

Providing free early education for 2, 3 and 4 year olds

Local Code of Practice 2014-2015



SURREY

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Introduction

Welcome to the Local Code of Practice for free early education for 2, 3 and 4 year olds in Surrey, produced by Surrey County Council's Early Years and Childcare Service.

This Local Code of Practice is a working document that looks at the process. It makes it clear what both Free Early Education for 3 and 4 year olds and Free Early Education for 2 year olds (FEET) are, who qualifies, how to apply, the levels of quality we expect from settings in both business operation and curriculum delivery and what can happen if settings are unable to make the necessary improvements.

The [Childcare Act 2006](#) fulfils the Government's commitment to give every child the best start in life and give parents greater choice about how to balance work and family life. The Act places a duty on all local authorities to improve outcomes for young children, to cut inequalities between them and to secure sufficient childcare to allow parents to work.

The Childcare Act gives us a key role in shaping the childcare market in Surrey. That means working with you, providers from the maintained, private, voluntary and independent (PVI) sectors to create a strong, sustainable and diverse childcare market that meets the needs of parents.

The availability of the flexible entitlement is key to making sure there is sufficient childcare available for pre-school children. The free early education can be delivered through a range of providers including nursery schools and classes, private and voluntary sector providers and childminders.

Section 8 of the Childcare Act gives local authorities powers (including financial assistance) in relation to the provision of childcare. Section 9 requires local authorities to exercise their powers to make sure that any providers (except the governing bodies of maintained schools) that they enter into a financial agreement with, meet the requirements imposed on them. It allows local authorities to require repayment of financial assistance if providers fail to meet the contractual conditions. These sections replace section 153 of the Education Act 2002 in England.

Chapter 1: Providing free early education for 2, 3 and 4 year olds

Introduction

Free Early Education for Two year olds (FEET) is a government initiative that funds 15 hours of early education for 2 year old children who would benefit most from early access to childcare.

Free Early Education for 3 and 4 year olds enables all parents to access up to 15 hours of funded early education a week for their child.

Parents/legal guardians must make sure their chosen early years provider is registered with Surrey County Council and on the Directory of Providers to offer Free Early Education for 3 and 4 year olds or on the List of FEET Providers to offer FEET.

1.2 Which providers qualify to offer Free Early Education for Two year olds (FEET)?

- A childminder registered with Ofsted: or a childminder registered with a childminding agency which is registered with Ofsted
- Private, voluntary and independent providers registered either on the Ofsted Early Years Register as a childcare provider or with the Department for Education as an independent school
- Nursery schools, nursery classes or units funded by the local education authority
- Academies
- Free schools

To qualify, your setting needs to have received an outstanding or good Ofsted outcome. Or, if you received a satisfactory or requires improvement outcome and are in a high priority area for FEET, we will consider your application on an individual basis. If you have received an inadequate Ofsted outcome you do not qualify.

At present all providers delivering FEET are funded by us (see Chapter 4 FEET registration process).

1.3 Which providers qualify to offer Free Early Education for 3 and 4 year olds?

- A childminder registered with Ofsted: or a childminder registered with a childminding agency which is registered with Ofsted
- Private, voluntary and independent providers registered either on the Ofsted Early Years Register as a childcare provider or with the Department for Education as an independent school
- Schools, nurseries or classes funded by the local education authority
- Academies
- Free schools

If you have received an inadequate Ofsted outcome you do not qualify.

For most maintained schools, children are funded separately through the school's budget and this Local Code of Practice does not apply. Children going to a non-maintained (independent) school

are able to claim Free Early Education for 3 and 4 year olds funding from us until they are of statutory school age, which is the term after their fifth birthday.

1.4 Which children qualify for a free place?

To qualify for FEET funding, families must be in receipt of one or more of the following benefits:

- Income Support
- Income-based Jobseeker's Allowance
- Income-related Employment and Support Allowance
- Support under Part 6 of the Immigration and Asylum Act 1999
- The Guaranteed element of State Pension Credit
- Child Tax Credit and have an annual income up to £16,190 (this may be subject to change)
- Working Tax Credit and have an annual income up to £16,190 (this may be subject to change)
- Working Tax Credit 'run-on' – the payment someone may receive for a further four weeks after they stop qualifying for Working Tax Credit

Or be in one of the automatically funded groups:

- Is a looked after child
- Is a child who has been adopted or has left care through special guardianship or a residence order
- Is a child with a statement of special educational needs or an education, health and care plan

There may be other groups of children that will qualify for FEET but you will need to check online at www.surreycc.gov.uk/feet as this criteria can sometimes change.

