

# *Sheffield City Council*

## **Code of Practice for Providers of Funded Early Learning.**



**Updated May 2022**

<b>TABLE OF CONTENTS</b>	<b>Page</b>
About This Document	4
Communication	4
Variation to Code of Practice or FEL Funding Agreement	4
Privacy Notices	5
School Admissions to Reception	5
<b>Section 1: Funded Early Learning &amp; Eligibility</b>	
1:1 Funded Early Learning (FEL)	6
1:2 Eligibility Criteria	6
1:3 Age of Eligibility for FEL	6
1:4 Applying for 2 Year Old FEL	7
1:5 Providers are Required to Check Eligibility for FEL and Extended Free Entitlement (EFE)	7
1:6 Eligibility Check Results	8
1:7 Rising 3's (schools only)	8
1:8 Extended Free Entitlement (EFE)	8
1:9 EFE for Foster Children	9
1:10 The Grace Period for EFE	9
1:11 Starting Newly Eligible FEL Children	10
1:12 Children From Outside Sheffield	10
1:13 Children From Outside the UK	11
<b>Section 2: Registering as a FEL Provider</b>	
2:1 How to Register as a FEL Provider	12
2:2 Pre-requisites for Providers Applying for FEL Registration	12
2:3 Deadline for Registration and Funding Terms	13
2:4 Provisional registration period (For new applicants)	13
2:5 Rejecting an Application	13
2:6 Childminders and Funding for Relatives	13
2:7 Childminders <i>Registered</i> with a Childminder Agency (CMA)	14
2:8 Childminders <i>Working</i> with a CMA	14
2:9 Childminder Agencies	14
<b>Section 3: Maintaining Registration as a FEL Provider</b>	
3:1 Once You Are Registered	15
3:2 Ongoing Requirements	15
3:3 Lapsed Registrations	15
3:4 The Sheffield Directory	16
3:5 Complaints Procedure for Parents and Carers	16
<b>Section 4: Quality of Providers</b>	
4:1 High Quality Provision	17
4:2 Quality Standards for All Providers	17
4:3 Requirements for Non-maintained schools, PVI Settings and Childminders Rated less than Good or Outstanding	17
4:4 Requirements for Maintained School Settings Rated less than Good or Outstanding	18
4:5 Removal From the FEL Register	18

<b>TABLE OF CONTENTS</b>	<b>Page</b>
4:6 FEL Funding for Providers with less than Good or Outstanding Ofsted Judgements	19
4:7 Removal Due to Breach of the Code of Practice or FEL Funding Agreement	20
4:8 Non-compliance with the Notice of Concern Process	20
4:9 Process of Removal from FEL Register	20
4:10 Funding during Permanent Closure of a FEL provision	20
4:11 Appeals Process	20
<b>Section 5: Delivering FEL</b>	
5:1 Annual Entitlement	22
5:2 Funding Periods	22
5:3 All Year-Round Delivery	23
5:4 Delivery Patterns	23
5:5 Partnership Working	24
5:6 Changing Providers During a Funding Period	24
5.7 Four Weeks' Notice Period	25
5:8 Children with Special Educational Needs and Disabilities (SEND)	26
5:9 Parent/Carer Agreement & Pattern of Attendance form	26
5:10 Staffing Ratios	26
<b>Section 6. Fees and Charges.</b>	
Fees & Charges Complaints process for parents	28
6:1 What FEL Funding is paid for.	28
6:2 Charges for FEL Plus	28
6:3 Food and Consumables	28
6:4 Charges for Non FEL childcare	29
6:5 Equality of Access	29
6:6 Top Up Fees	29
6:7 Deposits	29
6:8 Invoicing	29
<b>Section 7: Inclusion</b>	
7:1 The Principle of Inclusion	31
7:2 Admissions Policy	31
7:3 Virtual School for Looked After Children (LAC)	31
7:4 Children With Special Educational Needs and Disabilities (SEND)	32
7:5 Universal Level Support	32
7:6 Specialist/External Support	32
7:7 Settling In Periods	33
7:8 Using Early Years Pupil Premium (EYPP)	33
7:9 Promoting British Values	33
<b>Section 8: Attendance</b>	
8:1 Safeguarding Concerns	34
8:2 Attendance Records	34
8:3 Managing Unauthorised Absence	34
8:4 Managing Illness	35
8:5 Holidays	36
8:6 Poor Punctuality	36

<b>TABLE OF CONTENTS</b>	<b>Page</b>
8:7 Unforeseen Closure	36
8:8 Planned Closure	37
8:9 Public Holidays	37
8:10 Settling in Periods	37
8:11 Staggered Starts	37
<b>Section 9: Safeguarding</b>	
9:1 Local Authority's Safeguarding Responsibilities	38
9:2 Provider Safeguarding Responsibilities	38
9:3 Safeguarding Policy and Child Protection Procedure	39
9:4 Integrated Safeguarding Practice	39
9:5 Safeguarding Information	39
9:6 Staff Recruitment and Vetting	40
9:7 Safeguarding Training	40
9:8 Safeguarding Supervision	40
9:9 Safeguarding Resources	40
<b>Section 10: Funding</b>	
10:1 Audit of FEL Providers	41
10:2 Early Years National Funding Formula	41
10:3 How to Claim the Funded Early Learning Entitlement	41
10:4 Early Years Pupil Premium (EYPP)	41
10:5 Disability Access Fund (DAF)	42
10:6 Free School Meals (FSM)	42
<b>Section 11: Legislation</b>	
11:1 Statutory Guidance	43
11:2 EYFS	43
11:3 Data Protection	43
11:4 Inclusion	43
<b>Appendices</b>	
Glossary of Abbreviations	44
Funded Early Learning Teams Contact Details	45
MAST and Family Hubs contact details	46

## About This Document

This document details the requirements and expectations for providers of Funded Early Learning (FEL), in combination with Sheffield City Council's FEL Provider Funding Agreement ("*FEL Funding Agreement*"). Providers in breach of any part of this Code of Practice **or** the *FEL Funding Agreement* may be removed from the Register of Providers and no longer be eligible to receive FEL funding.

A separate document "*Providers Guide to Claiming Funding for Funded Early Learning and the Extended Funded Entitlement*" details everything you as a provider must do to submit a claim for FEL funding as well as explaining how your claim is processed. It is available at this link:

<https://www.sheffield.gov.uk/home/schools-childcare/fel-funding-providers>

**For easier reference some of the more important and often mandatory requirements are enclosed in RED boxes like this one.**

The Code of Practice also contains much more information about delivering FEL and providers are advised that they must read the full Code of Practice prior to offering FEL.

Unless otherwise stated, in this document "**FEL**" is understood to cover Funded Early Learning for eligible 2 year olds, the Universal Entitlement to Funded Early Learning for all 3 and 4 year olds and the Extended Free Entitlement (EFE) available for eligible 3 and 4 year olds from September 2017.

Where this document refers to **Ofsted**, this is also deemed to refer to any other independent inspectorate approved by the Secretary of State.

The term **provider** refers to all providers of Funded Early Learning.

The term **parent** refers to mothers, fathers, carers, foster parents or anyone else who has parental responsibility for the child.

This document is intended to only provide guidance on FEL delivery and not how providers operate their private businesses or charges for any provision which does not include FEL.

### Variation to Code of Practice or FEL Funding Agreement

Changes to National and Local Government legislation and policy mean that from time to time it may be necessary to issue amendments and updates to this document.

Providers are responsible for ensuring they comply with these updates which will be issued separately and should be read in conjunction with this document

### Communication

**Providers must not opt out of receiving information form the Local Authority.**

**govDELIVERY is essential for us to be able to communicate vital information to FEL providers and all registered providers MUST subscribe at:**

<https://admin.govdelivery.com/session/new>

The Local Authority uses a variety of methods to communicate often important information with providers via emails or newsletters. Providers must not opt out of receiving any of these.

## Privacy Notices

Privacy Notice's explain how data is collected, processed, stored and used. They also inform individuals of their rights. For information please view the Early Years Privacy Notice at: <https://www.sheffield.gov.uk/home/schools-childcare/fel-funding-providers>

## School Admissions to Reception

It is the responsibility of parents to ensure that they apply for a school place for their children when entering Reception for the first time. Many parents are surprised at how far in advance they need to apply for a school place for their child, who may only be 3 years old at the time of applying. Applications are invited every Autumn term (mid-September/early October) and the closing date for submitting applications is 15 January each year.

Authorities must enable pupils to enter Reception for the first time from the September after their 4th birthday.

All FEL providers are requested to encourage early registration for school places at: <https://www.sheffield.gov.uk/home/schools-childcare/apply-school-place>

**There is no automatic right of transition from the Nursery to Reception at the same school. They are two separate processes. Places in Reception are allocated based on the school's oversubscription criteria.**

# Section 1: Funded Early Learning and Eligibility

## 1:1 Funded Early Learning (FEL)

Funded Early Learning (FEL) is a Government funded scheme that offers 570 hours per year of early education to all 3 and 4 year olds and eligible 2 year olds from the start of the term after their qualifying birthday.

From September 2017, eligible 3 and 4 year olds have been able to double their entitlement to 1,140 hours per year under the Extended Free Entitlement (EFE). Unless otherwise stated, in this document “FEL” is understood to cover both FEL and EFE.

FEL is measured against the Early Years Foundation Stage (EYFS) statutory framework and is designed to prepare children for entry into a school’s Reception class.

The Local Authority has a statutory duty to administer payments to providers on behalf of eligible parents. We also have a duty of care to ensure that FEL providers are suitable and equipped to deliver FEL appropriately.

FEL can be delivered by any registered provider, including maintained or academy schools, independent schools, pre-schools, day nurseries, playgroups and childminders. Please note that “*at home*” provision delivered in the child’s own home such as nannies are *not* eligible to deliver FEL.

**Childminders cannot claim FEL for any child who is related to them.**

**All providers that wish to deliver FEL and claim funding must register on the Funded Early Learning Register of Providers (FEL Register).** The FEL Register is the Local Authority’s internal record and should not be confused with the Sheffield Directory, the public listing of providers online.

Failure to meet the requirements of the *Code of Practice* or the *FEL Funding Agreement* may result in removal from the FEL Register and may mean the provider is no longer entitled to claim funding.

We reserve the right to carry out compliance visits or checks on all FEL providers covering all aspects of FEL delivery.

## 1:2 Eligibility Criteria

There are eligibility criteria for 2 year old FEL and EFE but the 3 and 4 year old FEL is a universal entitlement for all children aged 3 and 4 years.

The eligibility criteria for all categories of FEL are set out by the Department for Education (DfE) in Early education and childcare: Statutory guidance for local authorities:

[Find free early education and childcare - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/find-free-early-education-and-childcare)

The criteria is also available on the Sheffield Directory:

<http://www.sheffielddirectory.org.uk/kb5/sheffield/directory/advice.page?id=dg8Dvvgg5Zc>

## 1:3 Age of Eligibility for FEL

A child is entitled to a place no later than the beginning of the funding period that follows the child’s 2<sup>nd</sup> or 3<sup>rd</sup> birthday **and** the parent meeting the eligibility criteria for the funded entitlement.

Date of 2 <sup>nd</sup> or 3 <sup>rd</sup> birthday	Place starts
Between 1 April and 31 August	September (Autumn Funding)
Between 1 September and 31 December	January (Spring Funding)
Between 1 January and 31 March	April (Summer Funding)

Children meet the age criteria for the Universal offer of 15hrs for 3 and 4 Year Old FEL from the start of the term after their third birthday and remain eligible until they reach compulsory school age (the term following their 5<sup>th</sup> birthday) or until they enter a publicly funded reception class. A privately funded reception class can be accessed as part of a FEL place.

