

**Southampton**

**Nursery Education Providers**

**Agreement**

1 April 2023 - 31 March 2024

## **Conditions of receiving Nursery Education Funding and for inclusion in the Southampton Directory of Nursery Education Providers**

For further guidance on the conditions below please refer to the “Early education and childcare: Statutory guidance for local authorities” document (June 2018), available on the DfE web site.

These conditions set by Southampton City Council (the ‘Local Authority’), under the framework in the above document, govern the provision to Nursery Education Providers (‘Providers’) by the Local Authority of the Nursery Education Funding (the ‘Funding’) and by accepting the Funding recipient Providers agree to be bound by the conditions, which can also be found on Southampton City Council Website. Should any Provider be in breach of these conditions the Local Authority shall have the right, in accordance with the [Early Education and Childcare, Statutory Guidance to Local Authorities](#), to review the Provider’s entitlement to Funding and may suspend or withdraw, or require the repayment of, some or all of the Funding.

### **Basic Provision**

#### **Providers must:**

- Complete and Submit the Southampton Nursery Education Providers Agreement Sign off 01/04/2022-31/03/2024 available from the Early Years funding team.
- Comply with all relevant legislation and any guidance applicable to the delivery of Early Education and Childcare and shall not do anything that would put the Local Authority in breach of the statutory guidance referred to at the start of this document.
- Offer up to a maximum of 30 hours per week for those children who are eligible, of no more than 10 hours per day (maximum 1140 hours per financial year) between the hours of 6am and 8pm. This can be a “stretch offer” beyond 38 weeks and up to 52

weeks a year. Please note that a child cannot be funded to attend more than 2 sites in one day.

- Ensure parents agree and complete a Declaration Form with each setting their child attends for their early education entitlement of 15 or 30 hours per week, in order to ensure that funding is paid fairly between the settings.
- 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.
- Be aware that they can charge for meals and snacks as part of a free entitlement place and that they can also charge for consumables such as nappies or sun cream, and for services such as trips and specialist tuition. Parents can therefore be expected 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 allowing parents to supply their own meals or nappies, or waiving or reducing the cost of meals and snacks. Providers must be mindful of the impact of additional charges on the most disadvantaged parents.
- Deliver the free entitlements consistently, so that all children within a setting accessing any of the free entitlements receive the same quality and access to provision, regardless of whether they opt to pay for optional hours, services, meals or consumables.
- Be completely transparent about any additional charges, for example, for those parents opting to purchase additional hours or additional services and parents should be made aware of such charges before they are incurred.

- Ensure their invoices and receipts are clear, transparent and itemised allowing parents to see that they have received their child's free entitlement completely free of charge and understand fees paid for additional hours or services. Invoices and receipts should include the provider's full details so that they can be identified as coming from a specific provider.
- Not charge "top-up" fees (the difference between a provider's usual fee and the funding they receive from the local authority to deliver free places).
- Not require parents to pay a registration fee as a condition of taking up their child's free place.
- Make sure, where they charge parents a deposit to secure their child's free place, the deposit is refunded in full to parents within a reasonable time scale.
- Publish their admissions criteria and ensure that they work with parents to ensure parents understand which hours / sessions can be taken as free provision and work with parents to ensure that as far as possible the pattern of hours are convenient for parents' working hours.
- Follow the Early Years Foundation Stage ('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. 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 and any relevant updates.
- Ensure that any new children joining the Provider have not left another provider without fulfilling any contracted notice periods to comply with the Southampton City Council notice period claim form.
- Ensure that relevant requirements within the Special Educational Needs and Disability (SEND) Code of Practice are fully met. Have a SEND policy in place which is regularly reviewed, and effectively meets the needs of children with special educational needs and disabilities.

