



BARNSLEY
Metropolitan Borough Council

FUNDING AGREEMENT

**For Early Years Provision Free of Charge and Free
Childcare**

From 1st September 2019

Between

Barnsley Council

And

Early Education Providers

Contents

Section 1: Overview	3
Who is the agreement for?	3
Legal framework and statutory guidance	4
Section 2: Provider agreement requirements and standard wording	5
Key local authority responsibilities	5
Key provider responsibilities	5
Safeguarding	6
Eligibility	7
The Grace Period	8
Flexibility	9
Partnership working	9
Special educational needs and disabilities	10
Social mobility and disadvantage	10
Quality	10
Business planning	11
Charging	13
Funding	14
Compliance	14
Register audits, Debt and overpayment	16
Termination and withdrawal of funding	17
Appeals process	17
Complaints process	18
Annex A: Sample parent declaration for the free entitlements	20

Section 1: Overview

1.1 This agreement is effective as of 1st September 2019 and is based upon the Department for Education's 'Statutory Guidance for Local Authorities - Early Education and Childcare June 2018'.

1.2 Prior to making any claim for funding for two, three and four year old early education - the responsible person (School Governor, Owner but not an employed manager), must have read, understood and adhere to this agreement & subsequent documents i.e 'Department for Education – Early Years Entitlements: operational guidance for local authorities and providers June 2018' and 'Early Education and childcare, Statutory guidance for Local Authorities June 2018'.

Who is the agreement for?

1.3. This agreement is for:

• Local authorities

• Early years providers who are referred to as 'providers' and include:

• Early years providers and childminders registered on the Ofsted Early Years Register;

- Childminders registered with a childminder agency that is registered with Ofsted;
- Childminder Agencies (who will also be required to sign up to Barnsley's 'Working together' Protocol

• Independent Schools and Academies taking children age two and over and which are exempt from registration with Ofsted as an early years provider.

1.4. The parental declaration at Annex A is for:

- Early years providers, as set out above

• Parents

Legal framework and statutory guidance

1.5. The following frameworks and legislation underpin this agreement:

- Early Education and childcare, Statutory guidance for Local Authorities June 2018
- Childcare Act 2006
- Childcare Act 2016
- Equality Act 2010
- School admissions code 2014
- Statutory framework for the early years foundation stage 2014
- Local Authority, (Duty to Secure Early Years Provision Free of Charge) Regulations 2014
- The Childcare (Early Years Provision Free of Charge) (Extended Entitlement) Regulations 2016
- Special educational needs and disability code of practice: 0 to 25 years 2015
- Data Protection Act 2018
- Working together to safeguard children July 2018
- Keeping children safe in education Sept 2018
- Inspecting safeguarding in early years education & skill settings May 2019

Section 2: Provider agreement requirements and standard wording

Key local authority responsibilities

2.1. Local authorities must secure a free entitlement place for every eligible child in their area.

2.2. The local authority should work in partnership with providers to agree how to deliver free entitlement places.

2.3. The local authority should be clear about their role and the support on offer locally to meet the needs of children with special educational needs and/or disabilities (SEND) as well as their expectations of providers.

Barnsley Council's Local Offer sits within the Family Service Directory web site. The Local Offer sets out the support provided by Barnsley Council to meet the needs of children with special educational needs and or/disabilities (SEND) and the expectation of providers. In summary, this includes:

- the parameters of Early Year's Inclusion Grant

- the Disability Access Fund

- the support from Barnsley Council's Inclusion Team

- the expectation that every provider offering funded early education has a Local Offer record - that is updated at least termly. Its purpose is to inform parents of the training undertaken by staff within the setting and how the setting will meet the needs of children with disabilities and complex health needs.

2.4. The local authority must contribute to the safeguarding and promote the welfare of children and young people in their area.

Key provider responsibilities

2.5. The provider must comply with all relevant legislation and insurance requirements.

2.6. The provider should deliver the free entitlements consistently to all parents, whether in receipt of 15 or 30 hours and regardless of whether they opt to pay for optional services or consumables. This means that the provider should be clear and communicate to parents details about the days and times that they offer free places, along with their services and charges. Those children accessing the free entitlements should receive the same quality and access to provision.

2.7. The provider must follow the EYFS and have clear safeguarding policies and procedures in place that link to the local authority's guidance for recognising, responding, reporting and recording suspected or actual abuse.

