

Wiltshire Council Provider Agreement

**The provision of Early Years
provision free of charge and
free childcare for two, three
and four year olds**

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1. Introduction

This provider agreement provides guidance which applies to the 15 hour entitlement for the most disadvantaged two year olds, the 15 hour entitlement for parents of three and four year olds (the universal entitlement), and the 30 hour entitlement for working parents of three and four year olds (the extended entitlement).

The agreement is based on the Department for Education's (DfE) 'Model Agreement: Early Years Provision Free of Charge and Free Childcare' March 2017. It is a contractual document between Wiltshire Council and childcare providers situated in the county in accordance with the Wiltshire Council's duties under Section 2 of the Childcare Act 2016 and Sections 6, 7, 7a, 9, 9a, 12 and 13 of the Childcare Act 2006.

Wiltshire Council reserves the right to unilaterally vary the agreement to reflect changes in legislation and departmental guidance. References to legislation will be to that legislation as amended from time to time, without express change in the Wiltshire Council Provider Agreement.

Wiltshire Council and providers must have regard for the Data Protection Act 1998 regarding data use, storage and confidentiality.

Wiltshire Council will comply with its responsibilities in relation to the Freedom of Information Act.

2. Legal Framework and Statutory Guidance

The following frameworks and legislation underpin this provider agreement:

- Early Education and childcare, Statutory guidance for Local Authorities 2017
- Childcare Act 2006
- Childcare Act 2016
- Equality Act 2010
- School admissions code 201
- Statutory framework for the early years foundation stage 2014
- Local Authority, (Duty to Secure Early Years Provision Free of Charge) Regulations 2014
- The Childcare (Early Years Provision Free of Charge) (Extended Entitlement) Regulations 2016
- Special educational needs and disability code of practice: 0 to 25 years 2015
- Data Protection Act 1998

3. Key Wiltshire Council responsibilities

Wiltshire Council:

- must secure a free entitlement place for every eligible child in their area;
- should work in partnership with providers to agree how to deliver free entitlement places;
- should be clear about their role and the support on offer locally to meet the needs of children with special educational needs and/or disabilities (SEND) as

- well as their expectations of providers;
- must contribute to safeguarding and promote the welfare of children and young people in their area.

4. Key provider responsibilities

Early Years providers delivering free entitlement funded hours:

- must be fully registered with Ofsted;
- must comply with all relevant legislation and insurance requirements;
- should deliver the free entitlement consistently to all parents, whether in receipt of 15 or 30 hours and regardless of whether they opt to pay for optional services or consumables. This means that providers should be clear and communicate to parents details about the days and times that they offer free places, along with their services and charges. Those children accessing the free entitlements should receive the same quality and access to provision;
- must follow the Early Years Foundation Stage (EYFS), and have clear safeguarding policies and procedures in place;
- must have arrangements in place to support children with Special Educational Needs and/or Disabilities (SEND). These arrangements should include a clear approach to identifying and responding to SEND. Providers should utilise the SEN Inclusion Fund and Disability Access Fund to deliver effective support, whilst making information available about their SEND offer to parents;
- must adhere to all funding deadlines as set out by Wiltshire Council in the Summary of Important Dates (Appendix 1) in order to continue to receive monthly funding payments;
- must check their details on Wiltshire Council's online childcare directory and inform the Early Years and Childcare team of any updates update at least three times a year on 1 January, 1 April and 1 September.

5. Safeguarding

Wiltshire Council has overarching responsibility for safeguarding and promoting the welfare of all children and young people in their area. It has a number of statutory functions under the 1989 and 2004 Children Acts which make this clear, and the ['Working together to safeguard children' guidance 2015](#) sets these out in detail.

Providers must follow the EYFS and have clear safeguarding policies and procedures in place that are in line with local guidance and procedures for responding to and reporting suspected or actual abuse and neglect.

