

Early Education Funding - Provider Guidance

Effective from 1st April 2024

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1 Introduction

Welcome to the Milton Keynes Early Education Provider Guidance. This guidance is intended for all Early Years Providers in Milton Keynes that are offering Early Years Funded Places.

This document is your guide to the standards for offering early learning for Early Years Funded places:

- From April 2024, the 15 hour entitlement for children of eligible working parents from the age of 2
- From September 2024, the 15 hour entitlement for children of eligible working parents from the age of 9 months
- From September 2025, the 30 hour entitlement for children of eligible working parents from the age of 9 months

Details of providers offering this entitlement will be listed in the Family Information Directory. This is a service which enables parents/carers to search for early years providers across Milton Keynes. Further information can be found at this link: [Providers | Family Information Directory \(familydirectorymk.org.uk\)](https://familydirectorymk.org.uk).

This guidance is effective from 1st April 2024 and replaces all previous guidance documents provided by the local authority.

1.1 Key Local Authority Responsibilities:

- Local authorities must secure a free entitlement place for every eligible child in their area.
- Local authorities must work in partnership with providers to agree how to deliver free entitlement places.
- Local authorities must be clear about their role and the support on offer locally to meet the needs of children with special education needs and/or disabilities (SEND) as well as their expectations of providers.
- Actively promote fundamental British Values and not promote views or theories as facts which are contrary to established scientific or historical evidence and explanations.
- Local authorities will engage with less than Ofsted Good providers through supportive challenge so that an at least Good grade can be secured at their next inspection. Support will include a post Ofsted action planning meeting to identify improvements made and actions planned. This may also include signposting to training or other quality improvement programmes which have been identified as necessary to address concerns raised in their Ofsted inspection report.
- Local authorities must contribute to the safeguarding and promote the welfare of children and young people in their area.

1.2 Key Provider Responsibilities

(if these are not delivered then funding will be withdrawn):

- The provider must comply with all relevant legislation and insurance requirements.
- The provider must ensure compliance with all aspects of this guidance, including engagement with the LA audit, application of notice periods, ensuring transparency of additional fees and charges.

- The provider must deliver the free entitlement consistently to all parents/carers, whether in receipt of 15 or 30 hours and regardless of whether they opt to pay for optional services or consumables. This means that the provider must be clear and communicate to parents/carers 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.
- Providers must ensure their invoices and receipts are clear, transparent, itemised, and clear what is being charged for any additional hours.
- The provider must follow the statutory EYFS and have clear safeguarding policies and procedures in place that link to the local authority's guidance for recognising, responding, reporting, and recording suspected or actual abuse.
- The provider 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/carers.
- Planning Guidance: All providers must have appropriate planning permission for the use concerned. This is particularly so if the premises is operated as a Day Nursery or as a Care Home business looking after children. In the case of childminders, this may be applicable if you work with an assistant, another registered childminder or care for more than 6 different children within a 24 hour period. For clarification, you should submit an application for [a lawful development certificate](#) or [seek approval where the use requires planning permission](#). For further information, you can [use our Planning Pathways](#)
- Environmental Health: All providers must comply with Environmental Health legislation and should download and complete a Safer Food Better Business pack from the Food Standards Agency website <https://www.food.gov.uk/business-guidance/safer-food-better-business-for-childminders>. For any further information or guidance contact ehfst@milton-keynes.gov.uk or 01908 252100.
- Continuity of Education: Providers must support the local authority to ensure parents/carers apply for a school place on time. To ensure children have opportunity to access local high quality education provision.

1.3 Safeguarding

Providers **must** ensure children are kept safe. If a professional working with children has concerns regarding the well-being of the child and / or their family a referral must be made to the Multi Agency Safeguarding Hub (MASH) on 01908 253169 or 01908 253170.

The Local Authority Designated Officer (LADO) must also be notified of any concerns. Further details of the LADO role and contact details can be found at: [Concern about a person working or volunteering with children | Milton Keynes City Council \(milton-keynes.gov.uk\)](#).

Providers (which includes setting leader, committee and/or management) 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.

The setting leader, committee and/or management must understand and take responsibility for their safeguarding policies and procedures.

A Designated Safeguarding Lead (DSL) practitioner in settings and schools must take responsibility for safeguarding. In a childminding setting the childminder is the DSL. All staff must have training to identify signs of abuse and neglect.

The DSL should update their training every two years. All other staff should update their training every three years, plus an annual update. This can be in the form of a staff meeting where safeguarding is the main focus, keeping updated on documents and procedures, etc.

Providers must have regard to the following guidance:

- Working Together to Safeguard Children (2023)
- Keeping Children Safe in Education (2023)
- Statutory Early Years Foundation Stage - EYFS (January 2024)

Providers **must** have regard to the government's statutory guidance 'Working Together to Safeguard Children' and to the 'Prevent duty guidance for England and Wales'. All schools are required to have regard to the government's 'Keeping Children Safe in Education' statutory guidance, and other childcare providers may also find it helpful to refer to this guidance. If providers have concerns about children's safety and welfare, they must notify agencies with statutory responsibilities without delay. This means the local children's social care services and, in emergencies, the police.

1.4 Legal Framework and Statutory Guidance

The following frameworks and legislation underpin this guidance:

- Early Education and childcare, Statutory guidance for Local Authorities 2024
- Childcare Act 2006
- Childcare Act 2016
- Equality Act 2010 (Amendment 2023)
- School admissions code 2021
- Statutory framework for the Early Years Foundation Stage 2024
- Local Authority, (Duty to Secure Early Years Provision Free of Charge) Regulations 2024
- The Childcare (Early Years Provision Free of Charge) (Extended Entitlement) Regulations 2020
- Special educational needs and disability code of practice: 0 to 25 years 2015
- Data Protection Act 2018

1.5 Definitions

In this guide the following words shall have the following meanings:

MKCC	Milton Keynes City Council
Eligible Children	Children who meet the MKCC funding criteria as set out in the eligibility section of this guidance
Funded Early Education (FEE)	Provision of early education to eligible children
Early Education Funding (EEF)	Funding from MKCC to a provider for the provision of early education.
Provider	Person or place registered to provide funded early education. This includes Pre Schools, Day Nurseries, Childminders, Independent Schools, Maintained Nursery Schools, Maintained Schools, Academies, Childminder Agencies.
Block	Period of time related to three funding blocks, starting, and ending on fixed dates. These fixed start dates are 1 st January 1 st April and 1 st September. There are three blocks a year that run consecutively
Funded Session	Provision by a provider of funded early education between specified times on a single day

2 Eligibility

2.1 General Information

A provider should check original copies of documentation to confirm a child has reached the eligible age for all free entitlements to commence. The provider should retain paper or digital copies of documentation to enable the local authority to carry out audit and fraud investigations if necessary. Where a provider retains a copy of documentation this must be stored securely and deleted when there is no longer a good reason to keep the data, in accordance with the current General Data Protection Regulation legislation.