- Ensure owners and all staff members are aware of their duties in relation to the SEND Code of Practice and the Equality Act 2010. Providers should be clear and transparent about the SEND support of offer and make information available about their offer to support parents to choose the right setting for their child with SEND (Local Offer)
- Ensure that additional funding provided by the Local Authority to support a child with SEND will be used as identified in the child’s Individual Education Plan (IEP) or Education Health & Care Plan (EHCP). The SEN Inclusion Fund and Disability Access Fund should be clearly identified and used to deliver effective support.
- Check that 2 year olds being offered funded Early Years Education are eligible for the 2 year old funding.
- Complete the two year old progress check for all eligible children as set out in the latest Statutory Framework for the EYFS, unless there is temporary national exemption
- Check, using the procedures as stated by the Local Authority, that 3 and 4 year olds are eligible for 30 hours funding before agreeing to this extra funding. It is the provider’s responsibility to check a code is eligible and the parent’s responsibility to re-confirm their 30 hour eligibility every 3 months.
- Ensure that parents are aware that they cannot start claiming their extended 30 hours in their grace period. The start date of their claim must be before the end date attached to their 30 hour code.
- Be rated as “outstanding” or “good” by Ofsted to automatically be eligible for funding for 3 and 4 year olds.
- Be rated as “good” or “outstanding” by Ofsted to receive funding for 2 year olds. Only if there is not sufficient accessible “good” or “outstanding” provision will the Local

Authority consider funding 2 year olds within provision rated as “requires improvement”

- Accept that the Local Authority will withdraw funding as soon as it is reasonably practicable when Ofsted publish an inspection judgement of Inadequate. Or if a Provider does not actively promote fundamental British values or misuses public funds.
- Show evidence of a commitment to quality improvement, if graded as “requires improvement” by Ofsted, by working with the Local Authority to ensure priorities identified by Ofsted are fully addressed and sufficient progress is being recorded with the capacity to improve clearly demonstrated.
- Accept that the Local Authority will not fund childminders to care for 2, 3 and 4 year olds who are related to them.
- Note that inclusion in the Southampton Directory of registered providers is at the discretion of the Local Authority and that, given due notice, providers may be removed from the Directory.
- Enter the parent details from the Parent Declaration Form into the Provider Portal and submit these details for Early Years Pupil Premium (‘EYPP’) eligibility checking as part of the Headcount claim. EYPP payments will be made with the EY funding payment for eligible children. EYPP will not be paid if parent’s details are not entered on the headcount claim.
- If the Department of Education or OFSTED or other governmental or statutory body requires the Local Authority to provide it with information or data in connection with the delivery of early education and childcare services the Provider shall, in so far as is lawful and to the extent it holds such information or data, provide to the Local Authority within 14 days of a request from the Local Authority the information and/or data required in the reasonable format prescribed by the Local Authority including

without limitation childcare sufficiency information e.g range of services offered, opening times, annual fee structures, termly vacancies and annual staffing qualifications.

- The Provider shall also provide such reasonable assistance as the Local Authority requires in conducting an annual safeguarding audit to improve safeguarding practices and identify appropriate training and support in relation to safeguarding and such assistance shall include without limitation.

## Information and Data

### Providers must:

- Comply with all relevant legislation and guidance.
- Co-operate with Southampton City Council Nursery Education Funding team in organising and participating in the required Audit Visits.
- Make copies of accounts relating to Government funded nursery education available to Southampton City Council Nursery Education Funding administrators or auditors on request.
- Take out and maintain adequate levels of insurance.
- Offer provision 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.
- Use the software systems provided by the Local Authority for the purpose they have been provided.
  - It is the EY Providers /organisations responsibility to ensure that all staff granted access to the system are sufficiently trained in its use and are aware of all the necessary policies and procedures to use these systems. If staff are unsure at any time of their roles/responsibilities they must contact the EY Funding team for further advice.
  - The EY Providers /organisation must ensure that they have in place their own local data security policies and procedures to guarantee the secure storage and onward transit of sensitive data and adhere to the Data Protection Act and GDPR.
- Supply accurate and up to date information in a timely manner to Southampton City Council's Children & Families Directorate in the way requested (e.g. Electronically via Headcount Portal) to update information held and needed by the Early Years funding team. This data will assist in regular and accurate payment to providers in respect of nursery provision. This will include the following returns and notifications:



- Actual and Adjustment declaration lists
  - Early Years' Census information
  - Parental declaration forms in respect of each child who is new to funding and is not listed on the estimate and actual list. (Providers will be funded for the first week a child can access all the hours or hours the parent/carer has opted to take).
  - Changes to children's details and changes to provision (hours / weeks / new children / leavers)
  - Disability access funding form
- Store fully completed and up-to-date parental declaration forms, which relate to each child receiving funding and the term in which funding is to be provided.
  - Record that a birth certificate or Passport has been seen for each child upon initial registration, and Disability Living Allowance award letter for those children where you are claiming Disability Access Funding.
  - Keep an accurate and up to date children's attendance register, which clearly identifies the total number of hours provided and where appropriate and if possible, differentiates between paid for and funded sessions.
  - Inform Southampton City Council's Nursery Education Funding administrators whenever there is a change in details affecting the provision e.g. change of ownership
  - Ensure Privacy Notices provided by the Early Years funding team are given to parents (carers) or made available for them.

## Southampton City council will

- Retain, store and manage all information received in accordance with this Agreement in accordance with Data Protection Act 2018 requirements, GDPR and the Council's own Information Security Policies. The Council does however reserve the right to disclose information to third parties, including regulatory bodies and the police, where required to do so under any statutory provision (including the Freedom of Information Act or Environmental Information Regulations) or other legal requirement or when it is considered necessary or prudent to do so for the investigation of or the prevention or detection of crime, mismanagement of resources or potential fraud or where it is considered necessary to safeguard the welfare of children. By entering into this Funding Agreement providers acknowledge and consent to their information being disclosed in this manner.
- Provide the tools to exchange information electronically securely eg Headcount Portal
- Provide the tools to check eligibility online where possible eg 2 year old offer, Early Years Pupil Premium (EYPP), 30 Hours offer.
- Ensure the Nursery Education Funding follows the child, and if applicable EYPP, whenever the child moves between EY Providers within Southampton City.
- Claim any assets bought by the SCC if an EY Provider ceases trading / dissolves.
- Have 12 payment runs a year. Please see the payment timetable for exact dates.
- Resolve any funding disputes or complaints according to the agreed guidance.
- Have the final decision in any notice period disputes as agreed in the Notice Period Claim Form.

- Have the ability to apply an administration charge if:

Reason	Charge
An adjustment to a previous term is needed due to a provider failing to complete their headcount tasks correctly	£5 per adjustment
A new headcount task needs to be created as a result of a provider missing a headcount deadline	£10
A provider requires the LA to submit a Headcount portal task for them	£10
A provider de-registers for funding and then re-registers within 12 calendar months.	£90
A provider cancels more than 2 EY Funding Audits or is not available at the agreed time/date and place for the audit to be complete	£60
A Provider fails to complete their headcount correctly and as a result the funding team is required to resolve any apportionments	£5 per adjustment

The administration charges will only apply for the third headcount that has the same issues. You will be given notice via email if you in danger of any future charges. After 1 full year of error free headcounts you will be removed from the watch list. Any administration charges will be claimed from the next available funding payment and will show on the child level breakdown.

## **Quality of provision.**

The statutory guidance states that the government wishes to ensure that:

“All children are able to take up their entitlement to funded early education in a high-quality setting. Evidence shows that higher quality provision has greater developmental benefits for children, particularly for the most disadvantaged children.”

To support this Southampton City Council has included good practice indicators in the Appendix to these conditions.

### **Appendix**

**Southampton City Council recognises the following as good practice and encourages all providers to:**

- Demonstrate a commitment to quality improvement to ensure the best outcomes for young children.
  - Attend all Early Years and Childcare Information Sessions as part of this commitment
  - Complete, implement, evaluate and update an annual written improvement plan in collaboration with the Early Years Support Team based on their “Annual Review” or an equivalent self-assessment.
  - Keep records of children’s progress by using ‘Learning Stories in Southampton’ or any other alternative agreed by the Early Years Management Team as well as any recommendations from the latest Ofsted Inspection, to ensure the appropriate assessment of children’s progress.
  - Attend ECaT meetings and Cluster / Network meetings.