A lead practitioner must take responsibility for safeguarding and providers must train all staff to understand their safeguarding policy and procedures and ensure that all staff have up to date knowledge of safeguarding issues. Providers must enable staff to identify signs of possible abuse and neglect at the earliest opportunity.

6. Eligibility

Providers should check original copies of documentation to confirm a child has reached the eligible age on initial registration for all Free Early Education. Providers are not required to keep a copy of the birth certificate but in cases where this is done, the provider must ensure that the data is stored in accordance with the Data Protection Act 1998.

6.1 Two year olds

In Wiltshire, free entitlement for two year olds is known as the Better 2gether scheme. Not all two year olds are eligible to access Free Entitlement funding. It is the provider's responsibility to check that a two year old child has been approved to receive funding. The provider must check that the parent is in receipt of a Wiltshire Council approval letter indicating the child's application number before offering a free place.

Where the parent meets the eligibility criteria for the free entitlement, the funding will start from the beginning of the term following the child's second birthday.

A child born in the period	Eligibility starts
1 January to 31 March (inclusive)	Funding from 1 April
1 April to 31 August (inclusive)	Funding from 1 September
1 September to 31 December (inclusive)	Funding from 1 January

Providers should offer places to eligible two year olds on the understanding that the child remains eligible until they become eligible for the universal entitlement for three and four year olds, regardless of whether their circumstances change.

If a child has had their eligibility confirmed by another local authority, the provider will need to submit a copy of their award letter, or in the absence of such a letter, they will need to provide details so Wiltshire Council can contact the other local authority to confirm the child's eligibility. If the other local authority confirms eligibility, Wiltshire Council will honour their entitlement at a Wiltshire provider.

6.2 Three and four year olds (universal entitlement)

The universal entitlement for three and four olds is for 570 free hours a year over no fewer than 38 weeks and up to 52 weeks per year. Children will be eligible at the start of the funding period following their third birthday, and continue to be eligible until they reach compulsory school age (the beginning of the term following their fifth birthday).

A child born in the period	Eligibility starts
1 January to 31 March (inclusive)	Funding from 1 April
1 April to 31 August (inclusive)	Funding from 1 September
1 September to 31 December (inclusive)	Funding from 1 January

6.3 Three and four year olds of working parents (extended entitlement)

The extended entitlement for children of working parents is an additional 15 free hours a week (an annual total of 1140 hours) over no fewer than 38 weeks and up to 52 weeks per year.

Parents must apply for the additional free hours through the Government's online Childcare Service. Eligibility for the additional free hours is determined by HMRC through this online application, and an 11 digit eligibility code will be issued to the parent. Providers must validate this code along with the parent's National Insurance number and the child's date of birth via the online checker provided by Wiltshire Council. Providers **must acquire written consent** from the parent who made the application. Once the provider has validated the code, an extended entitlement place can then be offered.

Wiltshire Council must ensure that a child has a place no later than the beginning of the funding period following the child and parent meeting the eligibility criteria for their place. If a parent becomes eligible for the extended entitlement after the start of a funding period, the parent can claim the additional hours from the start of the following funding period. A child ceases to be eligible to access any free entitlement hours once they have reached compulsory school age (the funding period following their fifth birthday).

Where a child is eligible for the extended entitlement and they are accessing their hours at more than one provider, it is up to the parent to determine the split of entitlement (universal and extended) between those providers.

Providers must use the Parent Declaration form (available on the Wiltshire Council website) to record the parent's eligibility code and National Insurance number.

Wiltshire Council and providers will ensure that parents are aware that there is a review and appeals process available to them if they disagree with the eligibility outcome as determined by HMRC. The review and appeals process is managed by HMRC.

Wiltshire Council will complete audit checks of all eligibility codes. Providers will be informed via the portal where a parent has fallen out of eligibility and notified of the grace period end date.