In the first block that a child becomes eligible, whether it be under two, two, three or four year old funding, the initial completed Parental Contract and a copy of the child's identification (birth certificate, passport, legal document, etc.) must be scanned and emailed to: nursery.education@milton-keynes.gov.uk

The local authority must ensure that a child has a free entitlement place no later than the beginning of the term following the child and parent/carer meeting the eligibility criteria for the free entitlements.

Alongside the eligibility codes, (under two, two, three or four year olds) a provider must acquire written consent from, or on behalf of, the parent/carer to be able to receive confirmation and future notifications from MKCC of the validity of the parent/carer eligibility codes. This written consent form is part of the Parental Contract which all funded children's parent/carer must sign at the beginning of the block in which their eligibility starts.

Once a provider has received a signed parental contract each funding block, they should verify the eligibility codes on the eligibility checker on the provider portal, before entering the codes on the block actuals.

The eligibility checker on the provider portal will confirm the eligibility of the eligibility codes to allow a provider to offer the funded places for the eligible under two, two, three or four year olds.

All parents/carers have to sign a parental contract therefore, they will be liable for false claims. Consequently, providers will be liable for false claims and may lose out on funding if they have failed to obtain a signed contract.

Changes to applying for validity codes for parents/carers returning to work

A change has been made to the Childcare Regulations to extend the validity code application window for those who are planning to start a new job or return to work from parental leave. This includes maternity, paternity, shared parental or adoption leave.

Previously parents/carers were only able to apply for an eligibility code 31 days before the date they started new work or returned to work from parental leave.

As part of the rollout of the new entitlements, parents/carers who plan to start or return to work on or before 31 September 2024 will be able to apply for a code from 12 May 2024, alongside other parents/carers who intend to take up a funded place in September 2024.

Parents/carers in this situation will need to apply online to HMRC as normal but will then receive a letter in the post, enabling them to access their entitlement. Childcare providers should ask to see this letter.

Those parents/carers who plan to start or return to work between 1 October 2024 and 31 January 2025 will be able to apply for a code from 1 September 2024 to use from 1 January 2025.

In future terms, parents/carers will be able to apply from the following dates:

Date of starting or returning to work	When can parents/carers apply from	When can parents/carers use entitlements from
1 May to 30 September	1 April to 31 August	1 September
1 October to 31 January	1 September to 31 December	1 January
1 February to 30 April	1 January to 31 March	1 April

2.2 Disadvantaged Two Year Olds

Full information about the funding can be found at: <https://www.milton-keynes.gov.uk/children-young-people-and-families/time-twos-early-education-two-year-olds>

A parent/carer can make an application at: <https://emsonline.milton-keynes.gov.uk/CitizenPortal> LIVE

A child is eligible if:

- They are looked after by the local authority
- They meet the criteria for Free School Meals (see paragraph below)
- They have a current Education, Health and Care Plan
- They are entitled to Disability Living Allowance
- They are no longer looked after by the local authority as a result of an adoption order, a special guardianship or residence order, or child arrangement order
- The family receives Working Tax Credits **and** have an annual gross income of no more than £16,190 per year
- Child of Zambrano Carers
- Child of families with no recourse to public funds with a right to remain in the UK on grounds of private/family life under Article 8 of the European Convention on Human Rights – if a two parent/carer family, both parents/carers must have No Recourse to Public Funds to be eligible
- Child of a subset of failed asylum seekers (supported under Section 4 of the Immigration & Asylum Act 1999 – ‘the 1999 Act’)

Children are eligible to receive Free School Meals if their parents/carers are in receipt of any of the following benefits:

- Income Support
- Income-based Job Seekers' Allowance
- Income-related Employment and Support Allowance
- Universal Credit – if a parent/carer is entitled to UC and they have an annual net earned income equivalent to and not exceeding £15,400 assessed on up to three of the parent/carer most recent UC assessment periods *
- National Asylum Seekers Support (NASS)
- The Guarantee element of State Pension Credit
- Child Tax Credit only, and have an annual gross income of no more than £16,190
- Working Tax Credit ‘run on’

For children born on or after 1 January 2016, eligibility must be checked through an assessment of the parent/carer net earned income over up to three of the UC assessment periods immediately preceding the date of the request for a two year old entitlement place. Checking earnings over up to three UC assessment periods will take into account families with fluctuating earnings.

Free entitlement begins the block after the child's second birthday:

A child born between:	May be eligible for a funded place from:
1 January – 31 March	Block 1 – 1 April (following 2 nd birthday)
1 April – 31 August	Block 2 – 1 September (following 2 nd birthday)
1 September – 31 December	Block 3 – 1 January (following 2 nd birthday)

- Eligible Children will remain eligible until the term after their third birthday when they will transfer to the three and four year old funding that is currently available to all three and four year olds.
- Children will remain eligible even if there is a change in household circumstances or looked after status, after they have been accepted onto the Two Year Old funding scheme.
- Two year olds who become eligible after the beginning of the term following their second birthday must be found a place by the start of the next term.
- Eligible Children moving into Milton Keynes from another area or country can access the Two Year Old Funding Scheme at any point during the block.

2.3 Working Parents Entitlement: Under Two's and Two Year Olds

A parent/carer can make an application at: <https://www.gov.uk/get-free-childcare-if-youre-working>

A child following the date on which they turn nine months old or a two year old child, of a working family, may be eligible for some funded childcare. If the eligibility criteria below are met, the child would be entitled to 570 funded hours from the extended entitlement. The entitlement is based on a maximum of 15 hours per week for 38 weeks per year.

A child will be eligible if:

- The parent/carer of the child (and their partner where applicable) should be seeking the funded childcare to enable them to work
- The parent/carer of the child (and their partner where applicable) should also be in qualifying paid work. Each parent/carer or the single parent in a lone parent household will need to expect to earn the equivalent of 16 hours at the national minimum wage rate over the forthcoming quarter.
- If either or each parent/carer's income exceeds £100,000 they will not be eligible for the Working Parents Entitlement.
- Where one or both parents/carers are on certain forms of family leave from work (including maternity, paternity or shared parental leave) or in receipt of certain forms of statutory pay in connection with sickness or parenting, they are treated as though they meet the minimum income requirement. This will apply for the 31 days before they return to work for those parents on family leave in relation to the child in funded childcare.
- Where one parent (in a couple household) is in receipt or could be entitled to be in receipt of specific benefits relating to caring, incapacity for work or limited capability for work that they are treated as though they are in paid work.
- Where a parent/carer is in a 'start up period' (i.e. they are newly self-employed), they do not need to demonstrate that they meet the income criteria for 12 months in order to qualify for the Working Parents Entitlement.

