they create a barrier to parents accessing their full entitlement. Where practicable parents 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 / carers.

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.

## **1.6 How the funding is paid**

The local authority delivers the entitlement on a period basis - 'Autumn', 'Spring' and the 'Summer'. As you will see from the payment schedule, these periods also include the half term breaks and the holiday periods.

In each period a set amount of hours is available for providers to claim. Providers may if they wish, offer these hours flexibly, and do not have to operate in a period only way as long as they do not claim for more than the total number of hours available in a period.

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

### **1.6.1 Provider portal**

By using the [provider portal](#), settings can:

- Submit headcount information and adjustment information (including parental details, which will allow us to confirm eligibility for EYPP on your behalf)
- Validate the 30 hours DERN codes
- Support parents by completing an assisted 2 year old check

- Access initial and final payment notices
- Submit a DAF application
- Update information for parents

You will be able to submit children's information multiple times whilst the headcount or adjustment task is open. This makes the system more flexible by allowing you to enter information at the start of the period. You can then update this information if you get requests from parents or, if you notice any mistakes, these can be rectified and then the headcount task resubmitted.

Additionally you will be able to view previously submitted tasks – allowing you to marry up payments with claims far more easily.

There are user guides available via the '**About**' section in the provider portal which will support you in completing the headcount task as well as the other elements listed above. Please ensure you read the guide thoroughly prior to completing your headcount task.

### **1.6.2 The initial payment**

The initial payment is a 100% advance payment. Specifically the payment is calculated by:

- carrying forward any children eligible for the funding in the following period, based on the information supplied in the current period
- 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 available and by the current rate (not including the deprivation supplement).

You will then be paid an advance of the total expected funding for that period. If you know a child will not be in your setting in the following period you should complete the end date section. (In the summer period you may want to calculate the number of children leaving and any new starters you may have to ensure you have the correct cashflow).

### **1.6.3 The final payment**

The final payment is calculated based on the 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 you submit a headcount task by the return date.

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

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

#### 1.6.4 Amendment payments

The local authority also administers mid-period amendments 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 the setting after the headcount was submitted.

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.

After the amendment period has closed we will only make amendments to legitimate claims that are after the adjustment deadline date. Full details of children starting in the setting should be sent through Anycomms. **Any late claims for children who are at the setting before the adjustment claims period ends will not be funded.**

Please be aware that we **do not backdate funding to previous periods**. It is your responsibility to ensure that the headcount task is fully completed, and the payment breakdown is checked for any inaccuracies. If there is a mistake, this can be rectified on the subsequent amendment task to ensure you receive the correct payment. Owners who delegate the completion of headcount or amendment tasks to their employees **must** quality assure their work before the final submission is sent via the provider portal.

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

#### 1.7 Completion of headcount tasks

Completion of a headcount task allows providers to inform the local authority of eligible children on roll at their setting during the funded period.

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

If no children are claimed for, there is no need to send a nil return.

Providers should note that where a headcount task is not submitted, no funding will be paid for the final payment and you may receive an invoice for monies paid in the initial 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, or in the case of 2 year old funding or the 30 hours extended entitlement, an eligibility code. Funding will be reclaimed if this documentation is missing when monitoring is carried out.

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

### **1.8 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 where attendance is sporadic or consistently lower than the funded hours claimed, amending their claims when relevant. If attendance is consistently lower than the FEEE hours claimed due to high short-term absences e.g. consistent late drop offs and early pick-ups and/or unexplained days off, money will be reclaimed from the Provider.

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 period or more, only the funded hours attended during that period 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 tasks 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.

### **1.9 Cross border arrangements**

If a child is also attending another setting which is not in Leicestershire, providers must ensure that the parent 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.

### **1.10 Flexibility**

Early years providers are expected to operate flexibly to support parents in optimising the amount of funded hours which can be taken.

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

The local authority requests that where reasonably practicable providers offer the 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.

Parents are able to bank hours or stretch their entitlement which Leicestershire strongly supports.

- Banking hours is where parents can use less hours in a period and then use them in another period e.g. though the summer holidays.
- Stretching hours is where parents can use less hours per week but over a longer period e.g. approximately 12 hours per week for 48 weeks. This is limited to total hours in a period.

## 1.11 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 by Ofsted:** for all children aged 3 and 4 years old.

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 newly eligible** 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 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.

## 2. The compliance process

The local authority undertakes compliance visits to ensure that government 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.

Once you start claiming FEEE funding you will, at some point, be audited by one of our Compliance Officers. This will involve a visit to your setting. You will be asked to provide information in relation to the previous periods funding (this is so that we can see evidence across the whole of a period e.g. Spring, Autumn, Summer). The main purposes of the visit are to:

- Work in partnership with providers to ensure the requirements within the government guidance, local guidance and the provider agreement are being met.
- Ensure claims submitted by providers are accurate and reflect what has been signed and agreed by parents/carers.
- Identify areas where improvements, or additional information is required.
- Support providers with any queries or concerns they have around the administration of FEEE.



For a compliance visit, providers should have all documentation ready and provide suitable space and resources to enable officers to carry out the visit as efficiently as possible.

### **3. Additional Funding Available**

#### **3.1. 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 £302.10 per annum per child and is paid as a lump sum as part of the final payment. [Further information on eligibility, claiming and how to evidence use of the additional funding.](#)

When a task is open providers will receive a weekly report to inform you of which children are eligible for EYPP funding

Once EYPP funding has been approved it will not be necessary to re-apply. Where a child attends multiple settings EYPP funding will be split in line with the claims made up to a maximum of 15 hours.

#### **3.2 Special Educational Needs and Disabilities (SEND)**

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

The local authority recognises the costs providers incur when supporting children with SEND and Inclusion Funding may be available to contribute towards these costs. You can find information relating to the criteria and application process on our Webpage [Information on the application process and the criteria.](#)

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

3 and 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.

[Information on how to claim DAF funding](#)

### **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 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.

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 via a change of circumstance form, if there are any significant changes to their business or administration. The types of changes we need this form completed for are; Change of Ownership, Change of Premises, Change of Banking Information, Change of Setting Name, Change of Organisational Status, Change to Academy Status, Change of Committee Representative or Registered Person, Change of Provider Portal user, Closure/Withdrawal from the FEEE Scheme. [Download the latest Change of Circumstances form.](#)

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

A provider may find their 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 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 funding advice, guidance, resources and good practice tools](#)

[For FEEE Fact Sheets to assist with the Administration of Funding](#)

[For access to the Provider Portal](#)

[For access to AnyComms+](#)

[Calendar of payments and headcount tasks 2019](#)

[The Family Information Directory](#)

[For all your training needs](#)

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 funding or to discuss your payments please email [fee@leics.gov.uk](mailto:fee@leics.gov.uk) or contact the helpline on: 0116 305 5788. Please note that you should not include any personal, private, sensitive or confidential information in an email. If you have a query regarding a specific child please put this in writing and upload the document to Anycomms+. This request is in line with data protection regulations.