Date parent receives ineligible decision on reconfirmation	Grace period end date
1 Jan – 10 Feb	31 March
11 Feb – 31 March	31 August
1 April – 26 May	31 August
27 May – 31 August	31 December
1 September – 21 October	31 December
22 October – 31 December	31 March

7. The Grace Period (for the Extended Entitlement only)

The Grace Period enables parents to retain their child's place for a short period if they become ineligible, for example, if a parent loses their job.

A child will enter the grace period when the child's parent(s) cease to meet the eligibility criteria set out in the [Childcare \(Early Years Provision Free of Charge\) \(Extended Entitlement\) Regulations 2016](#), as determined by HMRC or a First Tier Tribunal in the case of an appeal.

Wiltshire Council will access information about whether a child has ceased to meet the eligibility criteria and entered the grace period via the national Eligibility Checking Service (ECS). The grace period end date will automatically be applied to eligibility codes.

Wiltshire Council will continue to fund a place for a child who enters the grace period as set out in the Early Education and Childcare Statutory guidance for Local Authorities 2017.

Providers should make parents aware that if they cease to meet the eligibility criteria and the Grace Period has expired they can continue to take up their child's universal entitlement to 15 hours free entitlement (or its equivalent if the entitlement is being stretched) provided they have not exceeded 570 hours.

8. Flexibility

Providers are encouraged to offer flexible packages of free hours with:

- no session longer than 10 hours;
- no minimum session length;
- no session commencing before 6.00am or finishing after 8.00pm;
- children accessing no more than two sites in a single day.

Free Entitlement can be offered over 38 weeks (term-time offer) or up to 52 weeks (stretched offer).

Where a provider is offering less than 38 funded weeks per year, parents must be made aware they cannot access their full entitlement with them. Providers must not offer more than either 15 hours (universal entitlement) or 30 hours (extended

entitlement) over a reduced number of weeks.

Providers should publish information about their offer and their admissions criteria and ensure parents are made fully aware at the point of registration what hours can be accessed as funded hours.

Providers should ensure that they make their patterns of delivery for both 15 and 30 hours clear and transparent enabling parents to decide where to access their entitlement. There is no requirement for all providers to offer a no minimum session length.

Wiltshire Council will provide information for both providers and parents to explain there is no requirement for providers to offer 30 hours in order to receive funding to deliver the universal Free Entitlement and that providers are free to choose not to deliver the Free Entitlement at all.

Wiltshire Council will make parents and providers aware that there is no requirement that free places must be taken on or delivered on particular days of the week or at particular times of the day. In addition, there is now no longer the requirement that a provider must be open for at least 38 weeks of the year, or that a provider must offer 30 hours in order to receive funding to deliver free places.

Wiltshire Council will ensure parents are made aware that the entitlement to a free place does not offer any guarantee of a place at any one provider or a particular pattern of provision.

9. Partnership working

Wiltshire Council will support partnership working between:

- Wiltshire Council and providers;
- Providers working with other providers, including childminders, schools and organisations;
- Providers and parents;
- Wiltshire Council and parents.

Wiltshire Council actively encourages partnership working between different types of providers, including childminders, across all sectors, and will encourage more providers to offer flexible provision alongside other providers.

Providers should work in partnership with parents and other providers to improve provision and outcomes for children in their setting. A toolkit has been developed by the Family and Childcare Trust to help providers set up or join a partnership, maximise the benefits of working together and tackle the challenges joint working can bring. More details can be found at: <https://www.familyandchildcaretrust.org/dfes-30-hour-mixed-model-partnership-toolkit>.

Providers should discuss and work closely with parents to agree how a child's overall care will work in practice when their free entitlement is split across different providers, such as at a maintained setting and childminder, to ensure a smooth transition for the child.

10. Special Educational Needs and Disabilities

Wiltshire Council promotes an inclusive approach to its work and strategically plans to support children with special educational needs and/or disabilities (SEND) so that the needs of all children in their local area are met in accordance with the Special Educational Needs and Disability Code of Practice: 0-25 years (January 2015).

Providers must ensure owners and all staff members are aware of their duties in relation to the SEND Code of Practice and the Equality Act 2010.