For the Working Parents Entitlement for nine months plus the entitlements begin the block after the date on which the child turns nine months old:

A child turns nine months old between:	May be eligible for a funded place from:
1 January – 31 March	Block 1 – 1 April (following the date on which they turn nine months old)
1 April – 31 August	Block 2 – 1 September (following the date on which they turn nine months old)
1 September – 31 December	Block 3 – 1 January (following the date on which they turn nine months old)

For the Two year old Working Parents the entitlements begin the block after the child's 2nd birthday:

A child born between:	May be eligible for a funded place from:
1 January – 31 March	Block 1 – 1 April (following 2 nd birthday)
1 April – 31 August	Block 2 – 1 September (following 2 nd birthday)
1 September – 31 December	Block 3 – 1 January (following 2 nd birthday)

- MKCC will audit the codes of resident children in receipt of the extended entitlement at 6 predefined dates in the year to ensure the child has not become ineligible.
- Once a child becomes ineligible the child will enter a '**Grace Period**' (the provider can view the status of a child's code on the dashboard on the provider portal). During this '**Grace Period**' the child will continue to be funded for the 570 hours until the specified grace period end date arrives.
- To access the extended hours when a validity code has been issued mid-block, it will be from the block following a child's second birthday or the block following the code's issue.

Parents/carers must check their eligibility for the extended hours through the Government's online childcare service. Funding is available from the block following their second birthday until the child reaches compulsory school age or they become ineligible.

2.4 Three and Four Year Olds

Universal entitlement

Every three and four year old is eligible for 570 hours of free early education. Funding is available from the block following their third birthday until they enter school, unless formal deferred entry is agreed. If children have a deferred entry, they continue to be entitled to claim funding at a provider until the end of the school term in which their fifth birthday falls.

When a child starts school, they may be phased into the school gradually. If a child continues to attend another provider during this transition period, they can claim funding at both providers for a maximum of four weeks.

Childminders are not able to claim for their own children or any child that is a blood relative, step-child or foster child.

Extended entitlement

A three or four year old child of a working family may be eligible for 1140 hours of free childcare. If the eligibility criteria are met, the child would be entitled to 570 free hours from the universal entitlement and a further 570 free hours through the extended entitlement.

A parent/carer can make an application at: <https://www.gov.uk/get-free-childcare-if-youre-working>

A child will be eligible if:

- The parent/carer of the child (and their partner where applicable) should be seeking the funded childcare to enable them to work
- The parent/carer of the child (and their partner where applicable) should also be in qualifying paid work. Each parent/carer or the single parent in a lone parent household will need to expect to earn the equivalent of 16 hours at the national minimum wage rate over the forthcoming quarter.
- If either or each parent/carer's income exceeds £100,000 they will not be eligible for the Working Parents Entitlement.
- Where one or both parents/carers are on certain forms of family leave from work (including maternity, paternity or shared parental leave) or in receipt of certain forms of statutory pay in connection with sickness or parenting, they are treated as though they meet the minimum income requirement. This will apply for the 31 days before they return to work for those parents on family leave in relation to the child in funded childcare.
- Where one parent (in a couple household) is in receipt or could be entitled to be in receipt of specific benefits relating to caring, incapacity for work or limited capability for work that they are treated as though they are in paid work.
- Where a parent/carer is in a 'start up period' (i.e. they are newly self-employed), they do not need to demonstrate that they meet the income criteria for 12 months in order to qualify for the Working Parents Entitlement.
- If a non-EEA national, the parent/carer must have recourse to public funds.

Parents/carers must check their eligibility for the extended entitlement through the Government's online childcare service. Funding is available from the block following their third birthday until the child reaches compulsory school age or they become ineligible.

Three and four year old entitlements begin the block after the child's 3rd birthday:

A child born between:	Will be eligible for a funded place from:
1 January – 31 March	Block 1 – 1 April (following 3 rd birthday)
1 April – 31 August	Block 2 – 1 September (following 3 rd birthday)
1 September – 31 December	Block 3 – 1 January (following 3 rd birthday)

- Eligible children of working parents/carers will continue to be entitled to free early education place as part of the universal entitlement until they enter school or they become ineligible.

- MKCC will audit the codes of resident children in receipt of the extended entitlement at 6 predefined dates in the year to ensure the child has not become ineligible.
- Once a child becomes ineligible the child will enter a '**Grace Period**' (the provider can view the status of a child's code on the dashboard on the provider portal). During this '**Grace Period**' the child will continue to be funded for the extra 570 hours until the specified grace period end date arrives.
- To access the extended hours when a validity code has been issued mid-block, it will be from the block following a child's third birthday or the block following the code's issue.

Children in Foster Care

- A child will be entitled to the extended hours from the block after their third birthday.
- The foster carers or single foster carer must be engaging in paid employment other than that as a foster parent for the foster child to be eligible for the Extended hours.
- Access to the extended hours has to be consistent with the child's care plan, placing the child at the centre of the process and decision making. The foster carer should apply to MKCC to ensure that accessing the additional hours is consistent with the child's care plan.
- If all the above criteria cannot be met, the foster carer must apply for a validity code from HMRC and meet all the qualifying criteria in their own right.
- Other than the code application process and reconfirmation process, all other provisions apply to children in foster care accessing the extended hours in the same way as they do to all other children.

Validity Code Deadline

The deadline for parents/carers to apply for validity codes and pass to their provider for each block are:

31 st March	for	Block 1
31 st August	for	Block 2
31 st December	for	Block 3

For families that may have a delay with their code being issued by HMRC, MKCC will accept code start dates up to the dates below – this only applies to parents/carers who have applied or reconfirmed by the 31st deadline but receive their valid code after the beginning of the new term (evidence from the parent/carer's HMRC secure account will need to be seen as proof of application/reconfirmation on or before the 31st deadline):

- Parent/carer applied/reconfirmed by 31st March – code validity start dates will be accepted between 1st and 14th April
- Parent/carer applied/reconfirmed by 31st August – code validity start dates will be accepted between 1st and 14th September
- Parent/carer applied/reconfirmed by 31st December – code validity start dates will be accepted between 1st and 14th January

Outside of these circumstances, if the start date of a code is after the 31st of March/August/December then the extended hours aren't accessible until the following funding block.

A provider should ensure they have verified the validity code of a family on the Portal Eligibility Checker before confirming a child's place to take up the extended hours.

Providers should ensure that they inform their parents/carers of the review and appeals process available to them directly with HMRC if they disagree with the eligibility outcome.

For foster carers, who are unhappy about decisions made by the local authority, then the foster carers should seek resolution through their social worker or through the MKCC Complaints Process.

2.5 The Grace Period

The Grace Period enables parents/carers to retain their childcare place for a short period if they become ineligible for 30 hours. The Grace Period checking dates are:

Validity End Date	LA audit date	Grace Period end date
1 January – 10 February	11 February	31 March
11 February – 31 March	1 April	31 August
1 April – 26 May	27 May	31 August
27 May – 31 August	1 September	31 December
1 September – 21 October	22 October	31 December
22 October – 31 December	1 January	31 March

- Parents/carers reconfirm their eligibility around every three months depending on when they first applied for their validity code. There will be three dates attached to each code (only MKCC and the provider sees these dates).
- The 'validity start date' is the date on which the parent/carer has applied and been issued a code. The 'validity end date' is the parent/carer 'deadline' for reconfirming. Their 'Grace Period' date is the last date on which they should receive their Extended hours place.
- The Eligibility Checking System (ECS) will automatically assign Grace Period end dates to every eligibility code. When the local authority funding system is updated overnight with code details, the provider can check on the dashboard on the provider portal the current position with regards to the validity of a code.
- When a parent/carer applies to HMRC to re-validate their validity code and they are no longer eligible, usually due to a change in their personal circumstances, then the Grace Period becomes applicable, and the child can access the extended hours up to the end of the Grace Period date that is issued with every validity code – see table above for the applicable dates. The Grace Period doesn't apply if a parent/carer decides to not re-validate their code once it has expired.