2.8. The provider must have arrangements in place to support children with special educational needs and/or disabilities (SEND). These arrangements should include a clear approach to identifying and responding to SEND. Providers should utilise the SEN inclusion fund and Disability Access Fund to deliver effective support, whilst making information available about their SEND offer to parents.

Safeguarding

2.9. The local authority has overarching responsibility for safeguarding and promoting the welfare of all children and young people in their area. They have a number of statutory functions under the 1989 and 2004 Children Acts which make this clear, and the 'Working together to safeguard children' 2018 guidance¹ sets these out in detail.

On the 28 June 2018, the sub group of Barnsley Safeguarding Children's Board (Policy, Practice and Workforce Development) set out their expectations the training for Safeguarding Leads within Early Years Settings, taking account of OFSTED's EYFS; Working Together to Safeguard Children 2018 and finally the Keeping Children Safe in Education documents.

The Sub Group agreed that training for Early Years Safeguarding Designated Leads should be every 2 years and approved by the Barnsley Safeguarding Children's Board. In addition there are other forums, news bulletins, website information and safeguarding conferences to allow Designated Safeguarding Leads to access updated information on an annual basis.

Early Start and Family Services offers a one day Early Years Designated Safeguarding Lead training course which is approved by the Local Safeguarding Children's Board. This is for practitioners' new to the role of Designated Safeguarding Lead. A subsequent half day refresher course is now available for established DSL's and this should still be undertaken every two years in order to meet the requirements set out above.

Barnsley Council's Early Start and Family Service has developed a Safeguarding Audit for early years settings which replaces the S11 Safeguarding audit that providers must complete and return in a timely manner if they wish to claim early education funding.

2.10. The provider must follow the EYFS and have clear safeguarding policies and procedures in place that are in line with local guidance and procedures for responding to and reporting suspected or actual abuse and neglect. A lead practitioner must take responsibility for safeguarding and all staff must have training to identify signs of abuse and neglect. The provider must have regard to 'Working Together to safeguard Children' 2018 guidance.

¹ [https://www.gov.uk/government/publications/working-together-to-safeguard-children- -2](https://www.gov.uk/government/publications/working-together-to-safeguard-children-2)

Eligibility

2.11. The provider should check original copies of documentation to confirm a child has reached the eligible age on initial registration for all free entitlements. The provider can retain paper or digital copies of documentation to enable the local authority to carry out audits and fraud investigations. Where a provider retains a copy of documentation this must be stored securely and deleted when there is no longer a good reason to keep the data. Please refer to the data privacy guidance set out in Annex A: Parent declaration, part 6.

2.12. The provider should offer places to eligible two-year-olds on the understanding that the child remains eligible until they become eligible for the universal entitlement for three- and four-year-olds.

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

2.14. Alongside the 30 hours eligibility code, which is the child's unique 11-digit number, and original copies of documentation (see 2.11), a provider must acquire written consent from, or on behalf of, the parent to be able to receive confirmation and future notifications from the local authority of the validity of the parent's 30 hours eligibility code.

2.15. Once a provider has received written consent from the parent, they should verify the 30 hours eligibility code with the local authority.

2.16. The local authority (via the Portal) will confirm the validity of 30 hours eligibility codes to allow providers to offer 30 hours places for eligible three- and four-year-olds. The local authority will provide a validity checking service to providers to enable them to verify the 30 hours eligibility code. The Eligibility Checking Service (ECS) allows all local authorities to make instant checks for code validity.

2.17. Thereafter, the local authority should complete audit checks to review the validity of eligibility codes for children who qualify for 30 hours free childcare at 6 fixed points in the year, both at half-term and at the end of term across the year (in line with the dates as listed at table A below). It is the local authority's responsibility to notify a provider where a parent has fallen out of eligibility and inform them of the grace period end date (via the expiration dashboard on the Portal).

Table A:

Date Parent receives ineligible decision on reconfirmation:	LA audit date:	Grace Period End Date:
1 Jan - 10 Feb	11 February	31 March
11 Feb - 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

The Grace Period

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

2.19. Local Authorities will be able to access information about whether a child has ceased to meet the eligibility criteria and entered the grace period via the Eligibility Checking Service. The grace period end date will automatically be applied to eligibility codes (via the expiration dashboard). It is the provider's responsibility to check this regularly and inform parents of when their extended entitlement will cease.

2.20. The local authority should continue to fund a place for a child who enters the grace period as set out in the Early Education and Childcare Statutory guidance for Local Authorities 2018.

2.21. Barnsley Council will honour the Grace Period end dates set out in Table A on this page.

Flexibility

2.22. Provision must be offered within the national parameters on flexibility as set out in Section A2 of Early Education and Childcare Statutory guidance for Local Authorities.