Wiltshire Council's Local Offer is very clear and transparent about the support on offer within the county for parents and providers, and how that support can be accessed. More details can be found at: <https://www.wiltshirelocaloffer.org.uk/>.

Providers must publish clear and transparent information about the SEND support on offer at their setting and make information available about their offer to support parents to choose the right setting for their child with SEND.

Providers should promote the Disability Access Fund (DAF) to parents and collect information from parents about their Disability Living Allowance on the Parent Declaration form. Further information about DAF and how it can be claimed can be found at <http://www.wiltshire.gov.uk/child-care-free-early-education-for-3-and-4-year-olds>

11. Social mobility and disadvantage

Wiltshire Council promotes equality and inclusion, particularly for disadvantaged families, looked after children and children in need by removing barriers of access to Free Early Education places and working with parents to give each child support to fulfil their potential.

Providers should ensure they have identified the disadvantaged children in their setting as part of their process for checking Early Years Pupil Premium (EYPP) eligibility. They must also use EYPP and any locally available funding streams or support to improve outcomes for this group. Further information about EYPP can be found at <http://www.wiltshire.gov.uk/child-care-early-years-pupil-premium>

12. Quality

Wiltshire Council has a legal duty to provide information, advice and training on meeting the requirements of the Early Years Foundation Stage (EYFS), meeting the needs of children with SEND and on effective safeguarding and child protection for providers who are rated less than 'Good' by Ofsted or newly registered providers.

In order that all children can access their free entitlement to high quality provision and in-line with statutory guidance and the EYFS statutory framework Wiltshire Council will deliver free places through:

- early years providers other than a childminder registered on the Ofsted Early Years register; or

- a childminder registered on the Ofsted Early Years register; or
- a childminder registered with a childminder agency which is itself registered with Ofsted on Early Years Register; or
- schools taking children aged two and over and which therefore are exempt from registration with Ofsted as early years providers.

Wiltshire Council will:

- fund places for children attending any provider judged 'good' or 'outstanding' by Ofsted and the provider is willing to accept Wiltshire Council's funding requirements as set out in this agreement;
- fund places for three and four year old children at any provider judged 'satisfactory' (prior to 2014) or 'requires improvement' by Ofsted. Advice will be available to settings judged 'requires improvement' to support them to improve the quality of their provisions;
- only fund places for two-year-old children with 'requires improvement' providers where there is insufficient, accessible 'good' or 'outstanding' provision in the area;
- fund places for two, three and four year old children at new providers registered with Ofsted until the provider's first full Ofsted inspection judgement is published, and the provider is willing to accept Wiltshire Council's funding requirements as set out in this agreement. Following publication of their Ofsted inspection judgement the conditions above will apply;
- fund providers with an Ofsted inspection judgement of 'met' until their Ofsted quality inspection judgement is published;
- fund providers with exemptions from the EYFS if a parent wants their child to take up their free entitlement at an exempt provider and the provider is willing to accept Wiltshire Council's funding requirements as set out in this agreement;
- fund individual children who have exemptions from the EYFS.
- rely solely on the Ofsted inspection judgement of the provider as the benchmark of quality;
- consider any information published by Ofsted about a provider or childminder agency including the recent history about childcare provision by a particular provider or agency or childcare provision at a particular address. This may include where Wiltshire Council has concerns that a provider judged 'inadequate' by Ofsted may have re-registered their setting to avoid making the improvements identified by Ofsted.

Wiltshire Council will not:

- fund providers who do not meet the quality standards as set out by Ofsted with an Ofsted inspection judgement of 'not met';
- fund providers who do not actively promote fundamental British values or if they promote views or theories as fact which are contrary to established scientific or historical evidence and explanations (as set out in sections A4.28-A4.32 of 'Early education and childcare: Statutory guidance for local authorities', March 2017).

13. Business planning

Wiltshire Council will offer advice, support and guidance to providers. Providers will be challenged where business practice is found to be poor and they will be expected to improve.