Children should not be permitted to start an Extended hours place at a provider during the Grace Period. This includes the following scenarios:

- Where a parent/carer falls into their Grace Period before the child has started the Extended hours place
- Where a parent/carer falls into their Grace Period whilst their child is in their Extended hours place, and the parent/carer seeks to move the child to a different provider.

Parents/carers should be reminded by providers that if a family cease to meet the eligibility criteria for the extended hours and any grace period has expired, they can still continue to use the child’s universal hours, providing they have not exceeded the total number of hours due each block. If a child attends more than one provider, then the parent/carer should choose at which provider they wish to access just the universal hours.

3 Flexibility

Children should be able to take up their full entitlement to early education at times that best support their development, learning and at times which fit with parental/carer needs.

Providers can deliver their own model of flexibility using the following principles:

Childcare Session	Quantity
Minimum length	No minimum <i>(subject to requirements on the Ofsted Early Years Register)</i>
Maximum length	10 hours
Time of Delivery	6.00am to 8.00pm
Weeks of childcare	38 weeks – 52 weeks
Childcare days	Up to 7 days a week
Number of providers	A maximum of 2 providers in a single day

Providers have total autonomy to decide how they offer childcare places in line with the parameters outlined above and are not required to offer the full entitlement in order to receive funding for the delivery of universal free places.

The extended entitlement for working parents/carers awards eligible children access to up to 1140 hours of free childcare over a 52 week period. How the free childcare hours are used is the responsibility of the parent/carer. Therefore, parents/carers have the freedom to decide when, where and how many hours they access to suit their needs. The free childcare hours can also be accessed outside of school term dates and at weekends.

The provider should work with the local authority and share information about the times and periods at which they are able to offer free entitlements to support the local authority to secure sufficient stretched and flexible places to meet demand in the local area. The provider should also make information about their offer and admissions criteria available to parents/carers at the point the child first accesses provision at their setting.

Research has shown that continuous provision is in the best interests of a child, hence it is encouraged that providers attempt to offer the provision hours in continuous blocks with no artificial breaks throughout the day.

It is possible for children to claim their funding from more than one provider. If considering more than two providers, parents/carers should be encouraged to consider the impact on the continuity of care for the child when accessing the free entitlement at multiple providers.

The provider should discuss and work closely with parents/carers 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.

A child is able to access entitlement across two providers, though no more than two sites in one day, however, **BOTH** need to provide the same offer i.e., both term time only **or** both stretched. It is critical that providers have clarifying conversations with parents with regards to how entitlement hours will be accessed and whether multiple settings are being accessed. If a split across providers is being requested and it is not in line with provider guidance then this should be made clear at the time and the parent should be advised of the impacts of proceeding. If shared care is in place, both providers must ensure they share information about the child's learning, needs and progress. This is to ensure consistency for the child and for providers to be able to share with Ofsted the shared care approach.

When using more than one provider, if a parent/carer ceases to meet the eligibility criteria for the Extended entitlement, the parent/carer must choose which provider they will continue to take up their child's universal 15 hours entitlement as long as the child meets the age criteria.

A provider should work with the parents/carers to ensure continuity of care for children and effective transitional arrangements to support children's learning and wellbeing when enabling children to take up their early years entitlement at more than one provider or on more than one site.

It is the decision of a provider if they choose NOT to offer the funding entitlement. Providers are not required to be open for minimum of 38 weeks.

4 Quality

All children should be able to take up their funded hours in a high quality setting. Evidence shows that higher quality provision has greater developmental benefits for children, particularly for the most disadvantaged children leading to better outcomes. The evidence also shows that high quality provision at age two brings benefits to children's development. This guidance reflects the Government's intention that, as far as possible, funded places are delivered by providers who have achieved an overall rating of 'outstanding' or 'good' in their most recent Ofsted inspection report.

Every child deserves the best possible start in life and the support that enables them to fulfil their potential. Children develop quickly in the early years and a child's experiences between birth and age five have a major impact on their future life chances. A secure, safe and happy childhood is important in its own right. Good parenting and high-quality early learning together provide the foundation children need to make the most of their abilities and talents as they grow up. The Early Years Foundation Stage (EYFS) sets the standards that all early years

providers must meet to ensure that children learn and develop well and are kept healthy and safe. It promotes teaching and learning to ensure children's 'school readiness' and gives children the broad range of knowledge and skills that provide the right foundation for good future progress through school and life.

The EYFS provides clear guidance regarding the provider's responsibilities to offer a broad and balanced curriculum which meets the needs of children. Providers must ensure their curriculum, curricular goals and milestones meet the needs of their specific children. Providers must ensure that the statutory Two-Year Progress Check is undertaken to support the early identification of a child's need. Providers must meet the needs of disabled children or those who have a Special Educational Need. The provider should request parents/carers share the Two-Year Old Progress Check if it has been undertaken elsewhere and also request to see the Two Year Old Development Check undertaken by their Health Visitor.

The decision to fund a provider to deliver early education places will solely be based on the provider's most recent Ofsted inspection judgement.

A provider with an Ofsted inspection of 'Met' will be funded until their Ofsted quality inspection judgement is published.

A provider delivering the Two-Year-Old entitlement must be rated, 'Good' or 'Outstanding' by Ofsted. Only 'Requires Improvement' providers will be funded where there is not sufficient, accessible 'Good' or 'Outstanding' provision in the local area and the provider is willing to accept the local authority requirements.

MKCC will fund places for three and four-year-old children at any provider judged 'Requires Improvement' by Ofsted if the provider is willing to accept MKCC's requirements in the provider guidance.

MKCC **can** refuse to fund a provider if it has reasonable grounds to believe that the provider is unable to meet any of their requirements set out in the provider guidance. Providers must ensure they action any measures identified in a report from Ofsted to improve the overall effectiveness of the provision and be EYFS compliant.

MKCC will 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 the requirements in the provider guidance. Funding will be paid to childminders registered with a childminding agency with a rating of 'Effective'.

Inadequate/Ineffective Provision

Where a provider is rated 'Inadequate' by Ofsted, MKCC will withdraw funding for all current, funded children based on the grounds of the Ofsted judgement. The decision will be the responsibility of the MKCC Education Performance Board. MKCC has a statutory duty to secure alternative provision as soon as practicable for the current, funded children in an Inadequate setting. No new funded children will be admitted to the provision from the date of the published Ofsted inspection report.

When Ofsted publish a report about a childminding agency which has an 'Ineffective' outcome, MKCC will be guided by current DfE information [Early education and childcare - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/topics/early-childhood-education) regarding Ineffective childminder agencies.

Requires Improvement provision

Where a provider is rated 'Requires Improvement' and the provider is in receipt of two-year-old funding, the provider will not be able to take any eligible two-year-olds new to the provider from the date of the published Ofsted RI report.