Once a child has been agreed for FEET they will be funded even if the family does not meet criteria at a later date.

Children qualify for FEET after their second birthday as follows:

Term	Two year olds born between
Autumn 2014	01/09/11 and 31/08/12
Spring 2015	01/01/12 and 31/12/12
Summer 2015	01/04/12 and 31/03/13

All children qualify for Free Early Education for 3 and 4 year olds after their third birthday as follows:

Term	Three year olds born between these dates will be eligible for six terms	Four year olds born between these dates will be eligible for three terms
Autumn 2014	01/09/10 and 31/08/11	01/09/09 and 31/08/10
Spring 2015	01/01/11 and 31/12/11	01/01/10 and 31/12/10
Summer 2015	01/04/11 and 31/03/12	01/04/10 and 31/03/11

You can claim funding in the usual way for children whose parent/legal guardian has formally arranged with the head teacher to defer their child's entry into school for one or two terms. Please note that if a child starts at a school and then leaves and takes up a place with you, you will not be able to claim funding until the beginning of the next term.

1.5 How many hours is each child entitled to?

The maximum number of hours 2, 3 and 4 year olds are entitled to is 15 hours a week for 38 weeks a year. Children funded by FEET and some 3 and 4 year olds may take their hours flexibly across the year, please see section 1.7.

1.6 How many weeks are there in each term?

You will be able to claim a maximum number of weeks each term in line with Surrey school term dates. This year the maximum number of weeks for each term are:

- Autumn term 14 weeks
- Spring term 11 weeks
- Summer term 13 weeks.

1.7 What happens in the school holidays?

FEET funded places may be taken flexibly, which may include some holiday periods, depending on the child's needs, for example ten hours per week up to 52 weeks a year.

Funded places for 3 and 4 year olds are only available during school term time so if a child goes to a provider during any school holiday (including half term) the parents/legal guardians must pay for the care their child gets. Some providers allow the funding to be taken flexibly throughout the year but this is a private arrangement between the parent and the setting. If a bank holiday falls during term time we will pay for the week as usual and it will count as a full week.

Term	First day of term	Half term	Last day of term
Autumn term 2014	1 September	27 Oct – 31 Oct	19 December
Spring term 2015	5 January	16 Feb – 20 Feb	27 March
Summer term 2015	13 April	25 May – 29 May	21 July

You should not take INSET days during funded periods.

You will find the school term dates for 2015-16 on the Surrey County Council website at www.surreycc.gov.uk/schools

1.8 What about part weeks at each end of term?

You can combine part weeks at the beginning and end of the same term to make up full weeks, but we will only fund totals of five days. We will not fund any extra days not totalling five days and, if taken, parents should pay you for them.

1.9 What if I can't offer 15 hours a week?

If you are unable to open for 15 hours a week, for example, because the premises are unavailable, the parent/legal guardian can choose to use their child's remaining funded hours at another provider. If they choose not to do this then we will pay their child's early education pro-rata.

1.10 What if I can't offer 38 weeks a year?

At the moment you can still claim funding. But Surrey County Council has the right to require providers to offer 38 weeks per year if parental demand is high enough.

1.11 If I can't open for 38 weeks a year, do I have to tell parents/legal guardians?

Yes, you must tell parents/legal guardians in writing that you are offering less than they are entitled to. Your letter should explain the full entitlement, give the [Surrey Family Information Service](#) contact details (see appendix 1), and explain the potential drawbacks of going to a setting offering less than 38 weeks per year.

1.12 How much is the funding worth?

The free early education is not about cash. The free early education is a guarantee of a free place. It is not a voucher and it is not a subsidy for parents. It is worth something to the provider, but not to the parent/legal guardian.

The rate paid to providers for FEET from September 2014 is £5.49 per hour per child. An additional premium of 51p per hour per child is also currently paid in addition to this rate (this may be subject to change).

The rate paid to providers for Free Early Education for 3 and 4 year olds from September 2014 remains unchanged at £4.15 per hour per child.