It is possible for parents to defer their child's entry into reception class for one, two or three terms, depending on when the child turns five.

#### 1:4 Applying for 2 Year Old FEL

For a 2 year old to be eligible for FEL they must meet either the economic or non-economic eligibility criteria as set by the DfE Statutory Guidance for Early Education and Childcare (See Section 1:2). They must also be eligible by age, as described above.

Parents can apply using the **Citizen Portal**:

[https://ems.sheffield.gov.uk/CitizenPortal\\_LIVE/Account/Login?ReturnUrl=%2fCitizenPortal\\_LIVE](https://ems.sheffield.gov.uk/CitizenPortal_LIVE/Account/Login?ReturnUrl=%2fCitizenPortal_LIVE)

Alternatively, providers are encouraged to set aside time to assist parents to make an assisted application using the **Provider Portal**:

[https://ems.sheffield.gov.uk/ProviderPortal\\_LIVE/Account/Account/Login](https://ems.sheffield.gov.uk/ProviderPortal_LIVE/Account/Account/Login)

The person with parental responsibility for the child **must** be present at the time the application is made with the provider.

Full guidance for using the Citizen Portal and Provider Portal is available online:

<https://www.sheffield.gov.uk/home/schools-childcare/fel-funding-Providers>

#### 1:5 Providers are Required to Check Eligibility for FEL and Extended Free Entitlement (EFE)

**FEL for 2 year olds. (ELIGIBILITY CODE REQUIRED).** Up to 570 hours per funding year. Eligibility is based on a defined eligibility criteria. Parents need to confirm their eligibility and the provider should only confirm a FEL place once eligibility has been confirmed with the Local Authority via the Provider Portal (see Section 4:1 for details of Funding Years). Providers must see the child's original Birth Certificate and proof of home address.

**FEL for 3 and 4 year olds. (NO CODE REQUIRED)** Up to 570 hours per funding year. Providers are responsible for checking the age and residency of the child. Providers must see the child's original Birth Certificate and proof of home address.

**EFE for 3 and 4 year olds. (ELIGIBILITY CODE REQUIRED).** Up to 570 hours per funding year. Eligibility is based on defined eligibility criteria. Parents need to confirm their eligibility and the provider should only confirm an EFE place once eligibility has been confirmed with the Local Authority via the Provider Portal. This is a different code than a 2 year old FEL code. The EFE hours will be accessible the term after confirmation of eligibility.



Children eligible for EFE are also entitled to FEL giving them a total of up to 1140 hours of funded childcare each year.

**The Local Authority will not be held responsible for any loss of funding incurred by the provider not confirming if a child is entitled to claim, and providers cannot pass charges back onto parents retrospectively if they delivered funded hours without checking the code was valid first.**

### 1:6 Eligibility Check Results

The Portal's eligibility checker will either confirm the child is eligible or indicate that it has not been possible to confirm eligibility.

#### Eligibility Result - funded early education for two year old children



The check for eligibility for funded early education has confirmed that Roberto Pickeles is eligible.

The applicant will need to keep the information on this page for future reference.

**Application reference number for your information:**

TYF-1503-LO4AIRF9

#### Eligibility Result - funded early education for two year old children



The check for eligibility for funded early education has been unable to confirm automatically if your child is eligible. If your application was based on eligibility for certain benefits and these have only recently been awarded, it is possible that a record of your benefits was not yet available on the eligibility checking system. In this case, please re-apply for 2 year old funding in a few days. If the system is still unable to confirm eligibility then you can request help from us and we will investigate.

If you feel that you are in fact eligible then please use the request help button and detail why you think your child is eligible, and we will contact you for supporting evidence.

**Application reference number for your information:**

TYF-1508-XM0XROF7

Please read the Eligibility Result for 2 year old FEL and for EFE in full. **See above examples.**

For 2 year old FEL and EFE, parents can have a reference number whether they are eligible or not. **Providers must check the reference number proves entitlement** or they may be unable to claim funding for that child. Confirmation can be carried out via the provider Portal.

Once approved, the child will be **entitled to take up their place from the eligible start date** and will remain eligible for 2 year old FEL until they become eligible for the universal entitlement for 3 and 4 year olds, regardless of any changes in the child's or family's circumstances.

### 1:7 Rising 3's (schools only)

The term *Rising 3's* refers to children in the term they turn 3 years of age. Some providers may choose to give *Rising 3* children a place, but they will only be eligible for FEL funding if they have been approved by the Local Authority for 2 year old FEL, as outlined in Section 1:7 above.

**Example.** A child turns three on 16 January so will be eligible for the universal FEL for 3& and 4 year olds from April. The child will only be eligible for FEL funding **before** April if they have a valid reference code for 2 year old FEL.

### 1:8 Extended Free Entitlement (EFE)

3 or 4 year olds who are eligible for FEL may also be eligible for an **additional** 570 hours of EFE per funding year, their parents must meet the economic eligibility criteria as set by the DfE Statutory Guidance for Early Education and Childcare (see Section 1:2).

Parents must check their eligibility for EFE directly with HM Revenue and Customs (HMRC) via an online application. They will receive a reference number which they then present to their Provider.

Providers **must** check that this is a valid reference number and the child is entitled **before** confirming the additional EFE hours to the parents.

Government funding is **only** available for EFE if all of the following criteria are met:

- It is a funding period **after** receiving an “Eligible” decision from HMRC.
- The child is **still** in the “eligible” period at the start of the funding period in which they wish to start an EFE claim.
- The child is **still** in the “eligible” period when starting their EFE claim at the setting

**Example.** A child turns 3 in June and becomes eligible for the *Universal* element of FEL from 1 September. The child’s parents do not apply to HMRC for the *Extended* entitlement until 2 September. The parents receive a “Yes” decision, but any hours over the universal entitlement will not be funded by the Government until 1 January the following year.

**Funding will not be paid for EFE without a valid entitlement number but will be capped at the Universal FEL hours.** Checks can be carried out by providers via the Provider Portal.

A “Yes” decision from HMRC will be valid for up to three months. Before this period ends parents will be prompted by HMRC to reconfirm their eligibility.

Families actively accessing EFE who fail to reconfirm when prompted, or if they reapply and are no longer eligible, will go into the Grace Period (see section 1:10 below).

After the initial check that the HMRC code is valid providers are not required to recheck or reconfirm the validity of the EFE reference number. The Local Authority will complete audit checks to review the validity of eligibility codes and the Local Authority will notify providers via the Provider Portal where a parent is in the reconfirm period or has fallen out of eligibility and reached the end date of the grace period.

Children can have reconfirm periods of shorter than 3 months if they had an older sibling who also takes EFE, and will be tied into the older sibling’s renewal periods.

### **1:9 EFE for Foster Children**

Some Fostered Children may also be eligible if the Foster Carer is in employment other than Foster Care itself. Any Foster Carers wishing to apply must first discuss with their Social Worker if this would be appropriate for the child as part of their Care Plan.

Applications for EFE for Fostered Children are made differently to other EFE applications. Foster Carer/Social Workers should email [eyfel.census@sheffield.gov.uk](mailto:eyfel.census@sheffield.gov.uk) to start the application process.

### **1:10 The Grace Period for EFE**

The grace period is designed to allow parents time to adjust if they lose their entitlement to EFE and also serves as a notice period to the provider.

A child will enter the grace period at the reconfirm stage if their parent(s):

- do not reconfirm their eligibility or
- cease to meet the eligibility criteria as determined by HMRC, or
- are unsuccessful with a First Tier Tribunal in the case of an appeal against HMRC’s decision.

The Local Authority will continue to fund a place for a child who enters the grace period as set out

below:

Date Parent receives ineligible decision on reconfirmation:	Local Authority audit date:	Grace Period end date (child funded until):
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

**Example.** A family with both parents working meet the criteria for EFE but their child only turns three in July, so the FEL place and extended hours are only available from the start of September (provided an application is made and approved by 31 August).

Every three months the parents must reconfirm eligibility for EFE, but by October one parent no longer meets the criteria. At the 22 October check, the child will be in the grace period and the place will be funded until 31 December.

The grace period **will not apply** if the child has **not started** using the EFE hours yet at the provider that intends to claim EFE hours. For example, if the parent is planning to use EFE from September but fails to reconfirm their code in August then their code will not be valid and no grace period will apply. The grace period would only apply if they were already accessing EFE in summer term.

The Local Authority will notify providers of any children who have entered the grace period through the Provider Portal. Parents will have been informed of the grace period end date by HMRC.

Parents and providers should use the grace period to agree how to allocate the reduced hours in the following funding period, especially if more than one provider is delivering the funded

More information and examples of how the grace period works are available in the FEL FAQ document, which is available at:

<http://www.sheffielddirectory.org.uk/fel>

### 1:11 Starting Newly eligible FEL Children

Newly eligible FEL 2 year olds may begin a place from the start of the term after they turn 2 years and any time after confirmation of eligibility or any time thereafter during a funding period, and their place can be funded from the date/term eligibility is confirmed on the portal. These children will need to be added to provider's headcounts for funding. If the child starts after the amendment task the provider will need to complete a *New FEL Child Form* (see the *Providers Guide to Claiming Funding for Funded Early Learning and the Extended Funded Entitlement*).

Newly eligible 3 and 4 year olds can also start later in the funding period, perhaps due to parental choice but these children will also require a *New FEL Child Form* if they begin after the amendment task. The *New FEL Child Form* is available to providers via AnyComms.

If the child has previously accessed a place with another Sheffield provider refer to Section 5:6.

### 1:12 Children From Outside of Sheffield

Sheffield City Council has set up reciprocal arrangements with some neighbouring local

authorities, whereby we agree to fund children residing in neighbouring areas who attend a setting in Sheffield and vice versa. Funding will be paid through the normal headcount task process (see the *Providers Guide to Claiming Funding for Funded Early Learning and the Extended Funded Entitlement*).

We will only fund 2 year olds from other local authorities if they have been approved for 2 Year Old FEL funding, as outlined in Section 1:2 and 1:3.

### **1:13 Children From Outside the UK**

A child moving to England from another country is entitled to FEL on the same basis as any other child regardless of whether they have British Citizenship or not. Funding will be paid through the normal headcount task process see the *Providers Guide to Claiming Funding for Funded Early Learning and the Extended Funded Entitlement*.

Temporary residents, including children with working parents, students and asylum seekers can claim FEL funding **on the same basis as any other child**: this means they must meet the applicable eligibility criteria described in section 1:2 and 1:4.

Children visiting or on holiday to the UK from abroad cannot normally access FEL funding as they are not classed as residing in the UK.

## Section 2: Registering as a FEL Provider

Providers **are required** to declare that they will comply with their responsibilities and mandatory requirements set out in this *Code of Practice* and *FEL Funding Agreement*, including any amendments issued by the Local Authority.

### 2:1 How to Register as a FEL Provider

To join the FEL Register you must first contact The Childcare Planning Team:  
[childcareplanning@sheffield.gov.uk](mailto:childcareplanning@sheffield.gov.uk)

You must complete an application form, which will allow us to carry out the necessary checks for suitability. The form can be downloaded from our website:

<http://www.sheffielddirectory.org.uk/kb5/sheffield/directory/advice.page?id=hza57DG01LY>

Once these checks have been successfully completed you will be notified that you are on the FEL Register and you can begin to take FEL eligible children.