MKCC will review the sufficiency of alternative 'Outstanding' or 'Good' provision in the area and the needs of the children. Following this, MKCC will then consider the decision to withdraw funding for any eligible two-year-olds new to the provider. However, MKCC may decide to continue to fund new, eligible two-year-olds due to the following reasons:

- Insufficient 'Good' or 'Outstanding' provision in the area
- The needs of the children

Please note:

When making funding decisions, MKCC will consider any information published by Ofsted about a provider, including the recent history about childcare provision at a particular address. This may include:

- MKCC has concerns that a provider judged 'Inadequate' by Ofsted may have re-registered their setting with Ofsted to avoid making the quality improvements identified by Ofsted
- Ofsted involvement, reports, concerns and complaints about the provider
- Non-compliance of EYFS safeguarding/welfare requirements and SEND responsibilities

5. SEND

A provider must ensure owners and all staff members are aware of their duties in relation to the SEND Code of Practice 2014 and the Equality Act 2010. The Special Educational Needs and Disability Code of Practice: 0 to 25 years states that providers **must** have arrangements in place to support children with SEN or disabilities. These arrangements should include a clear approach to identifying and responding to SEN (5.4).

MKCC will be clear and transparent about the support on offer in their area, through the Local Offer, so parents/carers and providers can access the support. To view the Milton Keynes full Local Offer please go to: [Milton Keynes City Council \(mksendlocaloffer.co.uk\)](https://www.mkcc.gov.uk/localoffer)

A provider should ensure that they keep up to date with information and communications provided by the local authority with regards to SEND such as:

-Training [Programmes and workshops | Milton Keynes City Council\(mksendlocaloffer.co.uk\)](https://www.mkcc.gov.uk/localoffer)

-SENCO meetings

-The MKCC SEND Local Offer and Facebook page contains further information and news about local events and support, and parents/carers should be signposted to this.

Providers, parents and carers can call the SEND Support Line for advice, support and recommendations for strategies and provision, on 01908 – 657825 or by emailing: SENDsupport@milton-keynes.gov.uk

A provider should be clear and transparent about the SEND support on offer at their setting and make information available about their offer to support parents/carers. A provider should contact the MKCC SEND Team for advice and guidance should there be any questions or concerns about the participation and/or inclusion of children with SEND attending their setting. The MKCC SEND Team will actively engage with providers and challenge when necessary to ensure that children with SEND have access to early years provision that meets their needs. This will be escalated to senior leaders as appropriate.

MKCC SEND Team may contact Early Years Providers upon receipt of a Health Notification Form concerning children who have SEND or medical needs.

A provider should ensure they have a strong multi-agency focus by securing local partnerships between all joint working professionals including education, health and social care.

Any Inclusion Grant Funding awarded to a provider will be monitored by the local authority to make sure it is being used as agreed in the best interests of the child. Failure to provide support agreed may result in withdrawal of funds.

5.1 Disability Access Fund (DAF)

This is a funding measure for early years providers to support children with SEND. The DAF aids access to early year places by, for example, supporting providers in making reasonable adjustments to their settings, purchasing specialist equipment and/or seeking specialised training that would support providers to meet a child's needs.

Eligibility

Two, three and four year olds will be eligible for DAF if the child is in receipt of child disability living allowance (DLA) and the child is eligible and receives funded early education. Four year olds in Maintained Schools Reception Classes are NOT eligible for DAF.

Entitlement for providers

To apply for DAF a provider must submit an application form and a copy of the child's DLA Award Letter to the Monitoring & Payments Officer – Early Years. Providers who have eligible children will be entitled to £910 per financial year. This will be paid in a one-off payment and is not based on an hourly rate, it is an additional entitlement. A child does not have to be taking up the full funded hours of early education to receive the DAF. For a child who accesses two providers for their free entitlement, a parent/carer will need to indicate on their Parental Contract with provider they wish the DAF to be paid to, it can't be split over two providers. Once the yearly amount has been paid to a provider, if the child leaves their setting, they retain the funding, it doesn't have to be repaid to MKCC and it doesn't follow the child to their new setting. The new provider wouldn't be able to claim the DAF for the child until the next financial year. Where a child accesses a provider in a local authority different to the one in which they live, the provider's local authority is responsible for checking the child's eligibility and for funding the DAF.

Identifying eligible children

A provider is responsible for identifying eligible children. Providers are encouraged to speak to their parents/carers in order to find out who is eligible for DAF. Parents/carers of children qualifying for DLA will be required to provide documented evidence of this entitlement. Providers will need to complete an application form and attach the 2 documents to the online application system on the provider portal under the Disability Access Funding tab.

6. Partnership Working

The local authority will promote partnership working between different types of providers, including childminders, across all sectors and encouraging more providers to offer flexible provision, alongside other providers. The provider should work in partnership with parents, carers and other providers to improve provision and outcomes for children in their setting. The provider should work with parents/carers to ensure continuity of care for children and effective transitional arrangements to support children's learning and wellbeing when enabling children to take up their free place at more than one provider or on more than one site.

7. Social Mobility and Disadvantage

MKCC will promote equality and inclusion, particularly for disadvantage families, looked after children and children in need by removing barriers of access to free places and working with parents/carers to give each child support to fulfil their potential. A provider should ensure that they have identified the disadvantaged children in their setting as part of the process for checking Early Years Pupil Premium (EYPP) eligibility. A provider will also use EYPP and any locally available funding streams e.g. Deprivation Funding or support to improve outcomes for this group. A provider will ensure the impact and outcomes of EYPP spending on each eligible child can be evidenced to MKCC and for the purposes of their Ofsted inspection.

8. British Values

MKCC will investigate concerns about early years providers that do not actively promote fundamental British values, or which promote views or theories as fact which are contrary to established scientific or historical evidence and explanations.

The learning programmes in the EYFS are clear that providers are expected to offer a broad and balanced curriculum to ensure that children 'understand the world' and learn about 'similarities and differences between themselves and others, and among families, communities and traditions. Providers who wish to celebrate and religious and cultural festivals, for example putting on a nativity play, a harvest festival or a celebration of Eid, can still do so.

Early education places cannot be secured at a provider who MKCC has reasonable grounds to believe:

- Is not meeting the independent school standard in relation to the spiritual, moral, social and cultural development of pupils.
- Is not actively promoting fundamental British values of democracy, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs.

- Is promoting as fact views or theories which are contrary to established scientific or historical evidence and explanations.

Where MKCC has reasonable grounds to believe that one or more of the criteria set out above applies, funding will be withdrawn.

9. Charging

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.

- The provider can charge for:
 - Meals
 - Snacks
 - Consumables – nappies, sun cream, etc.
 - Trips
 - Specialist Tuition

These should form part of a free entitlement place and **must** be voluntary for the parent/carer.

Where parents/carers are unable or unwilling to pay the additional charges, providers who choose to offer the free entitlement are responsible for setting their own written policy on how to respond, with options including waiving or reducing the cost of meals and snacks or allowing parents/carers to supply their own meals. Providers should be mindful of the impact of additional charges on the most disadvantaged parents/carers.