You may also be entitled to deprivation funding. If you qualify, we will contact you in the summer term. You can find out more in chapter 6 (6.13).

1.13 Can I charge parents?

No, you cannot charge a parent/legal guardian a fee for their child's free part time early education. Early Education and Childcare Statutory Guidance for Local Authorities states that local authorities should 'ensure that early education places are delivered completely free to parents.' Please take this into account when working out invoices/bills, as you must not charge any top-up fees. And you must not charge parents in advance and then refund them once you have got your payment from us.

It is your responsibility as the provider to make arrangements with the parent/legal guardian to pay for any additional services. You should make parents/legal guardians aware of any charges for additional services before they take up their free place.

A session length should not be set for the delivery of FEET where a parent has to pay for additional time.

Children moving from FEET to FEE should be able to continue to access the same hours and terms they were accessing under FEET if they request to do so.

You cannot charge a parent/legal guardian a deposit, administration or registration fee for their child's free early education.

You should not show, as a deduction, on any invoice given to parents/legal guardians, what you get from us for FEET or Free Early Education for 3 and 4 year olds. These hours must be shown as free on an invoice, with a zero monetary value.

Where a child is only accessing FEET or Free Early Education for 3 and 4 year olds at your setting there is no need to send parents an invoice.

1.14 Do I have to give two, three and four year old children priority in my admissions policy?

No. But we have a legal duty to make sure there are enough free part time early education places available for qualifying children whose parents/legal guardians want one in their area.

If there aren't enough places available with existing providers, we will take steps to begin developing new places to meet parental demand.

1.15 Is the funding different for children with additional needs?

No. Every provider will expect to have some children with additional needs at some time. With careful planning and organisation most of these children are able to participate fully in the activities you offer.

You can ask for support and advice from our staff at Surrey Early Years and Childcare Service. You can also go on the training we offer or you can apply for funding towards the cost of more specific training.

There may be times when the needs of individual children could be better met by offering FEET and Free Early Education for 3 and 4 year olds in a more flexible manner. Full entitlement funding is available for children who will benefit from going to an early years setting, for less than the 15 hours a week they are entitled to, whilst still allowing a provider to claim the full entitlement. The intention should always be that the child will increase their hours at the setting to their maximum entitlement. Please contact the Free Entitlement Team for details of how to claim the funding in this way (see appendix 1).

Chapter 2: How parents/legal guardians can use their free hours

2.1 How can parents/legal guardians use the free hours?

The minimum length of a free early education session that we will fund in one day is 2½ hours. The maximum is 10 hours. Parents can take the full 15 hours over two days. You cannot claim for any funding before 7am or after 7pm. Free early education hours do not include set up and clear away times.

If a child joins or leaves your setting during the school term we will only pay for complete weeks. Therefore if a child starts at your setting on a Wednesday but will normally come every day, we will not fund that first week.

2.2 Can a child go to more than one provider?

Yes but the total claim must not be more than 15 hours a week. Parents/legal guardians must make it clear on the registration form or the declaration form before the beginning of each term where they want to claim the free hours.

A parent/legal guardian may choose to pay for all of their child's care at your setting if they are using all of their free hours at another setting.

If a child goes to more than one provider and the parent/legal guardian doesn't say how they wish to use their child's free hours, or they claim more than 15 hours, we will divide the free hours funding between the two providers.

If a child goes to both your setting and a local education authority nursery class or school, you will only be able to claim for the free hours funding that the parent/legal guardian isn't using at the local education authority setting. For example:

- If a child goes to a maintained nursery class for three hours every morning and your setting for two afternoons a week, all the funding will go to the school and you will have to charge the parent.
- If a child goes to a maintained nursery class for 10 hours a week and your setting for 10 hours a week, we will be able to pay you for five hours and the school will get funding for 10 hours.

2.3 What happens when a child starts or leaves a setting, or changes the number of funded hours after the headcount date?

At the beginning of each term every parent/legal guardian should fill in and sign either a registration form or if their child is already getting funding at your setting, a declaration form. This is a commitment from the parent/legal guardian that their child will take up the hours they've asked for that term.