### 2:2 Pre-requisites for Providers Applying for FEL Registration.

All applicants are required to read this Code of Practice, the *Providers Guide to Claiming Funding for Funded Early Learning and the Extended Funded Entitlement* and the *FEL Funding Agreement* prior to completion and submission of the application form.

Applicants should be aware of the following pre-requisites for FEL Providers:

- Providers **must** offer FEL for eligible children at premises within the Sheffield Local Authority area.
- Applicants **must** apply to be registered with the Information Commissioner.
- Providers **must** have a current certificate of insurance for public liability to a minimum level of £5,000,000
- Providers **must** have a current certification of Employers' Liability Insurance.
- Providers other than childminders **must** hold a business bank account in the name of the setting.

Providers **must** be either:

- Registered with Ofsted **or**
- A childminder registered with a Childminder Agency (CMA) registered with Ofsted **or**
- A school exempt from registration with Ofsted as an early years provider (the school's nursery setting will be inspected by Ofsted as part of the whole school's inspection).

Providers newly registered with Ofsted are eligible to apply before their first Ofsted inspection.

**The Local Authority will not fund providers registered as "Not Met" or Inadequate.**

New providers who have an Ofsted judgement of **Requires Improvement** will not be funded for 2 year old FEL.

New providers will be funded unless the Local Authority has evidence to indicate that they are unable to meet the quality standards required until the first Ofsted inspection, at which point Ofsted will become the sole arbiter of quality.

The outcome of the provider's Ofsted quality inspection will determine whether the provider is eligible to remain on the FEL Register and the age category of FEL they can provide.

## 2:3 Deadline for Registration and Funding Terms.

**You cannot claim funding until after your registration has been confirmed.**

Payments to a provider newly added to the FEL register will normally start on the first funding block after their registration is secured. **See the *Providers Guide to Claiming Funding for Funded Early Learning and the Extended Funded Entitlement for more details.***

<b>Providers wish to be registered for the funding term commencing in:</b>	<b>Application for Registration form to be submitted:</b>
April (Summer)	Before 1 <sup>st</sup> March
September (Autumn)	Before 1 <sup>st</sup> July
January (Spring)	Before 1 <sup>st</sup> December

Whilst we endeavour to complete registrations in as short a time as possible, an application received after these dates cannot be guaranteed to be processed in time for the forecast headcount which may result in a delay in payment.

**The Local Authority cannot be responsible for delayed or missed payments caused by the provider not submitting applications in time or not responding promptly to requests for information.**

## 2:4 Provisional registration period (New applicants)

**New registrations are provisional until after their first full term of delivering FEL.** During this period the LA will work with the provider to ensure they have a full understanding of the COP and how FEL funding is administered. This support is intended to make sure that the provider has adequate administration and financial systems in place to prevent errors in claims and the possible loss of FEL funding and to ensure they have the best chance to be sustainable in the longer term as a good quality FEL provider. Failure to engage satisfactorily may result in their registration being suspended which could lead to a loss of FEL funding.

## 2:5 Rejecting an Application

New applicants are normally only rejected if they fail to meet quality requirements or where a previous childcare registration which has failed to meet quality requirements has been taken into account.

The Local Authority will take into account any previous Ofsted registration either at the same address as a new provider, or involving the named person. If there are any concerns regarding a previous registration this will be made clear to the provider.

Where a provider's application is rejected, the Local Authority will give the provider a written explanation of the decision.

To appeal against a rejected application, applicants should write to the Childcare Planning Team at [childcareplanning@sheffield.gov.uk](mailto:childcareplanning@sheffield.gov.uk) stating the reasons they think the decision is unfair or in error.



## 2:6 Childminders and Funding for Relatives

**Funding cannot be claimed** for care provided for a child by a parent, step-parent, foster parent or other relative or by a person who fosters the child privately or has parental responsibility for the child. This is specifically excluded under the Childcare Act 2006.

### 2:7 Childminders Registered with a Childminder Agency (CMA)

Many of the requirements around quality will be covered by the CMA support. When applying to join the FEL Register, childminders can apply through their CMA, who will forward the application to the Local Authority for scrutiny.

FEL funding will be paid directly to the childminder and not to the CMA.

### 2:8 Childminders Working with a CMA

Childminders can purchase services from a CMA, such as administration and account management with or without registering with them. A childminder may opt to have their FEL payments paid either directly to the childminder or via the CMA, however the CMA must ensure that all FEL funding reaches the childminder and none is retained in the form of fees or commission.

### 2:9 Childminder Agencies

Childminders have the option of registering with a Childminder Agency (CMA) in place of Ofsted.

A childminder will be considered as not meeting the Local Authority's requirements for quality if either the CMA they are registered with is rated Ineffective by Ofsted, or if the CMA rates the childminder as Inadequate or equivalent. If a childminder is registered with a CMA that is then rated Ineffective by Ofsted, the childminder will enter the Notice of Concern process by default until they have registered with Ofsted in their own right.

The agency will work with its childminders to maintain or improve quality under its own inspection regime. As good practice, the CMA should share any action plans for improvement with the Local Authority.

Any concerns regarding safeguarding will trigger a Safeguarding Assessment and **must** be dealt with through the Local Authority.

## Section 3: Maintaining Registration as a FEL Provider

### 3:1 Once You Are Registered

Once registered, providers have ongoing responsibilities and requirements. Please read through the whole of this Code of Practice to understand what you are required to do as a FEL Provider.

Newly registered providers must read Section 4:1 and 4:2 to understand their requirements for maintaining a good level of quality.

### 3:2 Ongoing Requirements

Providers **must** inform Childcare Planning of any changes to the following:

- Ofsted Inspection Outcome – especially if graded Inadequate
- Contact details – email or telephone
- Change of ownership
- No longer offering FEL places

Providers should have received a **‘Good’** or **‘Outstanding’** judgement from Ofsted (or equivalent). Providers who receive a less than Good or Outstanding will face restrictions on the children for whom they can claim FEL funding. **See Section 4**

Once a provider has been added to the FEL Register, they will need to fulfil the requirements set out below. Failure to meet these requirements may result in the withdrawal of funding and removal from the FEL Register.

At each application for funding, providers **are required** to declare that they will comply with their responsibilities and mandatory requirements set out in this Code of Practice and *FEL Funding Agreement*, including any amendments issued by the Local Authority.

#### Providers must:

- Renew the *FEL Funding Agreement* each year before the implementation date. Failure to do so may mean we have to suspend providers from the FEL Register and withhold funding.
- Complete the annual **Provider Audit**, an online survey on how the setting operates.
- Log on to the Sheffield Directory **at least once per term** to ensure their listed information is up to date and accurate. Go to ‘My Account’ to log into your record: [www.sheffielddirectory.org.uk](http://www.sheffielddirectory.org.uk)
- Co-operate with the Local Authority to carry out **compliance visits or checks** covering all aspects of FEL delivery as described by this Code of Practice. Providers **must** supply any information requested by the Local Authority to enable these checks to be carried out. See Section 9 of the *FEL Funding Agreement*.
- Subscribe to govDELIVERY at: <https://admin.govdelivery.com/session/new>
- Provide proof of applying to be registered with the Information Commissioners

### 3:3 Lapsed Registrations

Where a provider has not made a FEL funding claim for two whole funding periods, they will be removed from the FEL Register but **not** from the online Sheffield Directory. The provider will need to complete a new application form to be reinstated if they wish to claim FEL funding again.



### 3:4 The Sheffield Directory

The Sheffield Directory is the online database to help parents find Early Years Providers. This should not be confused with the FEL Register, which is the Local Authority's database of providers that are approved to claim FEL funding.

Providers must log on at least once per term to ensure their listed information is up to date and accurate. Go to 'My Account' to log into your record:

[www.sheffielddirectory.org.uk](http://www.sheffielddirectory.org.uk)

Childminders who use a Childminder Agency will not have their own Ofsted record and will not be automatically entered on the Sheffield Directory. Therefore, Childminders under a CMA should create their own Sheffield Directory entry to be visible to parents.

### 3:5 Complaints Procedure for Parents & Carers

**Providers must** make available their complaints procedure for parents and parents should discuss their complaints with their provider before approaching the Local Authority to raise their concerns.

Disputes involving invoices and billing to parents are not normally a Local Authority issue unless they breach the Code of Practice and should be resolved based on the terms and conditions in the provider's Parent/Carer Agreement.

The Local Authority will normally only be involved where there is a clear breach of the Code of Practice or if you think the Fees and Charges breach our guidance. For complaints regarding how FEL has been delivered, parents can contact the Local Authority ([childcareplanningteam@sheffield.gov.uk](mailto:childcareplanningteam@sheffield.gov.uk)). The complaint will be forwarded to the appropriate department for investigation and response.

For complaints regarding quality, safeguarding or gross misconduct, parents should also inform Ofsted ([enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)). Ofsted is the sole arbiter of quality however the council will work with providers to improve quality and address issues raised.

Once a complaint/concern has been received the Local Authority will endeavour to:

- Acknowledge the complaint either by telephone or in writing within 3 working days of receipt.
- Investigate the complaint to ensure that the provider is delivering the FEL to the statutory requirements.
- Refer to the Parent/Carer Agreement signed by parent and provider
- Inform all parties of the outcome of the complaint.

If after investigation, the Local Authority has reasonable grounds to believe that the Code of Practice has been breached, the Local Authority may withdraw funding. If the Local Authority receives a complaint, we will consider the source, the evidence and the severity of the allegation before making a decision. Providers will be given an opportunity to respond to the Local Authority regarding the complaint.

If parents are not satisfied by the response to their complaint, they have recourse to the Local Government Ombudsman. Providers have the right to appeal, as described in Section 4:11.

## Section 4: Quality of Providers

### 4:1 High Quality Provision

All children are entitled to take up their FEL place in a high quality setting. Evidence shows that higher quality provision has greater developmental benefits for children, particularly for the most disadvantaged children. The evidence also shows that high quality provision at age 2 brings benefits to a child's development.

The Local Authority Early Years Quality Improvement teams provide a targeted and universal "Challenge and Support" programme to assist providers in meeting and maintaining the standards set out in the statutory Early Years Foundation Stage (EYFS) framework and Ofsted requirements.

**There can be serious funding implications for providers judged less than *Good* or *Outstanding*. Please read this section carefully.**

### 4:2 Quality Standards for All Providers

The EYFS framework sets the standards that all providers must meet to ensure that children learn and develop well and are kept healthy and safe. Ofsted are the sole arbiter of quality, with the exception of childminders registered with a Childminder Agency.

#### All Providers must:

- Track all children's development.
- Complete a 2 year progress check and provide parents and/or carers with a short written summary.
- Complete the EYFS Profile for each child in the final term of the year in which the child reaches age five.
- Report EYFS Profile results and statutory 2 year progress checks to Local Authorities, upon request.
- Take part in all reasonable moderation activities specified by the Local Authority and meet reasonable information requests relating to the EYFS Profile and assessment.
- Have in place a robust complaints procedure for dealing with any parental complaints and concerns.
- Work in partnership with other Early Years Providers and schools to ensure a smooth transition for children and families.
- Support staff to undertake appropriate training and professional development opportunities to ensure they offer quality learning and development experiences for children that continually improves.