The provider should deliver the 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.

Children should be able to take up their free hours as part of continuous provision and a provider should avoid artificial breaks in the day wherever possible. This means that the lunchtime hour/session should form part of the free provision where a child is attending a morning and afternoon session.

Free School Meals: where a child is attending an academy, maintained nursery school or nursery class before and after lunch a child may be eligible for free school meals. To qualify the parents/carers must be in receipt of specified benefits. The school is required to provide a free school meal to eligible children wishing to take up their entitlement. Where a child would qualify for free school meals but chooses to take up their free entitlement in a PVI setting, the meal will not be funded by the local authority.

The provider **cannot** charge parents/carers “top-up” fees (the difference between a provider’s usual fee and the funding they receive from the local authority) or require parents/carers to pay a registration fee as a condition of taking up their child’s free place.

THREE AND FOUR YEAR OLD CHILDREN ONLY: Providers can charge parents/carer a deposit to secure their child's free place but should refund the deposit in full to parents/carers within a calendar month of the child taking up their place. The purpose of the deposit is to give providers a certainty that a parent/carer will take up a place. It should be made clear to a parent/carer by a provider that if a parent/carer fails to take up their place, a provider is not obliged to refund the deposit.

The provider must ensure that a parent/carer identifies in the relevant section on the block parental contract if they are using more than one provider for their child, at which provider the parent/carer wishes to claim the 15 Universal Hours. If a parent/carer doesn't identify this themselves, MKCC will allocate to one of the providers accordingly.

A provider can choose to allow a parent/carer to purchase additional hours of provision or additional services, providing that this does not affect a parents/carers ability to take up their child's free place. The provider should be transparent about any additional charges.

Providers **must** ensure their invoices and receipts are clear, transparent and itemised, allowing parents/carers to see that they have received their free entitlement completely free of charge and understand what is being charged for any additional hours. The provider will also ensure that receipts contain their full details so that they can be identified as coming from a specific provider. A sample of invoices issued to parents/carers will be checked as part of a provider's Early Years Funding Audit.

Providers should publish their admissions criteria and ensure parents/carers understand which hours/sessions can be taken as their free provision. Not all providers will be able to offer fully flexible places, but providers should work with parents/carers to ensure that as far as possible the patterns of hours are convenient for parents/carers working hours.

An eligible child should claim funding from the local authority where the provider operates.

In order to claim funding a child must attend for a minimum of 63% of the agreed free entitlement hours for the block; exceptions to this will be at the local authority's discretion. Providers **must** inform MKCC if a child's attendance drops below the minimum attendance so that the relevant decision can be made regarding their funding.

Providers **must** ensure that funding is spent during the block for which it has been allocated and for the benefit of the funded children for that block. However, in some circumstances it may be justified for the provider to use the funding outside of the allocated block.

An audit will be carried out by MKCC, with prior notice to a provider, to ensure the funding guidelines are being adhered to. The rolling audit programme will inspect providers at least every three years unless there is reason for an audit to be carried out sooner.

10. Funding and Payments

Funding is determined using the local Early Years Single Funding Formula (EYSFF). The rates for 2024/25 are:

Under Two Year Old Funding (from 1 st September 2024)	£ 10.96 per hour – all providers
Two Year Old Funding	£ 7.80 per hour – all providers
Three & Four Year Old Funding	£ 5.50 per hour – all providers

In order to claim funding providers will be expected to present information to the local authority via the provider portal. All information must be submitted to MKCC by the dates specified on the Annual Timeline. Failure to do so will result in monthly payments being withheld or delayed.

If a child claiming the free entitlement leaves/joins after headcount day, the provider must inform MKCC immediately, using the Adjustments Task on the Portal. Funding cannot be used to pay for arrears built up outside of the free entitlement.

Funding can only be claimed for the total weekly funded hours that a parent/carer has completed on their Parental Contract, which should also agree with the number of hours the child actually attends the setting as per the Attendance Register. Registers will be checked as part of a provider's Early Years Funding Audit.

Funding can be claimed by a provider when a child informs them that they are leaving their setting, up to a **maximum** of four weeks. The four weeks' notice period will include term time and non-term time weeks and starts on the day that notice is given from the parent/carer. Providers must ensure that parents/carers are clear when they sign the provider's contract that they understand about the notice period and that if they don't give the contracted notice this may affect funding being moved to a new provider. The Local Authority has discretion to amend the four weeks' notice period in **exceptional** circumstances for example where children are being removed for safeguarding reasons so that children are able to take up their new placement as early as possible in the best interests of the child. In no circumstances will we continue to fund a setting where the child has given four weeks' notice, even if the parent/carer has signed a longer agreement with an individual provider. We would also encourage providers to consider the length of notice periods and consider whether this is appropriate in the spirit of the funding and the best interests of the child.

If a child is excluded from a provider for non-payment of fees, the child cannot be excluded for the flexible free entitlement hours. The only hours that can be stopped are the extra hours being charged for independently by the provider.

Payments are made to providers in three funding blocks. Initial payments will be based upon the estimated number of children and hours to be attended during that block. In exceptional circumstances for example issues identified in the audit process the local authority may decide to pay funding based only on actuals, however individual providers will be informed

along with the reasons for this decision. The final payment in each block is based upon actual attendance for the block. The final payment will reconcile any over or under estimations within the initial payments.

All funding payments are made on a monthly basis, in advance, on or around the 26th of each calendar month. Further payments may be made on submission of new claims through the Adjustments Task. The deadline for Adjustments requests for payment is the last day of each block. Any overpayments of block funding or adjustment payments will automatically be deducted by MKCC from any future payments. A provider will be notified by the Monitoring & Payments Officer – Early Years of any such deductions. If a provider is not due any future funding payments, an invoice will be issued for the outstanding amount.

Calculating Initial Payments:

- i. Parent/carer completes and returns Parental Contract to provider
- ii. Provider completes and submits estimates during preceding block
- iii. MKCC makes monthly payments, and the provider portal is updated

Calculating the Final Block Payment:

- i. Provider completes and submits actual data on a set date in each block.
- ii. MKCC will calculate the final payment of each block and the provider portal will be updated.

11. Compliance / Audit

Providers will fill in the requisite forms correctly and return them by the date required. MKCC reserves the right to carry out spot check audits to ensure compliance with the Early Education Funding Guidance to detect false claims. Providers must maintain all attendance and finance records for a period of six years.

When requested, providers must have at the audit copies of:

- children's attendance registers for the identified funding block
- parental contracts for the identified funding block
- bank statements for the identified funding block
- two to three samples of invoices/charges to parents/carers, if applicable
- records of Income and Expenditure for the identified funding block
- Documentation to prove the current status of the setting e.g., Registered Charity, Incorporated Company, Private Owner, Social Enterprise, Ofsted Registration
- copy of current business plan
- copies of accounts
- proposed budget for the year
- any other evidence that can be reasonably requested.

Providers must maintain a specific, non-personal bank account, which is dual signatory unless a sole trader.