Providers must:

- comply with legislation including the auditing and submission of accounts, the passing of information to the Charities Commission (where appropriate) and the regular submission of information to bodies such as Companies House;
- provide financial information to the Local Authority for the purposes of auditing to ensure the correct use of public funds;
- run their business in a legal and professional way;
- follow the conditions of capital and revenue grants that are offered and comply with monitoring arrangements for those grants.
- ensure timely and accurate information is submitted, including, but not limited to, headcount data, census data, parental declarations and invoices, as per the financial guidelines of their local authority. Failure to do so may result in inaccurate, delayed or suspended funding.
- maintain accurate financial and non-financial records relating to free entitlement places and should give the local authority access on reasonable notice to all financial and non-financial records relating to free entitlement places funded under the provider agreement, subject to confidentiality restrictions.

14. Charging

The government funding is intended to cover the cost to deliver 15 or 30 hours a week of free, high quality, flexible childcare. It is not intended to cover the cost of meals, consumables, additional hours or additional services.

Providers can charge for meals and snacks as part of a free entitlement place, and also charge for consumables such as nappies or sun cream, and for additional services such as trips and activities. These charges must be voluntary for the parent and must not be a condition of accessing their free place. Where parents are unable or unwilling to pay for meals and consumables, providers who choose to offer the free entitlement are responsible for setting their own policy on how to respond, with options including waiving or reducing the cost of meals and snacks or allowing parents to supply their own meals.

Providers should deliver free entitlement consistently so that all children accessing any of the free entitlements will receive the same quality and access to provision, regardless of whether they opt to pay for optional hours, services, meals or consumables. Providers should make their charges clear in a Fee Structure and ensure that parents are aware of any charges for additional services before they take up their free place.

Wiltshire Council will not intervene where parents choose to purchase additional

hours or additional services, providing this does not affect the parents' ability to take up their child's free place. Providers should be completely transparent about any additional charges.

Children with special educational needs and disabilities (SEND) must be treated fairly and equally with reasonable adjustments made as set out in Sections 20 and 21 of the Equalities Act 2010'. Providers must not charge parents additional fees to support a child with SEND.

Providers should ensure their admissions criteria is clear and available to all parents, so they can understand which hours can be taken as free provision.

Providers can charge a deposit to secure their child's free place but must refund the deposit in full to parents within a reasonable time scale. Wiltshire Council deems a reasonable timescale as the end of a half term or within six weeks of a child's start. However, the charging of a deposit must not be a barrier to a child accessing their free entitlement hours.

Providers cannot charge parents 'top-up' fees (the difference between their usual fee and the funding they receive from Wiltshire Council to deliver free places), or require parents to pay a registration fee as a condition of taking up their child's free place.

Providers should ensure their invoices and receipts are clear, transparent and itemised, allowing parents to see that they have received their free entitlement completely free of charge and understand fees paid for additional hours or services. The provider will also ensure that invoices and receipts contain their full details so that they can be identified as coming from a specific provider.

15. Funding

Providers are issued with an annual indicative budget estimate at the start of each financial year which broadly reflects anticipated participation for three and four year olds. Providers need to inform Wiltshire Council on a termly basis if they wish to include estimated hours for two year olds in this budget estimate.

Childminders will receive a zero annual indicative budget estimate for two, three and four year olds to reduce the risk of overpayment. In the event that a childminder has eligible children, they will need to inform the Early Years and Childcare team of a more accurate estimate for each funding period.

Wiltshire Council will produce a Summary of Important Dates for the current financial year (Appendix 1) and all providers need to adhere to the deadlines detailed therein.

Wiltshire Council will adjust individual budgets throughout the financial year to reflect participation based on actual (headcount weeks x 3 each year) and estimated hours submitted by providers via an online survey.