### 4:3 Requirements for Non-maintained schools, PVI Settings and Childminders Rated less than *Good* or *Outstanding*

Providers rated as "Requires Improvement", "Inadequate" or newly registered by Ofsted will be supported by the Early Years Quality Improvement Team and should:

- Attend a Provider Network, Children’s Centre EYFS Drop-In or EYFS workshop, as appropriate.
- Complete an action plan and Self Evaluation Form (SEF) based on the Provider’s Ofsted inspection outcomes.
- Attend a quarterly review with an Early Years Quality Improvement officer to review the provider’s action plan and SEF to establish progress made.
- Attend an annual review with an Early Years Quality Improvement officer.

**If at the quarterly or annual review the provider has failed to make satisfactory progress or failed to comply with any of the conditions contained in this Code of Practice, the provider may be removed from the FEL Register and no longer be eligible for FEL funding. See section 4:6**

#### 4:4 Requirements for Maintained School Settings Rated less than Good or Outstanding

Schools Early Years provision rated as “Requires Improvement” or “Inadequate” will be subject to the Schools causing concern statutory guidance:

<https://www.gov.uk/government/publications/schools-causing-concern--2>

Schools are supported by the Local Authority’s Early Years Learning and Achievement Service, who will evaluate the level of support required and work with the school through regular monitoring inspections to improve quality. **They may also be removed from the FEL Register and no longer be eligible for FEL funding. See 4:6**

#### 4:5 Removal from the FEL Register

Providers whose Ofsted registration is cancelled will be removed from the FEL Register with immediate effect. Where the Ofsted registration is suspended they will be removed from the register for the period of the suspension.

**The Local Authority also has the discretion to remove providers from the FEL Register for the following reasons:**

- The provider has been served with a Notice of Suspension of its registration by Ofsted.
- The provider receives a less than Good or Outstanding Ofsted judgement. (see 4:3 & 4:4).
- A Not Effective Ofsted judgment of a childminder agency with which a childminder is registered.
- A childminder provision deemed by the agency with which he/she is registered as not of satisfactory quality.
- Breach of any of the mandatory requirements in this Code of Practice.
- Breach of the *FEL Funding Agreement*.
- Non-compliance with the Notice of Concern process.
- Failure to comply with EY audit requirements.

Where a providers FEL registration is removed or suspended for any reason they **are required** to submit, within 5 working days, a list of all children aged less than 5 years registered with the setting at the time of removal or suspension coming in to force.

For security of data this list should be submitted via the provider portal to the Early Years Census team who will forward this to the Childcare Planning team.

#### 4:6 FEL Funding for Providers rated less than Good or Outstanding or its Equivalent.

The Local Authority receives regular notifications of all Ofsted judgement prior to publication of the reports on the Ofsted website but any FEL Provider who receives an **Inadequate** or **Requires Improvement** Ofsted judgement should inform the Local Authority as soon as an inspection has taken place.

#### Requires Improvement judgement

Where a provider receives a 1<sup>st</sup> **Requires Improvement** judgement following an Ofsted inspection or equivalent, the Local Authority will:

- Not fund any new 2 year old FEL children.
- Only fund 2 year old FEL children registered with the provision prior to the date of the inspection being published provided that the provision actively engages with the Local Authority to address the issues identified in their Ofsted report required to achieve improvement.

Where a provider receives a 2<sup>nd</sup> **consecutive Requires Improvement** judgement the Local Authority will:

- withdraw funding for all 2 year old FEL children but will
- provide a **4 week notice period** from the date of the publication of the report which triggers the above action and during this period will offer support to parents who require it to find alternative provision.

If a parent chooses to access their FEL place at a provider judged **Requires Improvement** the Local Authority will only fund that place if the provider is willing to accept the Local Authority's requirements.

#### Inadequate judgements

Where an existing provider receives an **Inadequate** judgement following an Ofsted inspection or equivalent the Local Authority will:

- Withdraw all FEL and EFE funding (other than a local authority maintained school).
- For Local Authority maintained schools the Local Authority will only fund FEL children registered with the provision prior to the date of the **Inadequate** inspection being published.
- Where funding is to be withdrawn the Local Authority will provide a **4 week notice period** from the date of the publication of the report which triggers the above action and during this period will offer support to parents who require it to find alternative provision.

If a parent chooses to pay for a place at a nursery that is "Inadequate", the Local Authority is not obliged to fund the child for FEL.

The Local Authority will amend the provider's entry on the Sheffield Register of Providers and the Sheffield Directory to reflect any of the above changes.

If the provider subsequently receives an improved Ofsted report the provider will be required to re-apply for FEL registration as if they were a new provision in order to be reinstated back on to the FEL Register. Only after they are reinstated will they be allowed to take on new FEL children and receive FEL funding for them.

### Childminders under a Childminder Agency (CMA).

Childminders operating out of a CMA will be subject to a similar regime as those operating under Ofsted but the inspection will be carried out by the agency which is responsible for putting in place the necessary support to assist the childminder to reach the required standard. Childminding Agencies (CMA) must inform the Local Authority if any of the childminders registered with them are rated less than Good or Outstanding or their equivalent.

### 4:7 Removal Due to Breach of the Code of Practice or FEL Funding Agreement

Any FEL Provider who fails to meet the requirements set out in this *Code of Practice* or the *FEL Funding Agreement* will in the first instance receive a letter from the Local Authority informing them how they have breached the requirements. An officer will arrange to meet the provider to discuss an action plan to rectify the breach(es). FEL funding will continue as normal.

Failure to meaningfully engage by the provider will result in them being entered into the Notice of Concern process.

### 4:8 Non-compliance with the Notice of Concern Process

Any provider entered into the Notice of Concern process **must** comply with the Local Authority's action plan. If the provider fails to complete the tasks in the action plan, or the provider fails to demonstrate that they will make the required changes to address the breach(es), **they will enter the 4 week notice period.** They may also be removed from the FEL Register permanently as a result of which funding will cease.

### 4:9 Process of Removal from the FEL Register

In the case of permanent removal from the FEL register, the provider will not be able to offer FEL and FEL status will be removed from the Sheffield Directory.

For children already registered with them, the provider can usually continue to claim funding for the **4 week notice period described in 4:8.** This is intended to allow time for the children to be placed with an alternative provider. Once the 4 week notice period ends **no further FEL funding can be claimed.**

### 4:10 Funding during Permanent Closure of a FEL provision

Where a provision indicates that it intends to close permanently as a result of the withdrawal of FEL funding the Local Authority will continue to fund the 4 weeks' notice period even if children have relocated to an alternative setting. This is intended to assist the provider with the cost of closure.

### 4:11 Appeals Process

Any provider who is removed from the register, for reasons related to Ofsted judgements will have no right of appeal to the Local Authority. Otherwise if a provider is facing removal from the FEL Register they may appeal to the Local Authority through the Education and Childcare Planning Team via email: [childcareplanning@sheffield.gov.uk](mailto:childcareplanning@sheffield.gov.uk)

Any appeal must be made within **14 days** of the date of the letter informing the provider of the Local Authority's decision to remove them from the FEL Register.

The provider must state in writing the reasons they think the decision is unfair or has been made in error. The appeal will be considered by officers' independent from the Free Early Learning, Notice of Concern Officer Group. Where applicable, the provider will be invited to present their case and will be informed of the resulting decision in writing within 7 days of the hearing.

If the appeal is upheld the provider will be reinstated on the FEL Register. If the appeal is not upheld they will be removed from the FEL Register and funding will cease.

If the provider feels that the Local Authority has acted unfairly in reaching its decision, they can make a complaint to the Local Government Ombudsman after the full appeal process has been exhausted.

## Section 5: Delivering FEL

This section should be read together with the *Providers Guide to Claiming Funding for Funded Early Learning and the Extended Funded Entitlement*.

### 5:1 Annual Entitlement

Each eligible child is entitled to 570 hours of FEL in a funding year. Children eligible for EFE are entitled to an additional 570 hours (a total of 1,140 hours per funding year).

When a child's funding year starts depends on their birthday, as illustrated below.

Children Born Between:	Funding Year Runs From:	Terms Included in the Funding Year:
1 Jan – 31 March	1 April to following 31 March	Summer, Autumn, Spring
1 April – 31 Aug	1 Sept to following 31 Aug	Autumn, Spring, Summer
1 Sept – 31 Dec	1 Jan to following 31 Dec	Spring, Summer, Autumn

If a child only becomes eligible for **EFE** part way through their funding year, the maximum limit of 30 hours per week may mean they cannot use all of the 570 hours of extended entitlement during the partial EFE funded year but the Local Authority will realign both funded years from the start of the new FEL funded year. See table.

### Realigning FEL and EFE Funded Years

January	Childs 3rd birthday	
1st April	1st FEL funding year starts	
June		Child becomes eligible for EFE
1st September		Partial EFE funding year starts
31st March	1st FEL funding year ends	Partial EFE funding year ends
1st April	2nd FEL funding year starts	2nd EFE funding year starts
31st March	2nd FEL funding year ends	2nd EFE funding year ends

**Example.** In the example shown a child that turns 3 years old in January will be entitled to their universal FEL place from April. If they do not become eligible for EFE until September, then they will only be able to take the EFE that they are entitled to for autumn and spring, as they cannot carry over EFE hours from when they were not entitled to claim.

### 5:2 Funding Periods

As part of building a routine that prepares children for school, the funded hours should be delivered evenly across the year. There are three funding periods in each funding year, with a maximum number of weeks in each period.

While there is no obligation on providers to alter their hours of operation, parents should be offered a choice on how the funded hours are delivered. Some may prefer provision to match school terms while others may prefer a service all year round.

At the beginning of each financial year all non-school providers will be assumed to be operating over the standard funded weeks. Schools and academies will be set up for 39 weeks, as they have 5 non-funded training days.



Providers who wish to redistribute the number of weeks they claim funding for in each funding period **must** complete a *FEL Variation to Standard Weeks Form*.

**Providers must** submit the *FEL Variation to Standard Weeks Form* to the Local Authority by the end of February, in advance of the next financial year.

Information is available using the following link:

<https://www.sheffield.gov.uk/home/schools-childcare/fel-funding-providers>

### 5:3 All Year Round Delivery

For children accessing a place over more than 38 weeks, the provider indicates this on their headcount data by ticking “stretched offer” for the child. Providers should check if the child is using FEL hours with another provider during school holidays as this will also be a stretched offer.

Operating over more weeks does not entitle the child to claim more hours over the year as the limit is set at 570 universal FEL hours in any one year. (Plus 570 hrs of EFE where eligible)

### 5:4 Delivery Patterns

Providers are encouraged to offer flexible funded hours, subject to the following standards:

- No more than 15 hours a week (30 if eligible for EFE)
- No session to be longer than 10 hours
- No minimum session length
- Not before 6:00am or after 8:00pm
- No more than two sites in a single day

Providers should ensure that parents are aware that FEL places can be delivered between 38 and 52 weeks per year, including weekends.

Providers can determine their own sessions, within the parameters above. There is no requirement that FEL places must be taken on particular days of the week or at particular times of day. Entitlement to a FEL place does not guarantee a place with a particular provider or to a particular pattern of delivery.

Where it is reasonably practicable, children should access their FEL place in continuous blocks, without artificial breaks being created throughout the day, for example over the lunch period.

**Example.** A nursery setting delivers FEL from 9:00 - 12:30 serves lunch from 12:30 - 1:00 and delivers FEL from 1:00 - 3:30. To avoid creating an artificial break at lunchtime, the nursery can claim FEL funding from 9:00 - 3:30 and make lunch part of their planned activity. This would allow a 30 hour entitlement to be delivered over 4½ days. **Or** the nursery could move the paid for half hour to the start and end of the day.