If the funding received for the free entitlement exceeds the amount the provider would normally charge, the provider can keep the excess. However, MKCC will examine financial records to determine how the excess is spent. Providers must contact MKCC upon receipt of any payment for ineligible children.

Failure to provide documentation that is requested in order to carry out an audit may result in future funding payments being withheld until the audit can be completed.

Any change of circumstances or organisational details, including name, must be reported to MKCC, by the provider as this may result in a change of funding arrangements.

12. Termination and Withdrawal of Funding

This process can be instigated following a provider's Ofsted Inspection (routine or following a complaint/concern to Ofsted about the provider) which results in a less than Good grade.

Inadequate Ofsted Outcome:

- The provider must inform parents/carers of the Inadequate outcome and make available the Inspection Report.
- The provider must inform MKCC.
- MKCC will contact the provider to ensure they understand funding will be removed, current children will be removed and no new children must be admitted to the setting. MKCC will consider an appropriate timescale for removing funding.
- The provider will be invited and expected to attend supportive action planning meetings in order to return to at least 'Good'.

Requires Improvement Ofsted Outcome:

- The provider must inform parents/carers of the Requires Improvement outcome and make available the Inspection Report.
- The provider must inform MKCC.
- MKCC will contact the provider to ensure they understand that no new two-year-olds, eligible for funding, are to be admitted to the setting from the date of the published RI report.
- MKCC will also check the availability of 'Good' and 'Outstanding' places available in the area. If 'Good' and 'Outstanding' provision is available, MKCC may decide not to fund eligible two-year-olds new to the RI setting from the date of the published RI report.
- The provider will be invited and expected to attend supportive action planning meetings in order to return to at least 'Good'.

Please note:

- Providers who do not have funded two-year-olds at the time of a 'Requires Improvement' or 'Inadequate' outcome will also follow the process outlined above.
- Funding may be removed if MKCC is concerned about a provider not complying with EYFS safeguarding/welfare requirements and its SEND responsibilities.

13. Data Protection / GDPR

Data from which it is possible to identify children (in any medium, including within a Management Information System) is personal data. Such personal data must be managed in accordance with the requirements of the Data Protection Act 2018. Data controllers must ensure that their data handling rules comply with the Act and that staff understand these. It is the providers' responsibility to hold their data in accordance with the Act including issuing parents/carers with a Fair Processing Notice explaining how their data and data about their child is to be used.

The Act puts in place safeguards regarding the use of personal data by organisations including DfE, MKCC and schools. The Act gives right to those (known as data subjects) about whom data is held. This includes:

- the right to know the types of data being held
- why it is being held
- to whom it may be communicated

A 'Privacy Notice' is a good way to be able to meet data subjects' rights and therefore providers should issue a Notice to parents/carers and staff to explain how their data is being used in the census collections carried out by MKCC during each year. DfE have created a draft template of a Privacy Notice which you can download at:

<https://www.gov.uk/government/publications/data-protection-and-privacy-privacy-notices> if you wish to use this format. The templates will be reviewed and updated by DfE on a regular basis. Best practice is also to include this link: <https://www.gov.uk/guidance/data-protection-how-we-collect-and-share-research-data> which explains how DfE collects and shares data.

Providers are recommended to include a privacy notice in staff induction packs, make available to parents/carers via the providers' website as well as featuring it on staff notice-board and/or Intranet. They do not need to be issued on an annual basis as long as new staff/parents/carers are made aware of the notices and they are readily available electronically or in paper format.

LEGAL DUTIES UNDER THE DATA PROTECTION ACT 2018 / DATA SECURITY

Providers have a legal duty under the Act to ensure that personal data is processed securely. Processing is the collection, handling (use), storage, transmission and deletion of data. Further information can be found at this link to the Information Commissioners Office:

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/>

If personal data is not properly safeguarded it could damage your reputation and compromise the safety of individuals. The provider's responsibility as a data controller/processor extends to those who have access to data beyond your Organisation if working on your behalf, that is, if external IT suppliers can remotely access your information.

It is vital that all staff with access to personal data understand the importance of protecting it; that they are familiar with your security policy; and that they put security procedures into practice.

It is recommended that staff are provided with appropriate initial and refresher training. Further useful information can be found at:

The 10 Steps to Cyber Security: <https://www.ncsc.gov.uk/collection/10-steps>

14. Equality

The Equality Act 2010 offers protection against discrimination, harassment and victimisation and applies to statutory and non-statutory early year's organisations and the provision of early years services. It applies to a number of "protected characteristics" including sex, race, disability, religion or belief and sexual orientation.

The Act sets out the legal obligations for local authorities to plan in advance what disabled children and young people might require and what adjustments might need to be made to prevent that disadvantage.

Local authorities and other listed public authorities (which include local authority maintained schools and Academies) must comply with the public sector equality duty (found in section 149 of the Equality Act 2010) which sets out the three "equality needs" that they must have due regard to when making decisions:

- to eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Act
- to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Local authorities and other listed public authorities must also comply with the requirements of the Equality Act 2010 (Specific Duties) Regulations 2011 which places a duty on them to publish information annually to demonstrate how they are complying with the public sector equality duty and to prepare and publish one or more specific and measurable equality objective every four years.

While private, voluntary and independent settings are not bound by the public sector equality duty which applies to public authorities, the principles of equity and justice underpinning the law should be applied as good practice. Where provision is overseen, coordinated or advised by the local authority or a partnership with local authority membership, the local authority will have responsibility to ensure the duties are fulfilled.

15. Criminal Offences

Notification offences

These are committed where processing is being undertaken by a data controller who has not notified the Commissioner either of the processing being undertaken or of any changes that have been made to that processing. Failure to notify is a strict liability offence.

Procuring and selling offences

It is an offence to obtain, disclose, sell or advertise for sale, or bring about the disclosure of personal data, without the consent of the data controller. It is also an offence to access

personal data or to disclose it without proper authorisation. This covers unauthorised access to and disclosure of personal data. There are some exceptions to this.

Enforced subject access offence

Unless one of the limited statutory exceptions applies, it is an offence for a person to ask another person to make a subject access request in order to obtain personal data about that person for specified purposes, such as a precondition to employment.

Other offences

It is an offence to fail to respond to an information notice or to breach an enforcement notice. Unauthorised disclosures by the Commissioner or her staff are forbidden and breach of those provisions

Disclosure

Staff should not disclose personal information unless they have specific instructions or procedures from their manager permitting the disclosure. This includes email, fax, letter, verbal or allowing an unauthorised person to view data on the VDU.

16. Complaints and Appeals Processes

Advice on how to complain to the council is available on the website:

<https://www.milton-keynes.gov.uk/your-council-and-elections/comments-compliments-and-complaints>

Alternatively, you can contact MKCC on: 01908 691691.

All providers should have a complaints procedure in place that is published and accessible for parents/carers. This should be shared with parents/carers from the time that their child is eligible to receive the free entitlement. A parent/carer also has the right to complain if they are not satisfied that their child has received their free entitlement in accordance with the legislation or the guidance in this document.