2.23. The provider should work with the local authority and share information about the times and periods at which they are able to offer free entitlements to support the local authority to secure sufficient stretched and flexible places to meet parental demand in the local authority. The provider must do this by returning the annual Childcare Sufficiency Assessment audit to Early Start and Family Services. This must include details on the number of places offered, together with information on flexible or stretched provision. If a parent is accessing a stretched offer, this should be indicated on the claim – please seek guidance from Schools Admissions or Families Information Service as appropriate. The provider should also make information about their offer and admissions criteria available to parents at the point the child first accesses provision at their setting.

2.24. Where a child is receiving their free entitlement at multiple providers (maximum of 2 sites in a day), each provider should hold a completed Parental Declaration Form that clearly indicates the number of hours accessed at each provider. Each individual provider must make their own separate claim.

Partnership working

2.25. Partnerships should be supported by local authorities on four levels between:

- i. Local authorities and providers
- ii. Providers working with other providers, including childminders, schools and organisations
- iii. Providers and parents
- iv. Local authorities and parents

2.26. The local authority should promote partnership working between different types of providers, including childminders, across all sectors and encourage more providers to offer flexible provision, alongside other providers.

2.27. The provider should work in partnership with parents, carers and other providers to improve provision and outcomes for children in their setting. An interactive toolkit² 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.

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

² <http://www.familyandchildcaretrust.org/dfes-30-hour-mixed-model-partnership-toolkit>

Special educational needs and disabilities

2.29. The local authority must strategically plan support for children with special educational needs and/or disabilities (SEND) to meet the needs of all children in their local area as per the Special Educational Needs and Disability code of practice. 0 to 25 years³ (January 2015).

2.30. The provider must ensure owners and all staff members are aware of their duties in relation to the SEND Code of Practice and the Equality Act 2010. The provider's SENCO should be able to demonstrate that they have undertaken sufficient training to carry out their role. Any SENCO training prior to September 2014 is significantly out of date and is not acceptable. Barnsley Council offers a three day SENCO course for those new to Barnsley or new to their role as setting SENCO. Barnsley Council offers a one day SENCO course for childminders. These are the recommended courses, as they are 'full and relevant' for SENCO's to carry out their role effectively.

2.31. The local authority must be clear and transparent about the support on offer in their area, through their Local Offer, so parents and providers can access that support.

2.32. 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 child with SEND.

Social mobility and disadvantage

2.33. The local authority should promote equality and inclusion, particularly for disadvantaged families, looked after children and children in need by removing barriers of access to free places and working with parents to give each child support to fulfil their potential.

2.34. The provider should ensure that they have identified the disadvantaged children in their setting as part of the process for checking EYPP eligibility. They will also use EYPP and any locally available funding streams or support to improve outcomes for this group.

Quality

2.35. The Early Years Foundation Stage (EYFS) statutory framework is mandatory for all schools that provide early years provision and Ofsted-registered early years providers in England. The EYFS sets the standards that all early years providers must meet to ensure that children learn and develop well and are kept healthy and safe.

³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398815/SEND_Code_of_Practice_January_2015.pdf

2.36. Ofsted are the sole arbiter of quality for all free entitlements and Ofsted and inspectorates of independent schools have regard to the EYFS in carrying out inspections and report on the quality and standards of provision.

2.37. Local authorities have a legal duty to provide information, advice and training on meeting the requirements of the EYFS, meeting the needs of children with SEND and on effective safeguarding and child protection for providers who are rated less than 'Good' by Ofsted or newly registered providers.

2.38. Provision must be offered in accordance with the national parameters on quality as set out in Section A3 of Early Education and Childcare Statutory Guidance for Local Authorities and the EYFS statutory framework.

2.39. If an early years setting (excluding maintained schools), receives an Ofsted Judgement that results in the provider no longer being able to offer EEF for a particular age group, then the local authority will consider A3.13 of the DfE Early education and childcare - Statutory guidance for local authorities – June 2018. A panel of at least three officers will meet to discuss the actions set out in the Ofsted report/action plan. The panel will undertake a sufficiency assessment as set out in A3.10 of the statutory guidance. The provider will be notified in writing of the outcome and support available. If reasonable progress has not been made the authority may withdraw funding – see Termination and Withdrawal of Funding section.