Sheffield City Council is not responsible for the allocation of places within any private, voluntary or independent (PVI) setting. The amount of places allocated to stand alone FEL places within a setting will vary and will depend on the individual setting’s business model, pattern of delivery and their sustainability.

If a provider cannot offer the parent a place (i.e. due to over subscription) or cannot be accommodating to parents’ wishes, it is the parent’s responsibility to find an alternative setting. PVI providers and Sheffield City Council are under no obligation to provide parents with a bespoke childcare package using only FEL and EFE hours.



Providers should ensure parents understand which hours/sessions can be taken as FEL. Not all providers will be able to offer fully flexible places, but providers should work with parents to ensure that as far as possible the pattern of hours is convenient for parents' working hours

### **5:5 Partnership Working**

The Local Authority will work in partnership with providers and encourages providers to offer more flexible provision and establish formal partnerships with other providers to help parents access the full entitlement for their child. Good partnership working benefits from peer support, information sharing and shared resources.

Providers should work in partnership with the Local Authority and share information about the times and periods at which they are able to offer free entitlements to support the council to secure sufficient stretched and flexible places to meet parental demand in Sheffield.

The provider must make their admissions criteria available to the public.

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

If a provider is unable to deliver a child's full entitlement or operates over less than 38 weeks, the provider should inform the parent that they can use more than one provider to maximise their entitlement. This is applicable for all FEL places, but may be particularly relevant for children entitled to the extended hours under EFE.

A toolkit has been developed to help providers set up or join a partnership, maximise the benefits of working together and tackle the challenges joint working can bring:

<https://www.familyandchildcaretrust.org/dfes-30-hour-mixed-model-partnership-toolkit>

### **5:6 Changing Providers During a Funding Period**

Regular attendance and routine are key to the social development that underpins FEL, therefore, once a child is settled, careful consideration should be given before moving from one provider to another.

Parents should be encouraged not to move the child part way through a funding period. Where a parent chooses to move a child this should be managed in a collaborative way between both providers. The Local Authority policy is:

- Children can transfer between providers at any point in the term until the Amendment Headcount Task has closed.
- Any transfers are subject to notice periods in the parent/carer agreement.
- The Local Authority will honour funding within any one funding period to a maximum of four weeks. A Transfer Form must be completed by the parent and both providers and the form must be kept by all parties as a record against any potential dispute:  
<https://www.sheffield.gov.uk/home/schools-childcare/fel-funding-Providers>.
- Providers should inform the Local Authority of any children leaving their setting via the appropriate Headcount Task on the Provider portal.

Where the child will be moving to a new provider, the new Provider must ensure the parent is not in breach of an existing Parent/Carer Agreement before offering a place. A *Transfer Form* must be completed by the parent and both Providers and the form must be kept by all parties as a record against any potential dispute: <https://www.sheffield.gov.uk/home/schools-childcare/fel-funding-Providers>. The Local Authority is not liable for any financial loss incurred by the new Provider if a breach takes place.

### 5:7 Four Week Notice Period in the Funding Period

These notice periods refer only to FEL funding and must be clearly stated in the Parent/Carer Agreement. Notice periods for paid for childcare or other charges are a private arrangement between the provider and parent in which the Local Authority will not intervene.

When parents choose to withdraw their child from a setting part way through a funded period, for example, by changing FEL Provider, the existing FEL Provider is permitted to request that a parent gives 4 weeks' notice before transferring places except where they choose to change FEL provider at the end of any funding period at which time the notice period will not be applied.

If a parent chooses to change provider with less than 4 weeks of the funding period remaining then the notice period will be shortened to finish on the last day of the funding period.

The 4 week notice period may be waived in exceptional circumstances, at the discretion of the Local Authority. Examples include:

- Unexpected relocation into the city (*fleeing domestic abuse, interim accommodation in another area of the city following homelessness*).
- Child protection (*the child is placed in the care of others such as foster care*).
- Family circumstances change (*relocation due to job change*)
- Short notice of a change of work location or times, for example a parent on zero hours contract (*where the current provider is unable to offer flexibility required*).

Exceptions are decided on an individual basis. Providers should contact the Early Years Funding team for approval: [eyfundingteam@sheffield.gov.uk](mailto:eyfundingteam@sheffield.gov.uk).

The Provider cannot enforce a charge for a parent for leaving a FEL place with no notice or less than four weeks' notice unless the Provider has a signed Parent/Carer agreement.

It is the new Provider's responsibility to check that a child moving to their setting still has enough FEL hours remaining in their Funding Year before agreeing to supply any further hours.

Providers cannot apply retrospective charges to parents for FEL hours if the child exceeds their funding allowance for the year. The Provider **must** confirm the amount of hours available to the parent and agree any charges in advance.

The Local Authority is not liable for any financial loss incurred by the new provider if an agreement breach takes place or upon reconciling the claim the child has exceeded their FEL funding entitlement.

**Example.** A parent informs their provider in the 5<sup>th</sup> week of the summer term that they will be moving their child. The parent and providers should complete the *Transfer Form*, and the existing provider can claim the 5 weeks already attended plus the following 4 weeks. The new provider is able to claim the remainder of the funding for that period

### 5:8. Children with Special Educational Needs and Disabilities (SEND).

For children with SEND any transition should, if possible, be planned up to two terms before the start of the new placement. This applies to transitions to a new provider or from a nursery setting to a school.

It is good practice to allow visiting for a child with SEND so that needs can be assessed, and a plan for transition relating to these established needs and relating to the placement can be carefully constructed to support a successful transition (see section 8:4).

### 5:9 Parent/Carer Agreement and Pattern of Attendance forms.

Before starting a FEL place both **provider and parents must** agree and sign a *Parent/Carer Agreement Form* and a *Termly Pattern of Attendance form* if the attendance details are not part of the Parental Agreement. The Parental Agreement serves as a contract between the parent and provider and establishes that both parties agree to the terms and conditions of FEL and records that eligibility checks have been completed. **This must be reviewed and agreed and signed by parents before the start of each new funding period.** The agreement may be referred to in compliance checks and protects both parties in the event of a future dispute.

The *Termly Pattern of Attendance* form **must** set out the number of weeks and hours per day that FEL will be delivered for the forthcoming funding period.

Where providers are working in partnership to deliver the full entitlement, the *Termly Pattern of Attendance* form should record how many hours are being delivered by each provider. The Local Authority cannot fund hours in excess of the full entitlement, therefore providers should work together to ensure all hours delivered which they claim for are eligible for FEL funding.

For the Extended Free Entitlement, the template *Termly Pattern of Attendance* Form is set out to distinguish between universal and extended hours. All hours are funded at the same hourly rate, unless the child is also eligible for EYPP which is paid for the universal hours only (see Section 9:3 for more information on Early Years Pupil Premium (EYPP)).

Where a child is already attending one provider and requires a second provider to deliver the extended hours, it is assumed that the original provider is delivering the universal hours. Where a child is new to both settings, the parent needs to identify which provider is delivering the universal hours.

Identification as the universal hours provider should not be interpreted as a commitment on the part of the parent to future hours with any given provider.

The *Parent/Carer Agreement* **must** be reviewed and agreed before the start of each funding period. It is not necessary to complete a new form each time, just update any change of details and confirm the pattern of delivery.

Templates for the *Parent/Carer Agreement* and *Termly Pattern of Attendance* Forms can be downloaded using the link below:

<https://www.sheffield.gov.uk/home/schools-childcare/fel-funding-Providers>

### 5:10 Staffing Ratios

Settings must be staffed in line with Department for Education (DfE) mandatory requirements on ratios. This will vary according to the type of provider and the qualification level of staff.

For further information on staffing ratios please refer to the statutory framework for the early years foundation stage:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/596363/EYFS\\_STATUTORY\\_FRAMEWORK\\_2017.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/596363/EYFS_STATUTORY_FRAMEWORK_2017.pdf)

## Section 6. Fees, Charges and Invoices

All providers must provide copies of their fees and charges on request to the Local Authority within 14 days of the request.

Failure to respond to such a request could result in their registration being suspended and could lead to them not being allowed to take new FEL children.

Details of all fees and charges should be published on providers websites.

All additional fees and charges for FEL hours should be agreed before the start of each funding period and the parents agreement recorded in the Parental Agreement.

If you have a separate document to the Parental Agreement for recording fees and charges then reference can be made to this in the Parental Agreement.

### Fees & Charges Complaints procedure for parents.

If a parent has a complaint or thinks that the fees and charges applied to their FEL hours are unreasonable they should in the first instance take this up with their FEL provider.

If they are unable to resolve this and they think that the FEL provider is in breach of national guidance or the Sheffield Code of Practice they can request the LA to consider their complaint.

They should send details to: [childcareplanning@sheffield.gov.uk](mailto:childcareplanning@sheffield.gov.uk) including their following information:

- Parents name
- Providers name
- Telephone contact details
- Details of their complaint.

They will be contacted by an officer if further information is required and for permission before contacting the provider if this is necessary.

**The parent will be informed of the outcome once the LA has considered all the relevant information.**

### 6.1 What FEL funding is paid for.

Government FEL funding is intended to cover the cost of delivering funded, high quality, flexible childcare. It is not intended to cover the cost of meals, other consumables, additional hours or additional services. It is not the role of the Local Authority to determine the charges a provider will make for any additional services a parent may wish to purchase.

### 6.2 Charges for FEL Plus.

FEL funding is intended to cover the cost of delivering the Early Years Foundation Stage (EYFS). Where a provider is offering a specialist service which is an enhancement of the basic EYFS for which additional costs are incurred such as higher staff ratios the parents can expect to be charged to cover these costs. This must be made clear in any literature provided which should describe what is being delivered in addition to EYFS and what the charges are intended to cover.

### 6.3 Food and consumables.

Parents should expect to pay for meals and snacks as part of a funded entitlement place and they can also be charged for consumables such as nappies or sun cream and for services such as trips and yoga although these charges must be voluntary for the parent.

Where parents are unable or unwilling to pay for meals and consumables, providers who choose to offer the free entitlements are responsible for setting their own policy on how to respond, with options including allowing parents to supply their own meals or nappies, or waiving or reducing the cost of meals and snacks.

Charges **must** be published and available to the public, including details of what they are intended to pay for and made available to parents in advance of any contractual agreement and should not be changed part way through a funding period.

Providers should consider carefully the impact of charges on the most disadvantaged families and where parents are unable or unwilling to pay for meals and consumables they should work closely with them to find a solution.

Providers **must** have a policy for dealing with cases where the family is unwilling or unable to pay additional charges. If your policy is to treat each case on its merits then your literature should say so. Alternative options for parents, could include, for example, allowing parents to supply their own consumables or a packed lunch or even reducing or waiving the charges temporarily for families in financial difficulties. Childminders can charge for providing an “on-call” service in addition to the funded hours.

### 6.4 Charges for Non FEL childcare.

Charges for additional services and hours outside of FEL are a private arrangement between the parent and provider and the Local Authority will not intervene in private business matters, providing this does not affect the parent’s ability to take up their child’s free place.

### 6.5 Equality of Access.

Providers should deliver FEL places consistently so that all children will receive the same quality and access to provision, regardless of whether their parents opt to pay for optional hours, services, meals or consumables.