Headcount date is a set date each term when settings record how many hours each child is taking as FEET or Free Early Education for 3 and 4 year olds that term. We will fund eligible 3 and 4 year olds who are at your setting on headcount day for the whole term as long as they didn't start the term at another setting, or give notice before the start of the term that the child will be leaving or falls

into one of the categories below. You can only claim for FEET funded children from the date the application is agreed.

If a child leaves or cuts their hours and **you are not able to fill their place** we will not generally reclaim funding although there are some circumstances where the funding can be reclaimed including:

- an inadequate outcome following an Ofsted inspection
- the child moves house
- there is a change in a parent's employment circumstances
- where a child has special needs and a different setting would be more appropriate.

You must tell us if another child uses those hours, otherwise we'll be paying you twice for the hours.

If a child joins your setting after the headcount date we will pay you for the number of full weeks left in the term unless the child had been going to another setting. In this case we will not fund the child and you will need to charge the parents/legal guardians your usual fees.

If a parent/legal guardian wishes to change their child's number of funded hours at your setting after the head count date, you must ask them to fill in a change of hours request form (you keep this form). You must also fill in an amendment form and send this to us so we can adjust the funding if needed. You can download these forms from www.surreycc.gov.uk/freeearlyeducation

2.4 What if a child goes to my setting for more than their funded hours?

If a child goes to your setting for more than the maximum funded entitlement of 15 hours a week, or for hours outside your Free Early Education for 3 and 4 year olds sessions, the parent/legal guardian must pay you for the extra time. Please note that children funded by FEET must be able to access their entitlement of 15 hours with no additional charge.

You decide what to charge for any privately funded hours but you must make sure parents/legal guardians are aware of the charges before their child takes up a funded place. You must make sure that parents'/legal guardians' bills are set out clearly, so they can easily recognise and understand what hours relate to the free early education and how any fees relate to extra services and hours. It is very important that you do not show the free early education as a subsidy but as a free part time place.

2.5 What if a child takes up their funded place part way through the year? If a child takes up their funded place part way through the year, the number of hours will be adjusted to reflect the portion of the year remaining.

2.6 Can I charge for meals?

You can make a reasonable charge for meals given to children during the day. However, as local authorities are legally required to secure free provision for those children accessing just their free early education you would not be able to insist that a parent/legal guardian pays for meals. Any charge that you do make for meals must be agreed with parents/legal guardians in advance and they should be given the option of providing a packed lunch if that is more affordable. You can of course suggest healthy options for a packed lunch.

2.7 Can I charge for extra activities?

You can make a charge for extra activities that do not form part of the [Early Years Foundation Stage](#). But you must give parents/legal guardians the choice as to whether they wish their child to take part in the activity. If a child does not participate you must offer a suitable alternative for free.

2.8 What happens when a child starts school?

A child reaches statutory school age at the beginning of the first term after their fifth birthday (1 January, 1 April or 1 September). At this age they no longer qualify for Free Early Education for 3 and 4 year olds. Surrey County Council offers most children the opportunity of starting reception class in the maintained sector before the child is of statutory school age.

2.9 What about families who don't live in Surrey?

FEET is linked to where the child lives, therefore if they are not a Surrey resident they will not get FEET funding from Surrey County Council. The exception to this is Looked After Children, where children are accommodated out of county but remain the responsibility of the local authority (correct at time of going to print June 2014).

Free Early Education for 3 and 4 year olds is not linked to where the child lives. It's the local authority where the child is educated that pays the funding. Providers in Surrey may claim for all qualifying three and four year olds on their register irrespective of where they live. If a child goes to another setting that is not in Surrey, please make sure that no more than the maximum 15 hours are claimed between the two local authorities. It's the setting's responsibility to check the declaration form to make sure this is not happening.

2.10 What if I cannot offer a Free Early Education for 3 and 4 year olds session to a FEET funded child once they turn 3?

If a child cannot continue in your setting at the age of 3, please tell the FEET team so they can offer the family support to find a different provider where they will be able to take their Free Early Education for 3 and 4 year olds hours once they become eligible.

Chapter 3: Setting arrangements to be able to claim free early education

3.1 How long do I have to be open each term to register for FEET and Free Early Education for 3 and 4 year olds?

You need to be open for a minimum of 2½ hours a day. Providers open for three hours or more a day must offer a minimum Free Early Education for 3 and 4 year olds session length of three hours. If you are open for 15 hours a week or less, all hours must be funded through free early education.