2.40. Occasionally, situations may arise that give cause for concern. If the Local Authority has concerns that they feel warrants attention, a meeting will be held with representatives from Early Start and Family Service and School Access. As these situations fall outside of an Ofsted judgment, the support is subject to a voluntary agreement and reciprocal participation to improve outcomes for children. An action plan will be drawn up and additional support will form part of the offer.

Business planning

2.41. The local authority must receive from providers the following documentation to support payment and delivery of free entitlements:

- Portal updates in line with deadlines issued as part of payment schedules and timetables.
- Early Years Census returns for the DfE – typically in January each year.
- Termly update for approval of the provider record on the Family Service Directory (FSD), including an update of the providers 'Local Offer' for supporting children with SEND.
- In the case of Childminder Agencies the Agency will be responsible for updating and approving the FSD record not the individual childminder.

Annual provider audit information for the Childcare Sufficiency Assessment, which may include, but not exclusively, qualifications of practitioners, occupancy levels, number of places by age group, ethnicity and SEND information for children on roll

Barnsley Council's Early Start and Family Service Safeguarding Audit which for early years settings replaces the S11 Safeguarding audit which providers must complete if they wish to claim EEF.

Timely notification of any changes to setting name, company registration details, bank account prior to next payment.

2.42. In addition, Barnsley Council expects the setting to hold the following information on site to be available for Council Officers to view for audit purposes.

The owner, governor is fully aware and understands the Funding Agreement, the DfE Early Years entitlements: operational guidance and finally the DfE Statutory Guidance for Local Authorities June 2018.

A list of current voluntary management committee members/or Directors contact details.

A copy of the current insurance document.

Copy of the provider's SENCO training certificate

Copy of the provider's Designated Safeguarding Lead training certificate delivered by Early Start and Family Service (one full day course followed by a half day refresher every two years).

Evidence of the Family Service Directory and subsequent local Offer being updated by the provider within current term.

2.43. The local authority should not charge providers disproportionate penalties for providing late or incomplete information leading to additional administration in the processing of free entitlements. Any charges should be reasonable and proportionate to the inconvenience or costs incurred to the local authority as a result of the lateness and local authorities will ensure charges are clearly communicated to providers.

Barnsley authority reserves the right to charge a reasonable and proportionate fee for late submissions where a new portal task has to be issued.

Providers who are subject to the late fee will be given the option of waiting until the next task (where possible) rather than paying the fee.

2.44. The local authority should not carry out audit regimes which are disproportionate or are unnecessarily burdensome to providers.

2.45. The provider should ensure they submit timely and accurate information, including, but not limited to, headcount data, census data, parental declarations and invoices, as per the financial guidelines of their local authority. Failure to do so may result in inaccurate, delayed or suspended funding.

2.46. The provider should maintain accurate financial and non-financial records relating to free entitlement places and should give the local authority access on reasonable notice to all financial and non-financial records relating to free entitlement places funded under the provider agreement, subject to confidentiality restrictions.

Charging

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

2.48. The provider can charge for meals and snacks as part of a free entitlement place and they can also charge for consumables, such as nappies or sun cream and for services such as trips and musical tuition. Parents should therefore expect to pay for these, 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 waiving or reducing the cost of meals and snacks or allowing parents to supply their own meals. Providers should be particularly mindful of the impact of additional charges on the most disadvantaged parents.

2.49. The provider should deliver the free entitlements consistently so that all children accessing any of the free entitlements will receive the same quality and access to provision, regardless of whether they opt to pay for optional hours, services, meals or consumables.

2.50. The local authority should not intervene where parents choose to purchase additional hours of provision or additional services, providing that this does not affect the parent's ability to take up their child's free place. The provider should be completely transparent about any additional charges.

2.51. The provider should publish their admissions criteria and ensure parents understand which hours/sessions can be taken as free provision. 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 are convenient for parents' working hours.

2.52. The provider can charge parents a deposit to secure their child's free place but should refund the deposit in full to parents within a reasonable time scale.

2.53. The provider cannot 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.

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

Funding

2.55. The local authority should pay all providers, particularly childminders, monthly by September 2018 unless a provider requests and the local authority agrees to continue an existing alternative sustainable method of payment.

2.56. The provider should accurately complete and submit headcount and other necessary data returns by the agreed date to support the local authority to make payment.

2.57 As a result of consultation undertaken in May 2018, Barnsley Council will continue to fund three and four year old claims on an 80% up front (based on numbers estimated by the setting). A headcount will be taken late in each term, typically within two weeks of the end of term, which will result in a balancing payment being made for any additional children and any deficits will be deducted from the first payment in the following term. Process notes will be displayed on the Portal and settings will be notified if there are any changes.