15.1 Supplements - EYPP

Early Years Pupil Premium is additional funding available to early years providers delivering funded hours to eligible three and four year old children. Funding is paid three times a year and is payable for universal free entitlement hours only. Details of child eligibility and how a provider can claim funding is detailed on the Wiltshire Council website at <http://www.wiltshire.gov.uk/child-care-free-early-education-for-3-and-4-year-olds>

15.2 Supplements - DAF

Disability Access Funding (DAF) is available to some providers for eligible three and four year olds only. Funding has been set at a national rate of £615 per financial year, and this will be paid as a lump sum payment to one early years provider nominated by the parent. Where a child attends more than one early years provider, the parent must nominate only one to receive the full funding. Once payment has been made, no further payment will be made to a new early years provider if the child moves to a new provision during the financial year.

15.3 Funding payments

To receive free entitlement payments, providers must be fully registered with Ofsted or a childminding agency, as well as with Wiltshire Council's Directory of registered childcare providers. In the event that a provider is taken over by another provider, funding for the new registered owner will commence from the date Ofsted confirm the registration has been completed.

Providers must sign the annual provider declaration and agree to adhere to the Wiltshire Council provider agreement. This must only be signed by the person legally responsible for the provision.

Providers will receive 12 equal monthly instalments based on their annual indicative budget estimate. Payment dates are listed on a provider's annual indicative budget estimate.

Estimated hours will be reconciled to actual hours delivered for each funding block. Any amendments to payments will be made in the adjustment months (July, December, and March).

Payments are made via BACS directly into a provider's bank/building society account.

If a provider wishes to change their bank details, the new details can be emailed to earlyyears@wiltshire.gov.uk giving at least one month's notice of the required change.

No monthly payments will be released whilst a provider has outstanding debts relating to free entitlement for two, three and four year olds with Wiltshire Council.

15.4 Payment of balances due

In the event of a provider delivering *more* hours than estimated, the monies due will

be paid in the next available adjustment month (July, December, March).

15.5 Recovery of overpayments

In the event of a provider delivering less hours than estimated, the overpayment will be recovered as a lump sum from the next available adjustment month (July, December, March). Where there is insufficient funding to cover the full amount to be recovered, an invoice will be raised for the remaining balance. In the event that an invoice has had to be raised, the terms of payment are 28 days. Unpaid invoices will be subject to legal action and any costs involved can be added to the provider's account.

16. Headcount and Census reporting

Providers must submit headcount information for each funding period recording actual attendance to support their estimated monthly payments.

All headcount weeks and associated dates for 2017/2018 are detailed in the Summary of Important Dates (Appendix 1). Funding period information including number of funded weeks and funded hours are also available on the Wiltshire Council website.

Wiltshire Council reports annually the take up of free entitlement funding of two, three and four year olds to the Department for Education (DfE). Providers must submit timely and accurate census returns which also include information such as opening hours and staff qualifications. Failure to submit the relevant returns by the closing dates may result in funding being withheld.

Late headcount submissions and statement of grant amendments **may not** be processed. Providers must not charge parents for any funded hours in these circumstances. Please refer to the Summary of Important Dates (Appendix 1) for all relevant funding dates for the current financial year.

Children can access a free place at no more than two sites per day. Combined claims must not be greater than 15 hours a week for universal entitlement or 30 hours a week for the extended entitlement. Where claims are received in excess of these hours, funding will not be paid to either provision until the over claim is resolved.

Providers must ensure they have a fully completed and signed Parent Declaration form by the parent or legal guardian for each child they wish to claim funding for. No funding will be paid in the absence of this form.

Childminders cannot claim funding for their own children, step-children, or a relative's child (grandparent, aunt, uncle, brother, or sister, including by marriage).

Wiltshire Council will fund any child attending a Wiltshire provision regardless of whether they live in the county or not.

Wiltshire Council will work with other local authorities where parents wish their child to access part of their free entitlement at a provision outside of Wiltshire.

17. Change of providers

Once a parent has completed and signed a provider's parent declaration form for a funding period, Wiltshire Council does not expect any movements between providers, unless criteria as detailed on the Wiltshire Council website has been met.