The Local Authority will work with providers and parents to ensure all parents, including disadvantaged families, have fair access to a free place, which must be delivered completely free of charge.

### 6.6 Top up Fees.

Providers **must not** charge parents “top-up” fees (any difference between a provider’s normal charge to parents and the funding they receive from the Local Authority to deliver free places) or require parents to pay a registration fee as a condition of taking up their child’s free place.

### 6.7 Deposits.

Providers can charge parents a deposit to secure their child’s funded place but should refund the deposit in full to parents within a reasonable time scale if that child takes up their place. Deposits should be processed separately for privately paid for childcare. Deposits should not be used as a

means to secure a more flexible place. Parents should not have to reserve a place each term.

## 6.8 Invoicing

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

**Example invoice** of a free 15 hour standalone FEL place over 11 weeks.

15 hours Funded per week total:

15 hours at £4.50 (Providers hourly rate)	£742.50
15 hours Funding Claim (SCC)	-£742.50
<b>Total to pay</b>	<b>£0.00</b>

The invoice for a standalone FEL place must show a net zero charge and any hourly rate charged must be consistent with the hourly rate deducted.

Invoices should not include any monetary value against FEL hours. However it is recognised that on some software this may not be possible. Therefore, where there is no other option, a monetary value could be included alongside the number of hours for the purpose of invoicing only. Parents should be made aware that they are not required to pay this element.

### Example invoice

<b>1)</b>	50 hours per week total	£268.20p
	30 hours Funded	£148.20p
	20 hours Paid (£6 per hour)	£120.00p
	<b>Total to pay</b>	<b>£120.00p</b>
<b>2)</b>	50 hours per week total	£
	30 hours Funded	£ 0
	20 hours Paid (£6 per hour)	£120.00
	Additional Services (meals, trips)	£ 30.00
	<b>Total to pay</b>	<b>£150.00</b>



## 7: Inclusion

### 7:1 The Principle of Inclusion

FEL places are intended to be accessed equitably by all children and delivered equitably to all children, regardless of socio-economic status, disability, special educational needs, race or religion.

It is the responsibility of the provider to minimise any barriers to access and to work in partnership with parents and other professionals to ensure that children can access their full entitlement.

Inclusion should be central to all providers' policies and processes when delivering FEL.

### 7:2 Admissions Policy

Each provider must have a written admissions policy which must state that children in care will be given priority when allocating places. The Admissions Policy template is available online and sets out the areas to be covered:

<http://www.sheffielddirectory.org.uk/kb5/sheffield/directory/advice.page?id=hza57DG01LY>

Private, voluntary and independent providers are free to set their own criteria for the admission of children, providing they comply with relevant legislation on equalities and non-discrimination.

In the case of maintained school nurseries it must make clear that attendance at the nursery does not influence the child's chance of obtaining a place in the reception / foundation 2 class at the school.

Admissions policies must be available to the public and should clearly state the criteria used to allocate places and how providers prioritise applications.

### 7:3 Virtual School for Looked After Children (LAC)

Providers of Early Years Education should know if they have any Looked After Children and who they are; providers must work closely with both Social Workers and Foster Carers to identify how best to meet the needs of the Looked After Children in their provision.

Providers can also contact their link person from the Best Start Early Years Team in the Local Authority who will be able to provide them with the relevant information.

### 7:4 Children with Special Educational Needs and Disabilities (SEND)

The Local Authority seeks to ensure that providers are able to access information and guidance to meet the needs of disabled children and children with special educational needs.

**Providers must** ensure owners and all staff members are aware of their duties, and have regard to them, in relation to the SEND Code of Practice and the Equality Act 2010 so the needs of disabled children and children with special educational needs are met. Children who are exempt from EYFS are able to access a funded place with the same entitlement as other children their age.

The *Special Educational Needs and Disability Code of Practice: 0 to 25 years* (January 2015) is available online:

<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>



The 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 to choose the right setting for their SEND child.

**Providers must** also ensure that their entry on the Sheffield Directory includes completion of the Local Offer section to assist parents to identify appropriate local provision to best meet their child's needs.

All settings are encouraged to engage with city-wide strategies, processes and support available to the sector to promote early identification of children's additional needs. This is crucial so that children and their families have access to appropriate support and interventions to enable them to reach their full potential. If a setting fails to meet the needs of a child with SEND, this will be reviewed by the Local Authority on a case by case basis.

### **7:5 Universal Level Support**

When a Provider identifies that children are not making expected progress, it is their responsibility to discuss this with parents/carers and put in support at the 'SEN support' stage of the Code of Practice for Special Educational Needs and Disabilities. This is an 'in house stage' and learning should be planned for and differentiated according to the child's level of development.

Providers can refer to the 'Local Offer' for resources in their locality which may help parents and carers to meet the child's needs, and to the SharePoint website for information relating to areas and process relating to SEND.

Using the '*assess, plan, do and review cycle*', most children should make progress with appropriate strategies and support. Providers should ensure that they use appropriate recording and monitoring tools such as a 'one page profile / individual learning plan'; they should hold termly review meetings to ensure they can demonstrate how the child's needs are being met.

### **7:6 Specialist / External Support**

For a small number of children with more complex needs, external support may be requested from a variety of support services from Education, Health and/or Social Care as appropriate. These children can receive external advice from professionals regarding strategies to support their development and appropriate pathways for further assessment if required.

For some children, the provision needed may require enhanced funding support to be granted. Children at this higher level of need should be supported with a My Plan as part of the '*assess, plan, do and review cycle*'.

Funding for children with SEND will continue to be based on participation; however additional financial support may be available through the Local Authority's specialist SEND support services.

### **7:7 Settling In Periods**

Some children with SEND may benefit from a longer settling in period or from initially taking up fewer than 15 hours per week. Where agreed with the specialist support teacher supporting the child, a provider may provide fewer hours and still claim for the full week's hours (i.e. where this supports children's individual needs). Evidence of such an agreement should be kept for audit purposes. In all cases providers should be supporting the child towards accessing their full entitlement via a planned approach.

For children with SEN, any transition to a new provider or school should, if possible, start to be discussed and planned up to two terms before the start of the new placement. The child's current

setting SENCo should liaise with the new provider.

### **7:8 Using Early Years Pupil Premium (EYPP)**

FEL Providers should ensure that they have identified the disadvantaged children in their setting as part of the process for checking EYPP eligibility. The provider must use EYPP, and any locally available funding streams or support, in any way they choose to improve the quality of the early years education provided for EYPP eligible children to improve outcomes for them.

Examples of how EYPP can be spent are: additional training for their staff on early language, investing in partnership working with their colleagues in the area to further their expertise, or supporting staff in working on specialised areas such as speech and language. In each case, the EYPP funding is linked to the specific child.

The template Parent/Carer Agreement Form includes a prompt for providers to apply for EYPP where appropriate.

### **7:9 Promoting British Values**

Providers should actively promote fundamental British values and meet the 2014 independent school standards in relation to the spiritual, moral, social and cultural development of children.

DfE defines fundamental British values as democracy, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs. Providers should not promote views or theories as facts which are contrary to established scientific or historical evidence and explanations.

Children can be taught about religious beliefs, traditions and festivals. Providers who wish to celebrate religious and cultural festivals, for example putting on a nativity play, a harvest festival or a celebration of Eid, can still do so.

The learning goals in the EYFS are clear that providers are expected to teach 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'.

It is not necessary for providers to promote beliefs or opinions that conflict with their own, but nor is it acceptable for providers to promote discrimination against people or groups on the basis of their belief, opinion or background.

Where the Local Authority has reasonable grounds to believe that this criterion has been breached, the Local Authority may withdraw funding. If the Local Authority receives a complaint regarding this matter, we will consider the source, the evidence and the severity of the allegation before making a decision.

Ofsted inspectors will consider children's spiritual, moral, social and cultural (SMSC) development when forming a judgement of a Provider.

## Section 8: Attendance

**Providers must** make parents aware of the need to contact the setting without delay if their child is unable to attend.

### 8:1 Safeguarding Concerns

If at any stage of a child being absent the child is thought to be suffering or is at risk of suffering harm, **providers must** follow the guidance in the current *Sheffield Safeguarding Child Protection Procedures*: <http://sheffieldscb.proceduresonline.com>

### 8:2 Attendance Records

**Providers must** maintain attendance records of all FEL children, and supply this on request to the Local Authority. This includes a register, robust monitoring procedures and accurately recording information provided by parents when making first day absence calls.

If a child is not accessing their agreed hours or is not attending regularly then the provider should discuss improving attendance with the parent.

Providers should have their own attendance policy to address short term absences of children and should keep a log recording all attempts to make contact and improve the attendance of the child. This should include details of phone conversations, verbal or transcribed statements from the parent/carer for example a note of a telephone conversation or a parent's note, copies of correspondence concerning extended absences due to sickness, holiday and any other information provided. These should be held in the child's individual record book.

This evidence should be retained for at least one year for audit purposes as this evidence will be requested during the compliance visit to support the funding of a child. If a compliance visit highlights poor attendance record keeping and no evidence is available to suggest the parent/carer has been contacted, or that no steps have been taken to address the issue, funding may be reclaimed.

The Local Authority will endeavour to ensure that providers and childminders including those registered with a childminder agency are not penalised for short term absences of children, for example sickness, arriving late or leaving early, but use their discretion where absence is recurring or for extended periods taking into account the reason for the absence and the impact on the provider or childminder.

Where the provider has exhausted the process laid out in the Code of Practice to improve attendance, you should contact the Early Years Funding Team ([eyfundingteam@sheffield.gov.uk](mailto:eyfundingteam@sheffield.gov.uk)) for support and advice concerning the child's funding.

### 8:3 Managing Unauthorised Absence

Providers cannot claw back funding from funded families in relation to poor attendance or bad timekeeping.

Providers should take the following steps to manage unauthorised absence:

- **First day of absence:** if the parent has not contacted nursery with a reason for absence, the provider should contact the parent to establish the reason.

- **Three consecutive sessions or one week's absence** as shown in the following examples:

This table shows a typical delivery pattern for 3 x 5hr sessions where 3 consecutive sessions could be 3 in the same week as for Child A or the same session for 3 consecutive weeks as for Child B.

Typical FEL delivery pattern for 5hr Sessions		
Monday	Tuesday	Wednesday
Week 1		
Child A Present	Child A Present	Child A Present
Child B Present	Child B Present	Child B Absent
Week 2		
Child A Present	Child A Present	Child A Present
Child B Present	Child B Present	Child B Absent
Week 3		
Child A Absent	Child A Absent	Child A Absent
Child B Present	Child B Present	Child B Absent

This table shows a typical delivery pattern for 5 x 3hr sessions with one week's absence for Child D.

Session	Typical FEL delivery pattern for 3hr Sessions				
	Monday	Tuesday	Wednesday	Thursday	Friday
AM	Child C Present	Child C Present	Child C Present	Child C Present	Child C Present
PM	Child D Absent	Child D Absent	Child D Absent	Child D Absent	Child D Absent

If either of the patterns of absence shown in Tables 1 or 2 occurs with no contact with the family, the provider should contact the child's **Health Visitor** to share this concern. If the child has a named **Social Worker**, the Social Worker should be contacted as a matter of urgency.