For Two Year Old claims, the process will be issued via Family Information Service on a termly basis.

Compliance and auditing

2.58. The local authority can carry out checks and/or audits on providers to ensure compliance with the requirements of delivering the free entitlements.

2.59. The provider should maintain accurate financial and non-financial records relating to free entitlement places and should give the local authority access on reasonable notice to all financial and non-financial records relating to free entitlement places funded under the provider agreement, subject to confidentiality restrictions.

Internal Audit may undertake checks on a sample basis of Providers, to ensure that:

Parents are receiving their child's entitlement completely free at the point of delivery, and

Funding is paid in accordance with the statutory guidance from the DfE and the conditions set out in this document.

Funding is being used appropriately, covering the provision of care for children in attendance at the setting.

In most circumstances, Internal Audit will undertake unannounced visits.

During an audit visit, the most recent completed term will be checked initially with potential further assessment on other terms. Providers should ensure that the following documents are available for the period of the audit or can be provided within 24 hours of the initial request being made:

Attendance register (for funded children)

Parental contracts

Copies of issued parental invoices

Annual accounts, income and expenditure statements and supporting documentation to show how funding is reconciled against the cost of providing the free entitlement.

Evidence of the use of the Early Years Pupil Premium

Evidence of the use of the Disability Access Funding

The Audit may take up to a day depending on the size of the Provider and number of eligible children within the setting. It may be necessary for officers from Internal Audit to make a return visit to complete all checks.

Following an Audit, if it is found that false or incorrect information has been supplied to the Authority, funding will be reclaimed and the Provider may be removed from the Authority's Register of Providers.

Register audits

A member of staff from School Access or Early Start and Family Service will visit settings unannounced to check the register of funded children for which they must be granted access by the Provider.

Registers must be kept on site and available for inspection at all times.

Irregular Attendance - when a child is contracted for a number of sessions but consistently does not attend these sessions, it is essential that Providers clarify the situation with parents/carers as soon as possible to ensure the safeguarding of children.

In this situation the Provider is advised to encourage the parent/carer to improve the child's attendance to match their original claim. If the parent feels that the contracted number of sessions is too much for their child they should confirm in writing to the Provider that they wish to reduce the number of sessions taken. The claim by the Provider for the following term should reflect the reduced number of sessions. Copies of all correspondence should be retained.

Children with a disability or complex health need may have a phased induction, but this should be reasonable and is dependent on the individual child's need. If the induction period is longer than one month, the Provider should notify Families Information Service/Schools Access as this could impact on the claiming of funding.

Debt and Overpayments

Please note that any debt/overpayment on the EEF entitlement to the Local Authority will be recovered in accordance with the Council's financial regulations. Any overpayments made will be subject to a deduction of the full amount from the Provider's subsequent claim the following term, even if this falls in a new financial year. If it is unlikely that the provider will make a claim in the near future (e.g. a childminder) then they will be invoiced for any overpayment.

Termination and withdrawal of funding

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

2.61. This section is applicable to all early years' providers except maintained schools. Providers that joined the register may have their funding terminated, if it is found that they re-registered their setting with Ofsted to avoid making the quality improvements identified by Ofsted. Recent information published by Ofsted, including the recent history may be taken into account – see A3.16 of the DfE June 2018 Statutory Guidance.

Only in exceptional circumstances would Barnsley Council withdraw funding and terminate the arrangement. Funding will not be withdrawn until the Ofsted inspection judgement is published. A written explanation of the reasons for removal from the Directory of Providers will be provided and this will take place at the end of the term or sooner if circumstances require.

Providers must notify parents of their removal from the Directory of Providers and the removal of provision of free Early Years education.

Termination provisions must also include those required by regulation 7 (Termination of the arrangements) of the Local Authority, (Duty to Secure Early Years Provision Free of Charge) Regulations 2014 and regulation 37 (Arrangements between local authorities and early years providers: termination) of The Childcare (Early Years Provision Free of Charge) (Extended Entitlement) Regulations 2016.

Appeals process

2.62. A provider may be denied approval to offer the free entitlements or have their funding withdrawn as set out above. The provider can appeal against that decision.

2.63 The provider can appeal against that decision. Providers must appeal in writing, in the first instance, to Barnsley Council, School Access Officer, Education, Early Start and Prevention Service, People Directorate, Barnsley S70 9GG.

Appeals will be heard by an Independent Appeal Panel and the procedure will be as follows:

- 1 The Local Authority representative and the Provider will be invited into the meeting.
- 2 Those present will introduce themselves.