18. Mid term payment adjustments

Providers can claim funding for late starter children who started after the headcount week within a funding period.

Providers are also expected to return funding for any early leaver children who left after the headcount week but before the end of the funding period, unless this meets the criteria as detailed on the Wiltshire Council website.

Claims for both late starters and early leavers are to be submitted via the Mid-term payment adjust form which is available on the Wiltshire Council website. Submission dates for this paperwork are detailed in the Summary of Important Dates (Appendix 1).

19. Compliance

Wiltshire Council reserves the right to carry out checks and/or audits on providers to ensure compliance with the requirements of delivering the free entitlement in accordance with this provider agreement.

Parent declaration forms and other checks referred to in this provider agreement must be completed and signed (where necessary) in order for providers to claim free entitlement funding.

Failure to allow access to carry out an audit within a designated timeframe may result in funding being withheld.

20. Termination and withdrawal of funding

Wiltshire Council will work in partnership with providers to ensure quality of provision and a sufficient number of places for the delivery of free entitlement to eligible two, three and four year olds.

Suspension of registration by Ofsted or a breach of statutory requirements or safeguarding issues may result in the termination of the arrangement and withdrawal of funding.

Childcare providers **must** comply with the requirements of the national guidance and the Wiltshire Council Provider Agreement as well as working within all other legal requirements in their provision. Wiltshire Council reserves the right to withdraw funding from a provider and remove them from the Wiltshire Directory of Registered Early Years Providers for non-compliance of any statutory requirement. Wiltshire

Council will not waive the right to act to terminate or withdraw funding if it does not act immediately.

Wiltshire Council will withdraw funding from providers in the following circumstances:

- 1 . In the event that Ofsted judge the provision as inadequate the Local Authority will follow the procedure set out in the national statutory guidance by securing alternative provision and withdraw funding for children who are already receiving their funded entitlement at a provider on receipt of official Ofsted notification, and as soon as is practical. Funding will not be withdrawn from a provider until the provider's Ofsted inspection is published.
- 2 . Funding will be restored once Ofsted has re-inspected and judged the provision as 'requires improvement' or above, and where the childcare provider has re-registered for entry onto the Wiltshire Directory of Registered Early Years Providers.
- 3 . In cases of gross misconduct e.g. Ofsted enforcement action, fraud or financial irregularity, where children are unsafe or not safeguarded effectively.
- 4 . In the event of outstanding invoices related to the delivery of free entitlement funding, Wiltshire Council will suspend monthly estimated payments until full payment of the invoice(s) has been made.

Ofsted will be informed if a provider has their funding withdrawn.

The provider will have the opportunity to make written representations prior to the final decision for withdrawal of funding being made. The right to appeal is set out in Appeals section below.

21. Appeals procedure

A provider may be denied approval to offer the free entitlement or have their funding withdrawn as set in the Termination and withdrawal of funding section above. The provider can appeal using the local authority's procedure where either:

- a decision has been made to suspend or withdraw funding from a provider; or
 - a decision has been made to remove a provider from the Wiltshire Directory of Early Years Providers; or
 - a decision has been made to not enter an applicant onto the Wiltshire Directory of Early Years Providers
1. If a childcare provider wishes to appeal any decisions, they **must** write to the Local Authority within two weeks (14 days) of the notice being given, detailing the grounds for objection with relevant evidence in support.
 2. On receipt, Wiltshire Council will acknowledge receipt of the appeal in writing giving details for an appeal hearing. The appeal panel will meet within 1 month of the evidence having been received by the local authority.
 3. Wiltshire Council will prepare a written report for the appeal panel. This report, along with the childcare provider's evidence will be sent to the panel and the childcare provider at least one week before the date of the appeal

- hearing.
4. The appeal will be heard by a panel of three council members. The panel members will have had no prior involvement in the matter under appeal. One of the panel members will act as chair. There will also be an independent clerk present to record the proceedings. A member of staff from the provision may attend the hearing in order to put the childcare provider's case to the panel. He/she may also bring another person with them e.g. a friend, relative, business colleague to help or to put the provider's case on its behalf. In addition, there will be a maximum of two representatives from the Local Authority to put the Local Authority's case to the panel.
 5. The panel's decision will be final.