Where there has been a decision not to provide funding or withdraw funding from a provider a written explanation from MKCC will be provided. The provider has the right to appeal the decision if they feel it is not in line with the guidance. The provider should do this by putting their reason for appeal in writing, addressing it to the Group Head of Education, Learning and Inclusion. This should be done within seven days of receiving notification that funding is to be withdrawn.

The Director of Children's Services will consider the appeal against the information provided in conjunction with the Education Performance Board. This will be done within 20 working days. The provider will be informed of the final decision.

A provider who is not satisfied with the MKCC process and feels that maladministration has occurred, may make a complaint to the Local Authority Ombudsman on 0845 602 1983 or email www.lgo.org.uk after the full appeals process with MKCC has been exhausted.

17. Provider Agreement

The provider agreement has been drawn up to ensure MKCC and providers improve outcomes for children.

If a provider fails to adhere to any aspect of the provider agreement or fails to adhere to any other rules or procedures that it must abide by (for example Ofsted standards), then funding may be withdrawn. If MKCC decides not to provide funding, a written explanation will be provided.

However, MKCC seeks to work with providers to ensure that at all times they have the appropriate support and guidance needed to deliver on the necessary commitments, and to ensure that any likely breach is resolved as soon as possible.

All providers must acknowledge receipt of this provider agreement and adhere to the requirements.

All providers must sign and return the provider agreement, pages 29-32, by 7th June 2024.

EARLY EDUCATION FUNDING PROVIDER AGREEMENT

THIS AGREEMENT is made the _____ day of _____ 2024

BETWEEN: -

Milton Keynes City Council of the Civic, 1 Saxon Gate East, Milton Keynes, MK9 3EJ ("the Council") and

Name of Provider: ("the Provider")	
Ofsted Number:	
Address:	

BACKGROUND

- (A) The purpose of this Agreement is to formalise the relationship between the Council and the Provider with regard to the provision of Under Two, Two, Three and Four Year Old Early Education Funding for the delivery of free ‘Early Education’ to qualifying children in Milton Keynes.
- (B) In entering into this Agreement, the Provider is agreeing to comply with **all** the requirements of the Agreement.
- (C) The Council will view any failure to comply with the terms of this Agreement as a breach of the legal obligations required of the Provider, which may result in a requirement to repay part or the whole of the Early Education Funding or the Provider ceasing to be entitled to receive Under Two, Two, Three and Four Year Old Early Education Funding, as detailed in this Agreement.
- (D) For the avoidance of doubt the Early Years Provider Guidance shall form part of this Agreement as if it had been repeated here in full.

OPERATIVE PROVISIONS

IT IS AGREED AS FOLLOWS: -

1. Obligations of the Council

1.1 The Council shall pay Under Two, Two, Three and Four Year Old Early Education Funding to the Provider in accordance with the Provider Guidance, subject to the Provider providing the Funded Early Education in accordance with the terms of this Agreement.

2. Obligations of the Provider

2.1 The Provider shall provide the Funded Early Education for Under Two, Two, Three and Four year olds in accordance with the Provider Guidance and any other reasonable additional requirements of the Council, notified in writing by the Council to the Provider.

2.2 The Provider shall conform in all respects with the provisions of the Provider Guidance and all relevant legislation including the provisions of any general or local Act of Parliament and the regulations and by-laws of any local or other statutory authority that may be applicable to the provision of early education or the employment of the Provider's staff.

2.3 Without prejudice to any requirements of this Agreement, the Provider must in particular ensure compliance with the following:

2.3.1 All Eligible Children are entitled to up to 30 hours of free early education per week, for 38 weeks a year, if taken during normal term times; alternatively, up to 22 hours may be taken over the full financial year where a Provider is able to offer the free entitlement on this basis.

2.3.2 The Provider shall provide the Funded Early Education:

- a) to an outstanding or good quality; and
- b) in accordance with the curriculum guidance for the Early Years Foundation Stage, and
- c) to a standard acceptable to an Ofsted inspector; and
- d) in accordance with the criteria set out in the Flexibility section of this guidance

2.3.3 The Provider will be required to submit to an audit of their provision of Funded Early Education, when required by the Council.

2.3.4 The Provider shall promote equality of opportunity and shall ensure that it complies with all statutory obligations as regards preventing discrimination on the grounds of colour, race, nationality, cultural or ethnic origin, marital status, gender, age, disability, religion, gender reassignment or sexual orientation.

Failure by the Provider to comply with the terms of this Agreement and any other reasonable additional requirements notified in writing by the Council to the Provider may result in a requirement to repay the whole or any part of Under Two's, Two Year Old, Three and Four Year Old Early Education Funding or may result in the Provider ceasing to be entitled to receive Under Two's, Two Year Old, Three and Four Year Old Early Education Funding.

3 Termination

3.1 The Council may terminate this Agreement for any reason on no less than four weeks written notice to the Provider.

3.2 Notwithstanding clause 4.1 of this Agreement the Council may terminate this Agreement immediately on written notice to the Provider if: -

- The Provider commits a material breach of this Agreement which seriously affects the provision of Funded Early Education, or
- A receiving order is made against the Provider, or the Provider shall become bankrupt or insolvent or shall compound with or assign in favour of creditors (or being an incorporated company) shall resolve to wind up or be ordered to be wound up or shall carry on business under a receiver.

3.3 The provider may terminate this agreement for any reason on no less than six weeks written notice to the Council. Such notice shall clearly identify that it relates to this agreement and shall be sent to Sufficiency, Access and Attendance Team at Civic, 1 Saxon Gate East, Milton Keynes, MK9 3EJ.

4 General provisions

4.1 Insurance

For the duration of this agreement, the provider shall insure against all relevant risks and if requested shall be required to provide written evidence that insurance cover is in place to the Council's required levels which are currently:

- (a) Employer's liability – at least £5,000,000
- (b) Public liability – at least £50,000,000

4.2 Variations

If the Council wishes to vary this agreement to ensure better service or to harmonise the service with its changing procedures it shall serve a written notice on the provider to set out the variation and the provider will be deemed to accept the variation to this agreement.

4.3 Waivers

No exercise or failure to exercise or delay in exercising any right, power or remedy vested in any party under or pursuant to this agreement shall constitute a waiver by that party of that or any other right, power or remedy.

4.4 Contracts (Rights of Third Parties) Act 1999

The parties to this agreement do not intend that any provision is to be enforceable under the Contracts (Rights of Third Parties) Act 1999 by a person who is not a party to this agreement.

4.5 Jurisdiction

This Agreement shall be subject to and governed by English Law.

Please complete and sign:

I agree to my locality and contact details being shared in the online 'Family Service Directory' for parents/carers looking for childcare in Milton Keynes

I wish to deliver funded hours for (Please tick all those that apply):

Under Two year old provision

Two year old provision

Three and four year old provision

SIGNED for and on behalf of the PROVIDER

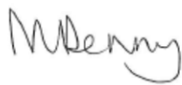
Authorised signatory for the Provider

Name in full:

Position:

Date:

SIGNED for and on behalf of MILTON KEYNES CITY COUNCIL



Marie Denny
Assistant Director Education, Learning and Inclusion