- 3 The Local Authority Clerk will explain the procedure for hearing the Provider's representation.
 - 4 The case for removing the Provider will be made by the Local Authority's Representative.
 - 5 The Provider will be invited to ask questions on the case presented by the Local Authority.
 - 6 The Panel will ask questions on the Local Authority's presentation.
 - 7 The Provider will be invited to present their case for not being removed from the Register of Providers.
 - 8 The Local Authority will be invited to ask questions on the Provider's presentation.
 - 9 The Panel will ask questions on the Providers presentation.
 - 10 The Provider and Local Authority will be invited to summarise their cases.
 - 11 The Provider and the Local Authority will leave the meeting.
 - 12 The Panel will then determine whether to:
 - (a) Allow additional time on the action plan for the Provider to make improvements;OR
 - (b) Uphold the Local Authority's decision to remove the Provider from the Directory of Providers and withdraw funding.
 - 13 The Clerk will record in the minutes the reasons for the decision taken under step 12 above.
 - 14 The Clerk will write to the Provider informing them of the Panel's decision.
- Should a Provider not be satisfied with their treatment under the appeals process they can make a complaint to the Local Authority Ombudsman.

Providers also have the right to make a complaint as set out on the Council's web site:
<https://www.barnsley.gov.uk/have-your-say/complaints-compliments-and-suggestions/>

Complaints process

Complaints relating to an early education provider

2.64. Each Provider must also display the Ofsted's complaints process if a parent wishes to complain directly to the regulatory body for inspecting a setting. All Providers must retain a copy of every complaint, including those submitted to Ofsted and the response, investigation and outcome. However, if the complaint relates to a parent not being satisfied with how their child has received their free entitlement place in the correct way (as set out in the Early Education and Childcare Statutory Guidance) then the Provider must follow their own complaints procedure and retain a record for the local authority.

The local authority commissions private, voluntary and independent childcare Providers to offer the free entitlement and is therefore accountable for appropriate use of the funding.

Complaints process (for parents who are not able to resolve their concern directly with the provider)

The local authority has in place, procedures for dealing with complaints and appeals for parents who are not able to resolve their concern directly with the provider. Where the parent is not satisfied that their child has received their free entitlement in accordance with the Early Education and Childcare Statutory Guidance for Local Authorities. Those who are not satisfied that their child has received the free early education to which they are entitled should in the first instance contact Families Information Service as clarification may resolve the complaint. If the parent is not satisfied that the authority has administered the Early Years Funding within the parameters of the Statutory Guidance they will then be referred to the local authority complaints procedure.

<https://www.barnsley.gov.uk/have-your-say/complaints-compliments-and-suggestions/>

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

Annex A: Sample parent declaration for the free early years education entitlements

Before using this form, Providers to amend with their own privacy statement.

Step 1: Your Child's Details

Child's Legal Family Name:		Child's Legal Forename(s):	
Name by which the child is known (if different from above):			
Date of Birth:		Gender:	
Address:		Postcode:	

Your chosen provider will need to see proof of your child's date of birth.

Please tick which document you will provide with this form:

<input type="checkbox"/> Birth Certificate:	<input type="checkbox"/> Passport:
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Step 1 complete? Tick here.

Step 2: Your Details (parents/carers)

Parent / Carer 1	Parent / Carer 2
Legal Family Name:	Legal Family Name:
Legal Forename:	Legal Forename:
Date of Birth:	Date of Birth:
NI or NASS Number:	NI or NASS Number:

Step 2 complete? Tick here.

Step 3: Your Child's Eligibility

To be completed with assistance from your chosen provider(s) if needed.

<input type="checkbox"/> 2-year-old application	<input type="checkbox"/> 3-&4-year-old application
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Some 2-year-olds are entitled to 570 free hours a year. All 3- and 4-year-olds are entitled to 570 hours a year (universal entitlement) and some 3- and 4-year-olds from working families may be entitled to an additional 570 hours (extended or 30 hours entitlement) a year. **See note 1, page 5.**

Disability Access Fund

If your child is 3 or 4, is receiving child Disability Living Allowance and is receiving the free entitlement, he or she is eligible for the Disability Access Fund (DAF). DAF is paid to your child's early years provider. The purpose of DAF is to support providers to make reasonable adjustments and build the capacity of their setting to support children with disabilities. **See note 3 on page 5.**

Is your child eligible for and in receipt of Disability Living Allowance (DLA)?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
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If yes, provider please tick document check page to confirm you have seen proof of DLA. Then securely email the child's initial's only (not their full name) and date of birth and state that you have retained evidence of Child's being in receipt of Disability Living Allowance to 30hours@barnsley.gov.uk with subject title DAF. NB this is a shared inbox, limited to members of the team responsible for processing these claims.'