22. Complaints procedures

22.1 Parents

Providers should ensure they have a complaints procedure in place that is published and accessible for parents who are not satisfied their child has received their free entitlement in the correct way, as set out in this agreement and in the early Education and Childcare Statutory guidance for Local Authorities.

Parents who are not able to access their entitlement in the correct way should first approach the provider to discuss their concerns or complaints. If they are not satisfied or believe that the statutory guidance is not being adhered to they should make their complaint to the Free Entitlement Funding officers at Wiltshire Council via the online Parent Complaint form on the Wiltshire Council website or earlyyears@wiltshire.gov.uk.

22.2 Providers

If a childcare provider wishes to make a complaint about the management and administration of Free Entitlement Funding, then providers should make their complaint either via the [online complaints form](#) on the Wiltshire Council website or on 01225 718400 or complaints@wiltshire.gov.uk.

If a parent or provider is not satisfied with the way in which their complaint has been dealt with by the local authority or believes the local authority has acted unreasonably, a complaint can be made to the Local Authority Ombudsman. Such complaints will only be considered when local complaints procedures have been exhausted.

**Declaration of Agreement between Wiltshire Council and early years
providers delivering Free Entitlement funding**

Name of provision:

Ofsted Registration Number

I am the Registered Person for this provision (or Responsible Person, if the Registered Person is a 'body'). I have read and agree to abide by all aspects of the:

1. Early Education and Childcare, Statutory Guidance for Local Authorities (March 2017)
2. Wiltshire Council Provider Agreement for the provision of Early Years provision free of charge and free childcare for Two, Three and Four Year Olds

I understand that any failure on my behalf to uphold any obligation placed upon me by the Provider Agreement may result in a withdrawal of funding to deliver the free early education in my setting and/or recall of any monies already paid.

I understand that the above named provision may be subject to visits and / or audit monitoring by Wiltshire Council Officers to examine any aspect of the delivery of the Free Entitlement to ensure full compliance.

Registered Person(s)

Responsible Person(s) (applies only if the Registered Person is a 'body')

Print name:

Signed: **Date:**

Appendix 1 - Summary of Important Dates

Term	Summer 2019	Autumn 2019	Spring 2020
Funding period dates	1 April – 31 August 2019	1 September – 31 December 2019	1 January – 31 March 2020
Funded weeks	13 – 22	14 – 18	11 - 13
Max number of funded hours in funding period	195 hours (universal entitlement) 195 hours (extended entitlement)	210 hours (universal entitlement) 210 hours (extended entitlement)	165 hours (universal entitlement) 165 hours (extended entitlement)
Monthly payments	22 April 2019 20 May 2019 21 June 2019 22 July 2019 23 August 2019	20 September 2019 21 October 2019 22 November 2019 20 December 2019	20 January 2020 21 February 2020 20 March 2020
Headcount week	2 – 8 May 2019	3 – 9 October 2019	10 – 16 January 2020
Headcount paperwork submission deadline	10 May 2019	11 October 2019	20 January 2020
Statement of grant amendment submission deadline	28 June 2019	29 November 2019	28 February 2020
EYPP and DAF lump sum payments made	22 July 2019	20 December 2019	20 March 2020
Mandatory estimated hours confirmation online survey submission deadline	29 March 2019	6 September 2019	8 January 2020
Mid-term adjustment paperwork submission deadline	6 September 2019	10 January 2020	24 April 2020
Mid-term adjustment payment (2 year olds)	21 October 2019	21 February 2020	22 May 2020
Mid-term adjustment payment (3&4 year olds)	31 December 2019	31 March 2020	31 August 2020