In 2014-15 the weeks per term are set out as follows:

- autumn term 14 weeks
- spring term 11 weeks
- summer term 13 weeks.

3.2 How will you know how many weeks I am open each term?

You need to fill this information in on the Surrey County Council Provider Agreement 2014-15. We also need your term dates, so we can work out accurate payments for the children joining you after the start of term.

You must let the Free Entitlement Team know if for any reason you change the number of weeks you are planning to deliver funding in any given term and confirm this in writing (see appendix 1 for contact details).

3.3 What if I sell the setting or move the setting to different premises?

Change of ownership: As soon as you know the registered person for your setting is going to change you **must** email the Free Entitlement Team to ask for a re-registration pack (see appendix 1 for contact details). The new registered person **must** re-register with Surrey County Council in order to offer Free Early Education for 3 and 4 year olds and FEET places. You **may** also have to re-register with Ofsted.

Committee run groups that have a change of chairperson do **not** need to re-register with Ofsted but **should** tell the Free Entitlement Team in writing of the change. They will **not** need to re-register on the Directory of Providers or reapply to the List of FEET Providers.

Change of setting address: As soon as you know that you will be moving to new premises the registered person **must** email the Free Entitlement Team to ask for a re-registration form (see appendix 1 for contact details). You **may** also have to re-register with Ofsted.

3.4 What records do I need to keep and for how long?

As a person or organisation holding personal data, your setting must be listed on the Public Register of Data Controllers held by the Information Commissioners Office. For more details call the Information Commissioners Office on 08456 306060 or visit www.ico.gov.uk

Your setting must keep all parental declarations and registers for a minimum of seven years in case of an audit. If not kept on site, records must be stored locally. You do not need to keep copies of birth certificates or passports, but if you do you must keep them in a secure place.

3.5 Why is the annual early years census important?

Central government bases the funding Surrey County Council gets on the number of children reported in the Department for Education annual census each January. All providers must return full and accurate census forms by the given date, to make sure we are given the right amount of funding each year. If you do not return the data on time we may remove you from the List of FEET Providers and the Directory of Providers. This would mean that you could not offer FEET or Free Early Education for 3 and 4 year olds.

3.6 What information do I have to give to parents/legal guardians?

Before parents/legal guardians take up a funded place you must tell them in writing:

- about charges for any extra time
- the charges for extra services including snacks and/or lunch
- the payment and invoicing processes for extra services, including timescales
- the contractual arrangements relating to notice periods
- the implications for the parent/legal guardian if you do not offer 38 weeks a year
- how the free early education is arranged in the setting (core Free Early Education for 3 and 4 year olds hours, optional extra services such as music or French lessons)
- charging policy for unexpected closures (for example the weather or flu).
- of any implications where you stretch the free early education throughout the year and a child leaves your setting during a funded period.

[Surrey Family Information Service](#) has leaflets for parents on FEET and Free Early Education for 3 and 4 year olds which will also be available online in the new academic year (see appendix 1 for Surrey Family Information Service contact details).

Chapter 4: FEET registration process

4.1 Who can claim FEET?

As your local authority, Surrey County Council maintains an up to date list of providers who qualify to offer FEET. You must be on the List of FEET Providers to get funding.

4.2 Who can apply to register on the List of FEET Providers?

- Childminders registered with Ofsted: or childminders that are part of a childminding agency registered with Ofsted.
- Private, voluntary and independent providers registered either on the Ofsted Early Years Register as a childcare provider or with the Department for Education as an independent school.
- Nursery schools, nursery classes or units funded by the local education authority.
- Academies.
- Free schools

To qualify your setting needs to have received an outstanding or good outcome in your last Ofsted inspection. If you received a satisfactory or requires improvement outcome and are in a high priority area for FEET we will consider your application on an individual basis.

Within the terms of the Children Act 1989 we cannot register your setting with the List of FEET Providers until it is registered with Ofsted.