Where a child has missed **3 consecutive sessions without notice** and the provider is unable to contact the family, the provider should follow the Sheffield Safeguarding Children Board's (SSCB) guidance; *Children Missing from Pre-School Services*:

<https://www.safeguardingsheffieldchildren.org/sscb/early-years/safeguarding-practice-guidance-1>

- **Two weeks' absence** – If two weeks elapse without the child attending but contact has been made with the family, the provider can request **attendance support via the Early Years Partnership Process**. This should be made via an *Early Help Part 1* form or if the family has more complex needs a referral can be made via a *Family CAF*:  
<https://www.sheffield.gov.uk/home/social-care/fcaf-resources>

After four weeks' of unauthorised absence the place will not be funded unless the Local Authority has given written authorisation to the provider.

#### 8:4 Managing Illness

Absences due to illness of up to two weeks will be paid and do not need to be reported to the Local Authority.

**Providers must** keep a log recording all details of phone conversations, with parents/carers as well as, verbal or written statements, copies of correspondence concerning extended absences due to sickness for audit purposes.

Any absence due to illness lasting longer than two weeks should be reported to Early Years Funding Team ([eyfundingteam@sheffield.gov.uk](mailto:eyfundingteam@sheffield.gov.uk)). Each occurrence will then be assessed based on the individual circumstances of the illness.

### 8:5 Holidays

Funding will be paid for holidays taken during FEL funded weeks for up to four weeks in a funding year. However, a firm return date must be provided by the parent. If the child does not return on the agreed date then they should be treated as a leaver and the provider should enter the agreed return date as the leaving date for the child when submitting this information on the headcount task, the parent/carer would then need to reapply for a place on their return.

It is the provider's choice whether to keep a place open for any child going on holiday for any longer than four weeks or not confirming a return date; but it will not be funded by the Local Authority.

Holiday funding is based on a child's normal pattern of attendance as agreed in the Parent/Carer Agreement. For example, a child that normally attends for 2 x 5 hour days a week would have a holiday allowance of 8 x 5 hour days per funding year. This **must** be recorded in the attendance register.

### 8:6 Poor Punctuality

Providers should work with parents and carers to ensure a child is attending for all of the hours claimed. If on occasion, parents and carers choose not to take up the full entitlement in a given period due to personal circumstances or, for example to fit around their own flexible working arrangements, the provider should work with parents and carers and be able to evidence and produce the communications between both parties if requested by the Local Authority as part of an enquiry or audit.

It is expected that providers will conduct regular reviews of attendance and, if the pattern of attendance does not improve, parents and carers will be asked to review the hours they wish to claim.

### 8:7 Unforeseen Closure

Funding may be claimed for up to **7 consecutive days** of unforeseen closure per funding period. The funding will only cover the normal weekly pattern of attendance for each funded child as shown in the Parental Agreement for that term, which would normally have been delivered in the 7 day period.

This is only applicable where providers have no choice but to close or where it would be illegal to remain open, for example, where it is impossible to meet the staff ratios due to staff sickness. Funding will be provided for up to **7 consecutive days**. **Providers must put strategies in place to rectify the problem.**

Parents should be offered an alternative time to access any unused hours that have been claimed on their behalf. Alternatively, providers should record written consent from the parent to claim funded hours without delivering the service due to an unforeseen closure.

Providers are advised to ensure they have sufficient insurance cover in place for loss of income in the event of prolonged closure due to unforeseen circumstances, for example flood damage to premises or similar.

### **8:8 Planned Closure**

Any planned closure will not be funded, for example training days, building work or decorating. The headcount submissions must be adjusted accordingly to reflect the actual weeks provided in the funding period.

### **8:9 Public Holidays**

If a public holiday falls on a day when a child would normally attend the setting, providers can claim funding if they have the parent's agreement that they do not wish to use those hours at a different time. This should be recorded on the Parent/Carer Agreement. If parents do not agree, the provider can either redistribute those hours across other days, or not claim funding for those hours.

### **8:10 Settling In Periods**

Where children are new to a setting, they may need a few weeks using fewer hours to settle in. The provider will be paid for the full amount of planned hours during this settling in period. The provider needs to claim for the full planned hours at the headcount tasks.

Longer settling in periods can be arranged with the Inclusion Team on an individual basis where there are exceptional circumstances – see Section 6: Inclusion. Providers should request this through the Local Authority.

### **8:11 Staggered Starts**

Some settings may want to build in a staggered start to the beginning of a new year (i.e. the autumn school term), in order to increase the number of new children gradually. However, providers will only be paid from the date attendance starts for each individual child. Staggered starts will not be funded.

Some schools use staggered starts for children moving to reception class. Because the child is being funded for their school place, they cannot be double funded for a FEL place while they wait. Therefore providers cannot claim FEL funding for a child on a staggered start into school reception.

Settings which operate a staggered start should prioritise children from families who might have to pay for childcare to cover this period. This may be particularly relevant to working families.

Where a staggered start means that a parent is caught between the early years setting and reception class, leaving them without a place for their child, they should be advised that they are entitled to the funded school place and to pursue that entitlement with the school.



## Section 9: Safeguarding

### 9:1 Local Authority's Safeguarding Responsibilities

The Local Authority:

- can place requirements on providers that ensure that providers keep children safe.
- is required to secure information, advice and training on effective safeguarding and child protection for newly registered providers and those judged less than good by Ofsted in their most recent inspection report.
- may provide information, advice and training on effective safeguarding and child protection for all early years and childcare providers if requested by the provider.

### 9:2 Provider Safeguarding Responsibilities

All Early Years Providers have a statutory duty to take all necessary steps to keep children safe and well, as detailed in Section 3 of the *statutory framework for the early years foundation stage (2017)*: <https://www.gov.uk/government/publications/early-years-foundation-stage-framework--2>

And Ofsted's *inspecting safeguarding in early years, education and skills settings (2019)*: <https://www.gov.uk/government/publications/inspecting-safeguarding-in-early-years-education-and-skills>

Providers **must**:

- have and implement a **policy and procedure** to safeguard children. See Section 8:3 safeguarding policy and child protection procedure.
- **identify** where there are concerns about children and families and raise these concerns with the relevant agencies. See Section 8:4 Integrated safeguarding practice.
- **raise** these concerns with the agencies with statutory responsibilities without delay. This means Children's Social Care Services and, in emergencies, the police.
- **record** safeguarding information for all children attending the setting. See Section 8:5 safeguarding information.
- **check** that staff and volunteers are suitable. See Section 8:6 Recruitment and vetting.
- provide safeguarding **induction training** for all new staff that is regularly updated. See Section 8:7 Safeguarding training.
- **record** all safeguarding and child protection training completed by staff.
- have a **designated safeguarding lead (DSL)**. In group care, providers should ensure that a safeguarding lead is available for every session where childcare is provided. As childminders work alone, they are automatically the DSL. See Section 8:7.
- **ensure** the DSL attends child protection training and refreshes their safeguarding training at regular intervals.
- put arrangements in place for the **supervision of staff** who have contact with children and families, to provide support coaching and training for the practitioner and promotes the interests of children, in line with EYFS safeguarding and welfare requirements. See Section 8:8 Safeguarding supervision.

Providers should also complete an annual safeguarding audit to demonstrate that they have processes and systems in place to ensure that children are adequately safeguarded. We recommend providers complete levels 1 and 2 of the *Early Years Safeguarding Audit Tool* developed by the Early Years Safeguarding Advisor for this purpose.

<http://www.safeguardingsheffieldchildren.org/sscb/early-years/model-policies-templates-1>

### 9:3 Safeguarding Policy and Child Protection Procedure

Providers **must** have and implement effective child protection and staff behaviour policies that meet EYFS and Sheffield Safeguarding Children Board (SSCB) requirements. We recommend providers use the template policy and procedures developed by the Early Years safeguarding advisors.

For nursery settings, refer to *Early Years Setting Model Safeguarding Policy and Child Protection Procedure*:

<http://www.safeguardingsheffieldchildren.org/sscb/early-years/model-policies-templates-1>

For childminders, refer to *Model Safeguarding Policy for Childminders*:

<http://www.safeguardingsheffieldchildren.org/sscb/early-years/childminders>

### 9:4 Integrated Safeguarding Practice

Providers **must** identify where there are concerns about children and families and raise these concerns with the relevant agencies.

If providers have concerns about a child's safety or welfare they **must** notify agencies with statutory responsibilities without delay. This means the local children's social care services and, in emergencies, the police.

Where children and/or their families have been identified as needing additional support, Providers should liaise with and seek advice from their local Family Centre Hub or Multi Agency Support Team (MAST). See contact details section for ways to contact the Family Centre hubs or MAST teams.

Where children have specific SEND requirements, providers have a duty of onward referral to external support agencies and to work within the requirements of the Special Educational Needs and Disability Code of Practice: 0 to 25 years (July 2014):

<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

### 9:5 Safeguarding Information

Providers **must** record the following as part of the registration process for all children:

- the child's full name and date of birth.
- the name and address of every parent who is known to the provider.
- information about any other person who has parental responsibility for the child.
- which parent and/or carer the child normally lives with.
- emergency contact details for the parents and/or carers.
- the names of all other significant adults or frequent visitors who visit the home or who are part of the family support network.

This information is for the provider's use so they are aware of who may be collecting children, the significant adults in a child's life, and to help to ensure the child's welfare and safety.

The records must be retained for a reasonable period of time after the child has left the provision. The information may be shared with parents and carers, other professionals working with the child, the police, social services and Ofsted or the childminder agency with which they are registered, as appropriate, to ensure the safe and efficient management of the setting, and to help ensure the needs of the child are met.



## 9:6 Staff Recruitment and Vetting

Providers **must** be able to demonstrate that they meet all regulations and duties in relation to checking that staff and volunteers are suitable to fulfil the requirements of their role. This includes undertaking identity, criminal record, qualification and disqualification checks and having systems in place to check that existing staff continue to be suitable.

Providers **must not** allow individuals, whose suitability has not been checked, including through a criminal records Disclosure and Barring Service (DBS) check, to have unsupervised contact with children being cared for.

Recruiters should have attended an accredited Safer Recruitment Session within the previous 3 years.

## 9:7 Safeguarding Training

Providers **must** provide safeguarding induction training for all new staff that is regularly updated. It is recommended that this includes the *Sheffield Children Safeguarding Partnership* E-Learning programme 'Basic Awareness of Child Abuse and Neglect (CORE)'.

Providers **must** ensure the **designated safeguarding lead** (DSL) attends child protection training that enables them to identify, understand and respond appropriately to signs of possible abuse and neglect. All DSLs and designated safeguarding deputies (DSDs) should complete safeguarding and child protection training to meet this requirement.

Providers **must** ensure that DSLs and DSDs refresh their safeguarding knowledge and skills at regular intervals and should update their advanced safeguarding and child protection training every three years.

Providers **must** keep a record of all safeguarding and child protection training completed by staff

Group care providers should identify a senior member of staff (usually the DSL or DSD) to attend the termly Early Years Safeguarding briefings and workshops and relevant Sheffield Children Safeguarding Partnership seminars and conferences. In childminder settings this would be the childminder.

## 9:8 Safeguarding Supervision

Providers **must** put arrangements in place for the supervision of staff that has contact with children and families in line with EYFS requirements. We recommend providers base their supervision arrangements on the *Early Years Settings Model Supervision Policy*, developed by the Early Years Safeguarding Advisors:

<http://www.safeguardingsheffieldchildren.org/sscb/early-years/model-policies-templates-1>

## 9:9 Safeguarding Resources

All safeguarding tools and model templates can be downloaded from the Early Years section of the Sheffield Children Safeguarding Partnership website:

<http://www.safeguardingsheffieldchildren.org/sscb/early-years/early-years-and-childcare-settings>

## Section 10: Funding

More details of how the funding rates are set can be found in Section 7 of the “*Providers Guide to Claiming Funding for FEL and EFE*” on our website at this link:

<https://www.sheffield.gov.uk/content/sheffield/home/schools-childcare/fel-funding-providers.html>

### 10:1 Auditing FEL Providers

The Local Authority reserve the right to carry checks and/or audits on providers to ensure compliance with the requirements of delivering FEL.