Early Years Pupil Premium

Additional funding may be available through the Early Years Pupil Premium (EYPP), paid to early years providers for the provision of extra support for your child. EYPP is used to improve teaching and learning facilities and resources so as to impact positively on your child's progress and development. See notes 2 and 3 on page 5 or speak to your childcare provider.

Do you wish to apply for EYPP for your child?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
------------------------------	-----------------------------

Eligibility is verified by BMBC.

<input type="checkbox"/> Step 3 complete? Tick here.
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Step 4: Document Check

Documentary proof of DOB Type (e.g. Birth Certificate, Passport):		Document recorded by (name of staff member):	
Date document recorded (dd/mm/yyyy):		30 hours eligibility code: (e.g. 12345678912):	
		2-year-old eligibility code:	

Step 4 complete? Tick here.

Step 5: Setting and Attendance Details

You need to agree and complete this declaration form with each setting your child attends for their early education entitlement in order to ensure that funding is paid fairly to each of them.

Your child can attend a maximum of two sites in a single day and if your child attends more than one setting we will distribute the funding appropriately between the settings.

My child is attending the following settings:

<i>Setting Name(s)</i>	Please enter total free entitlement hours attended per day										Total number of hours per week	Number of weeks per year (e.g. 38, 45, 51)
	Mon		Tue		Wed		Thur		Fri			
	U	E	U	E	U	E	U	E	U	E		
A												
B												
C												
Total Daily Free Hours Attended												

Key: for 30 hours only U=Universal, E = Extended'.

If your child is splitting their free entitlement across two or more settings please nominate the main setting where the local authority should pay the DAF:

.....

Step 5 complete? Tick here.

Step 6: Parent/Carer/Guardian with Legal Responsibility Declaration

Declaration: I (name)

of (address)

.....

.....

confirm that the information I have provided above is accurate and true. I understand and agree to the conditions set out in this document and I authorise (Name of Provider/s)

.....

to claim free entitlement funding as agreed above on behalf of my child.

Parent/Carer/Guardian with legal responsibility		Childcare Provider	
Signed		Signed	
Print name		Print name	
Date		Date	

In collecting your data for the purposes of checking your eligibility for the 2-year-old, or 3 & 4-year-old universal and extended free entitlements, Early Years Pupil Premium (EYPP) or Disability Access Fund (DAF) (see notes 1 – 3), Barnsley MBC is exercising the function of a government department. Barnsley MBC is authorised to collect this data pursuant to Section 13 of the Childcare Act 2006.

Data Privacy

The Data Protection Act 2018 (the Act) puts in place certain safeguards regarding the use of personal data by organisations, including the Department for Education, local authorities, schools and other early education providers. The Act gives rights to those about whom data is held (known as data subjects), such as pupils, their parents and teachers.

This includes:

- The right to know the types of data being held
- Why it is being held; and
- To whom it may be disclosed

EVERY SETTING TO ADD OWN WORDS HERE either:

a statement to inform parents that they you have your own setting privacy notice that includes this process for claiming funding and a statement that parents have right to view this, or

add) the full details of your privacy notice here that relates only to THIS PROCESS for claiming funding. The statement to include why you gather this information, how you gather it and store/send securely, notifying parent(s) that they have a right to view the information that you keep on them and their child(ren), how to make a complaint to the Commissioner's Office. This is not exhaustive as the pages over leaf provide links and advice from the DfE. You need to read the 'Explanation of Privacy Notices' and 'Suggested text for pupils – Word Version'. Together, these documents provide everything you need to know to draw up your own privacy notice.

The following from the Council should then be included in your form to parents.

Barnsley Council asks providers to retain every parental declaration form and any associated evidence. Therefore, providers must draw up their own Privacy Statement.

However, in order to make a funding claim for your child(ren), childcare providers have to submit details to Barnsley Council to enable the funding process to administered. Therefore, the following sets out how Barnsley Council receives and uses this data to process the funding claim from the setting.

Providers wishing to make a claim for two, three and four year old early education entitlement and the Disability Access Fund, submit the child's details securely - either through a web portal or via secure email.