- Request from Parents/Carers to see “Now I am 2” assessments when parents apply for a place.
- Offer good quality, wide ranging activities and experiences which will enable children to work towards the Early Learning Goals of the Early Years Foundation Stage (Childcare Act 2006/2016) and undertake and sustain a Quality Assurance programme, when appropriate.
- Work with the Early Years Support Team to complete the Quality Rating Scales as appropriate. Any Providers carrying out the scales internally are encouraged to update the Early Years Support Team on any changes and participate in the moderation process.
- Meet the quality standards described in the Local Authority Early Years’ Provision Improvement Strategy.
- Engage in ECaT practice and provide data to the Local Authority twice a year. In group provision the provider to identify a person qualified at Level 3 or above who works within the setting to be the Early Language Lead Practitioner.
- Identify a person qualified at Level 3 or above, who works in the setting as a setting based Special Educational Needs Co-ordinator (Early Years SENCo). Operate a Special Educational Needs policy in line with the Special Educational Needs Code of Practice, in order to be fully inclusive within the setting. All SENCos should attend the termly INCO network meetings and work with their linked Area SENCo
- Identify a person qualified at Level 3 or above, who works in the setting, to be the Designated Person for Looked after children (LAC). This person to be the point of contact for the Local Authority (acting Corporate Parent) for LAC, and to ensure each LAC child has a Personal Education Plan (PEP). Childminder to act as the contact for LACs in their care.

- Identify a person who works in the setting to be the Designated Safeguarding Lead (DSL). This person to be the point of contact regarding safeguarding of children within the setting and to have training to enable them to carry out this role, as set out in the EYFS guidance alongside Keeping Children Safe in Education 2022 and Working together to Safeguard Children 2018. As a childminder act as the point of contact for safeguarding in relation to children in their care.
  
- As the registered owner, trustees, or directors, as a school/Academy or as a childminder you have a duty to protect the children in your care from harm and abuse and must have the following safeguarding policies in place:
  - Safeguarding policy
  - Child protection policy
  - Administering medicines
  - Allegations against staff or volunteers
  - Attendance
  - Equality & diversity
  - Health and safety
  - Images of children
  - Looked after children
  - Lost Child
  - Managing Children who are sick, infectious or with allergies
  - Intimate Care - Nappy Changing & Potty Training
  - Online Safety
  - Outing and trips
  - Safer recruitment of staff
  - Safeguarding Children
  - Security
  - The use of pupil premium
  - Understanding and supporting behaviour
  - Welcome Pack
  
- You must carry out criminal records (Enhanced DBS) checks and assess the ongoing suitability of all adults that look after or have unsupervised access to the children whilst in your care to ensure that they are suitable to do so.
  
- Ensure the staff in settings and childminders have the appropriate level of safeguarding training for their role as endorsed by Southampton Safeguarding children Partnership (SSCP) and maintain safeguarding practice in line with policy updates/changes.

- Ensure that all Lead Practitioners hold a minimum of a full and relevant Level 3 qualification. That all staff in settings participate in 20 hours training each year.
- Ensure that all details related to the Flexibility and Qualification Audit are supplied to the Local Authority when requested. This is to assist with the training programme planning but also to set the rates for Providers in the Single Funding Formula. Once the rate has been agreed it cannot be changed unless any details of the flexibility and Qualification audit have been incorrectly submitted which has inflated the rate above the correct rate for that provider.
- Only accept student placements if your latest Ofsted judgement is Good or Outstanding.
- Have in place the correct Governance and Management arrangements for the Setting. Including where applicable sufficient Officers for your Committee
- Have secure financial policies and controls in place and adhere to the Charities' Law where applicable.
- Have an attendance policy which ensures follow up of non-attendance, for the purposes of safeguarding and accurate funding.
- Produce and then regularly update the provision's Local Offer information on Southampton Provider Directory.
- Regularly update the provision's information on Southampton's Provider Information Directory
- Consult with parents (carers) to obtain feedback on their needs with regard to Early Years' Provision e.g. flexibility of provision.

- Ensure statutory testing within the premises is completed in a timely manner
- Ensure the constitution includes details of the consequence of ceasing trading / dissolving.
- The Local Authority may request copies of any of the Safeguarding and SEND policies from time to time and will be auditing funded provision.