The Authorised Officer shall at all times have access to financial information about the Provider, the accounts records and all other documentation of the Provider relating to the delivery of FEL places funded under this agreement and be entitled to seek and receive explanations from officers of the Provider, or where applicable from the Department for Education, regarding the Provider’s deployment of the FEL Funding, within 5 provider working days of making a request to the Provider in writing.

During a compliance visit if a discrepancy is identified in the FEL funding claim, the LA will take the following actions:-

- a) Recover any over claimed FEL monies paid to the provider.
- b) Request a full audit of FEL funding claims.

If a provider does not engage with the Local Authority and postpones their scheduled compliance visit with the Local Authority Officer on more than three occasions this may lead to funding implications. The provider may enter the Notice of Concern process (see section 2 in the Code of Practice).

### 10:2 Early Years National Funding Formula

The funding for FEL and EFE places are locally determined in consultation with the Early Years sector through the Schools Forum of the Local Authority. The Early Years National Funding Formula (EYNFF) for Providers operating in Sheffield is made up of the Base Rate and Deprivation Supplement. All Providers are issued with an Indicative Budget and an hourly rate at the beginning of the new financial year which is adjusted to reflect actual levels of participation within the financial year. If you have any queries then please contact:

[eyfundingteam@sheffield.gov.uk](mailto:eyfundingteam@sheffield.gov.uk)

### 10:3 How to Claim the Funded Early Learning (FEL) Entitlement

For further details on how to claim FEL funding please see the document entitled *Providers Guide to Claiming Funding for Funded Early Learning and the Extended Funded Entitlement* via the link:

<https://www.sheffield.gov.uk/home/schools-childcare/fel-funding-providers>

### 10:4 Early Years Pupil Premium (EYPP)

Parent/Carer information recorded on the Parent/Carer Agreement Form must be provided through the Provider Portal at the headcounts (see *Providers Guide to Claiming Funding for Funded Early Learning and the Extended Funded Entitlement*). If this has been previously provided this does not have to be submitted again. The Local Authority will check against the criteria for EYPP and, for every eligible child, the provider will receive the additional funding.

Where a child is eligible for both EYPP and the Extended Free Entitlement (EFE), the additional funding will only be paid for the universal hours, as identified on the Termly Pattern of Attendance Form: <https://www.sheffield.gov.uk/home/schools-childcare/fel-funding-Providers>

For further information on EYPP please follow the link below:

<https://www.gov.uk/guidance/early-years-pupil-premium-guide-for-local-authorities>

### **10:5 Disability Access Fund (DAF)**

The Disability Access Fund (DAF) is a single payment of £800 that can be made to providers for a child who is claiming Universal FEL hours and is also in receipt of Disability Living Allowance (DLA). This funding is designed to help the provider support the child with their needs as appropriate. The funding can be applied for once per year for 3 and 4 year old children.

Applications can be made each term via the Provider Portal between the start of the Actual Headcount and close of the Amendment Headcount. Providers must submit proof that the child is in receipt of DLA and that the parent has confirmed that the provider may claim the DAF for their child.

Where a child is attending more than one provider, a DAF payment can only be funded to one of the providers. This funding is only available to the provider it is awarded to, and cannot be transferred in part or in full to another childcare provider.

### **10:6 Free School Meals (FSM)**

FSM are provided for eligible children who are registered pupils at a maintained or academy school, and who access FEL before and after the lunch break.

FSM are not funded by the Local Authority at other types of Early Years settings. For further information please follow the link below:

<https://www.sheffield.gov.uk/home/schools-childcare/school-meals>

# Section 11: Legislation

## 11:1 Statutory Guidance

This Code of Practice and the accompanying *FEL Funding Agreement* and the *Providers Guide to Claiming Funding for Funded Early Learning and the Extended Funded Entitlement* are informed by guidance issued by Department for Education on what must and should be included in agreements between local authorities and providers.

For further detail on statutory and legislative requirements please see:

- Early Education and Childcare: statutory guide for local authorities, September 2018: <https://www.gov.uk/government/publications/early-education-and-childcare--2>
- Model Agreement: Early years provision free of charge and free childcare, June 2018: <https://www.gov.uk/government/publications/free-early-years-provision-and-childcare-model-agreement>

These documents provide guidance on how to administer the entitlements provided through the following legislation:

- Childcare Act 2006: <http://www.legislation.gov.uk/ukpga/2006/21/contents>
- Childcare Act 2016: <http://www.legislation.gov.uk/ukpga/2016/5/contents>
- The Childcare (Early Years Provision Free of Charge) (Extended Entitlement) Regulations 2016: [http://www.legislation.gov.uk/uksi/2016/1257/pdfs/uksi\\_20161257\\_en.pdf](http://www.legislation.gov.uk/uksi/2016/1257/pdfs/uksi_20161257_en.pdf)

## 11:2 EYFS

FEL Providers must work to the EYFS framework. This also provides the criteria that Ofsted and equivalent organisations judge providers against. For full details please see:

- Statutory framework for the Early Years Foundation Stage: setting the standards for learning development and care for children from birth to five  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/596363/EYFS\\_STATUTORY\\_FRAMEWORK\\_2017.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/596363/EYFS_STATUTORY_FRAMEWORK_2017.pdf)

## 11:3 Data Protection

Providers record, retain and submit personal information regarding children and their families. Providers are therefore bound by the General Data Protection Regulations (GDPR) and the Data Protection Act 2018 and need to be aware of what the law says and how this applies to the provider, its employees, and its business. For more information on providers' legal duties in relation to data protection, please see:

<http://www.legislation.gov.uk/ukpga/2018/12/contents/enacted>

Providers may also want to refer to the Information Commissioner's Office website, which provides practical guidance on how to comply with the Data Protection Act:

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

## 11:4 Inclusion

- The Special Educational Needs and Disability Code of Practice: 0 to 25 years January 2015 is available online: <https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>
- For wider legislative requirements protecting against discrimination, refer to the Equality Act 2010: <http://www.legislation.gov.uk/ukpga/2010/15/contents>

## Glossary of Abbreviations

CAF	Common Assessment Framework
CIC	Children in Care (Used in Sheffield for Looked After Children)
CMA	Childminder Agency
CoP	Code of Practice
DAF	Disability Access Fund
DfE	Department for Education
DSD	Designated Safeguarding Deputy
DSL	Designated Safeguarding Lead
EFE	Extended Free Entitlement (also known as “30 Hours”)
EY	Early Years
EYFS	Early Years Foundation Stage
EYPP	Early Years Pupil Premium
EYNFF	Early Years National Funding Formula
FCAF	Family Common Assessment Framework
FEL	Funded Early Learning
HV	Health Visitor
ICO	Information Commissioning Office
LAC	Looked After Children
MAST	Multi Agency Support Team
PDF	Portable Document Format
PTA	Previous Term Adjustments
PVI	Private, Voluntary and Independent
SCC	Sheffield City Council
SEF	Self Evaluation Form
SEND	Special Education Need or Disability
SSCB	Sheffield Safeguarding Children Board

## Funded Early Learning Teams Contact Details:

### **Childcare Planning Team:**

Email: [childcareplanning@sheffield.gov.uk](mailto:childcareplanning@sheffield.gov.uk)

Tel: 0114 203 7228

Education & Childcare Planning Team

Commissioning Inclusion & Learning Services

Level 7 – North Wing

Moorfoot, Sheffield, S1 4PL

### **External Funding Team:**

Email: [eyfundingteam@sheffield.gov.uk](mailto:eyfundingteam@sheffield.gov.uk)

External Funding Team

Level 7 – West Wing

Moorfoot, Sheffield, S1 4PL

### **Performance & Analysis Service:**

Email: [EYFEL.Census@sheffield.gov.uk](mailto:EYFEL.Census@sheffield.gov.uk)

Performance and Analysis Service

Level 7 – West Wing

Moorfoot, Sheffield, S1 4PL

### **Early Years Quality Improvement Team:**

#### **North**

Email: [EYBestStartTeam-North@sheffield.gov.uk](mailto:EYBestStartTeam-North@sheffield.gov.uk)

First Start Children's Centre

441 Firth Park Road,

Sheffield S5 6HH

#### **West**

Email: [EYBestStartTeam-East@sheffield.gov.uk](mailto:EYBestStartTeam-East@sheffield.gov.uk)

Darnall Children's Centre

563 Staniforth Road

Sheffield, S9 4RA

#### **East**

Email: [EYBestStartTeam-West@sheffield.gov.uk](mailto:EYBestStartTeam-West@sheffield.gov.uk)

Primrose Children's Centre

Creswick Street

Sheffield, S6 2TN

### **Early Years Inclusion Team:**

Email: [childcareplanning@sheffield.gov.uk](mailto:childcareplanning@sheffield.gov.uk)

Early Years Inclusion Team

Level 4 – North Wing

Moorfoot, Sheffield, S1 4PL

## **Multi Agency Support Teams (MAST):**

### **North**

Floor 2, Sorby House  
42 Spital Hill  
Sheffield, S4 7LG  
Telephone: 0114 233 1189  
Email: [northmast@sheffield.gov.uk](mailto:northmast@sheffield.gov.uk)

### **East**

First Floor, Shortbrook Primary Site  
Westfield Northway, Westfield  
Sheffield, S20 8FB  
Telephone: 0114 205 3635  
Email: [east-mast@sheffield.gov.uk](mailto:east-mast@sheffield.gov.uk)

### **West**

Old Sharrow Junior School  
Southview Road  
Sheffield, S7 1DB  
Telephone: 0114 250 6865  
Email: [westmast@sheffield.gov.uk](mailto:westmast@sheffield.gov.uk)

### **Central Contact Details**

Prevention and Early Intervention Team  
Children and Families Services  
Level 7, North Wing  
Moorfoot  
Sheffield, S1 4PL  
Telephone: 0114 205 3158  
Email: [cypservicedistricts@sheffield.gov.uk](mailto:cypservicedistricts@sheffield.gov.uk)

### **Family Centre Hubs:**

#### **Early Days Family Centre**

71 Palgraves Road  
Sheffield  
S5 8GS  
Telephone: 0114 250 3060

#### **First Start Family Centre**

441 Firth Park Road  
Sheffield  
S5 6HH  
Telephone: 0114 203 9307

#### **Darnall Family Centre**

563 Staniforth Road  
Sheffield  
S9 4RA  
Telephone: 0114 2735008

#### **Shortbrook Family Centre**

First Floor, Shortbrook Primary school site  
Westfield Northway



Sheffield  
S20 8FB  
Telephone: 0114 2053635

**Valley Park Family Centre**

Norton Avenue  
Sheffield  
S14 1SL  
Telephone: 0114 241 6968

**Sharrow Family Centre**

Highfield Library  
London Road  
Sheffield  
S2 4NF  
Telephone: 0114 205 3471

**Primrose Family Centre**

Creswick Street  
Sheffield  
S6 2TN  
Telephone: 0114 205 2723