Barnsley Council is the controller of this information (which is held securely) and is only shared with the relevant departments within the Council and the Department for Education – and, if requested, the statutory information is aggregated such as % take up funding by area, and this is used in the production of internal and public reports. However, no individual person can be identified within these reports.

The parental and child data received as part of these claims will be retained by Barnsley Council for a period of 6 years plus current year. This is to meet retention schedules for keeping information for financial audits. At Barnsley Council we are committed to respecting and protecting your privacy. Our website tells us what you can expect when Barnsley Council collects and processes your personal information.

This can be found at

<https://www.barnsley.gov.uk/services/information-and-privacy/your-privacy/>

Should you have any concerns relating to how your information or the information relating to your child/ren is being or will be used, please contact your provider or Barnsley Council contact email 30hours@barnsley.gov.uk.

Please note that information about whether a child is in receipt of Disability Living Allowance is, under the Act, Special Category Data which should be handled appropriately. Providers are asked to pay particular note to advice from the Information Commissioner's Office on holding personal data including sensitive personal data available at:
<https://ico.org.uk/for-organisations/guide-to-data-protection/principle-3-adequacy/>

Step 6 complete? Tick here.

This form is now complete

Parent Notes (example)

Eligibility Criteria for the Free Entitlements

Note 1: eligibility criteria for the free entitlements for 2- 3-and 4-year-old children can be found online:

Help with Childcare Costs – for 2-year-olds

Help with Childcare Costs – for 3- and 4-year-olds

Please see your childcare provider or contact the Families Information Service, if you wish to access this information.

Note 2: Early Years Pupil Premium (EYPP) is an additional sum of money paid to childcare providers for 3- and 4-year-olds of families in receipt of certain benefits.

Note 3: 3- and 4-year-old children who are in receipt of child Disability Living Allowance (DLA and are receiving free early education are eligible for the Disability Access Fund (DAF). DAF is paid to the child's setting as a fixed annual sum of £615.

Further information about EYPP and DAF is included in the Operational Guide for Local Authorities 2018-2019, which can be found on gov.uk.

Alternatively, for more information please speak to your childcare provider or Barnsley Council Families Information Service Freephone 0800 0345340
[email infofis@barnsley.gov.uk](mailto:infofis@barnsley.gov.uk).

Additional Explanatory Notes for Local Authorities and Providers

Data Protection

Data from which it is possible to identify children (in any medium, including within a Management Information System) is personal data. Such personal data must be managed in accordance with the requirements of the Data Protection Act 2018 (the Act) Data Controllers must ensure that their data handling rules comply with the Act and that staff understand these. Local authorities should advise providers about their responsibility to hold data in accordance with the Act including the requirement to issue parents with a fair processing notice explaining how their data and data about their child is to be used.

The Act puts in place in safeguards regarding the use of personal data by organisations, including the department, local authorities and schools. The Act gives rights to those (known as data subjects) about whom data is held, such as pupils, their parents and teachers. This includes:

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

A 'privacy notice' is a good way to be able to meet data subjects' rights and therefore the department recommends that these are used to explain to children and staff how their data is being used in the census collections including the school workforce, early years census and school census. The department has drafted template [privacy notices](#) (Suggested text for pupils – Word Version) that providers and local authorities may wish to use. However, the template notices will need to be reviewed and, where necessary, amended to reflect business need. Ideally the privacy notice will include [this link](#) to the gov.uk webpage on how the department collects and shares data.

It is strongly recommended that the privacy notice be included as part of an induction pack for staff and made available to parents via the provider's website, as well as potentially featured on the staff notice board / intranet. They do not need to be issued on an annual basis as long as new children and staff are made aware of the notices and they are readily available electronically or in paper format.

Legal Duties under the Data Protection Act 2018 (the Act): data security

Providers and local authorities have a legal duty under the Act to ensure that personal data is processed securely. Processing is the collection, handling (use), storage, transmission and deletion of data. Further information is available from the [Information Commissioners Office](#).

If personal data is not properly safeguarded it could damage your reputation and compromise the safety of individuals. Your responsibility as a data controller / processor extends to those who have access to your data beyond your organisation if working on your behalf, that is, if external IT suppliers can remotely access your information. The [‘10 steps to cyber security’](#) and [Responsible for information’](#) pages provide further guidance and advice. It is vital that all staff with access to personal data understand the importance of protecting it; that they are familiar with your security policy; and that they put security procedures into practice. It is recommended that you provide appropriate initial and refresher training. Further information on handling data securely is available in the [DfE guidance on data protection for schools consider cloud software services.](#)