4.3 Are there any other requirements for registering for FEET?

Prospective providers need to make sure that they:

- are registered with Ofsted or with the Department for Education as an independent school.
- are able to meet the requirements of the [Early Years Foundation Stage](#)
- are able to meet the needs of all children, including those with additional needs, and/or disabilities, and will promote equality of opportunity
- have a named special educational needs coordinator (SENCO) who works in the setting
- have a named designated child protection officer (DCPO) or a deputy DCPO on duty at each setting *
- produce a "Local Offer", outlining the provision they put in place for children with additional needs, as outlined in the SEN Code of Practice 2014. For more information contact your EYFS Advisor.

* As required by the Surrey Safeguarding Children Board.

4.4 What is the timetable for applications?

An early years provider can apply to be registered for the List of FEET Providers at any time and registration can be completed within a short time scale provided the early years setting meets the quality criteria for FEET funding. We cannot backdate funding prior to registering on the List of FEET Providers.

We will refuse your application if:

- it does not meet the application conditions
- you do not comply with the [Statutory Framework for the Early Years Foundation Stage](#)

We reserve the right to refuse an application and vary the criteria should the need arise. If we refuse your application we will send you a letter explaining why and give you information about the appeal process.

4.5 What happens once my setting is registered?

Once your application has been approved you will be able to claim the funding from the first complete week following your approval. The Department for Education will give you a unique reference number (URN) in addition to your Ofsted URN. Once your application has been approved you will be able to claim the funding immediately. You will find all the forms you need to claim funding at www.surreycc.gov.uk/freeearlyeducation

4.6 What happens if I am already claiming for FEET children and receive an Ofsted outcome of requires improvement or inadequate?

If you receive a requires improvement Ofsted inspection outcome we will contact you to discuss whether your setting will be able to remain on the List of FEET Providers and what support we might be able to offer.

If you receive an inadequate Ofsted inspection outcome, Ofsted will notify us before the inspection report is published. At the point of notification, we will not agree to provide FEET funding for any further FEET children at your setting. FEET children whose funding has already been agreed prior to the Ofsted notification will be funded until after the inspection report is published and alternative provision is secured. If the parent or carer does not wish to move their child when offered alternative provision, we will cease their FEET funding from the start of the week following their refusal of alternative provision.

4.7 How do I withdraw from the List of FEET Providers?

If you choose to withdraw, you must tell the FEET Team in writing at the end of any school term (see appendix 1 for contact details). If you withdraw part way through a term you will need to repay any funding already paid to you for that term.

You should write to individual parents giving at least a term/three months notice to allow them to make alternative arrangements.

Chapter 5: Free Early Education for 3 and 4 year olds registration process

5.1 Who can claim Free Early Education for 3 and 4 year olds?

As your local authority, Surrey County Council must maintain and keep up to date a local directory of providers who qualify to offer the Free Early Education for 3 and 4 year olds. You must be listed on the Surrey Directory of Providers to get funding.

5.2 Who can apply to register on the Surrey Directory of Providers?

- Childminders registered with Ofsted: or childminders that are part of a childminding agency registered with Ofsted.
- Private, voluntary and independent providers registered either on the Ofsted Early Years Register as a childcare provider or with the Department for Education as an independent school.
- Schools, nurseries or classes funded by the local education authority.
- Academies.
- Free schools

Within the terms of the Children Act 1989 we cannot register your setting with the Surrey Directory of Providers until it is registered with Ofsted.

5.3 Are there any other requirements for registering for Free Early Education for 3 and 4 year olds?

Prospective providers need to make sure that they:

- are registered with Ofsted or with the Department for Education as an independent school.
- are able to meet the requirements of the [Early Years Foundation Stage](#)
- are able to meet the needs of all children, including those with additional needs, and/or disabilities, and will promote equality of opportunity
- have a named special educational needs coordinator (SENCO) who works in the setting
- have a named designated child protection officer (DCPO) or a deputy DCPO on duty at each setting *
- produce a Local Offer, outlining the provision they put in place for children with additional needs, as outlined in the SEN Code of Practice 2014. (For more information contact your EYFS Adviser.)

* As required by the Surrey Safeguarding Children Board.

5.4 What is the timetable for applications?

An early years provider can apply to be registered on the Surrey Directory of Providers at any time and registration can be completed within a short time scale provided the early years setting meets the quality criteria for FEE funding. We cannot backdate funding prior to registering on the Surrey Directory of Providers

We will refuse your application if:

- it does not meet the application conditions
- you do not comply with the [Statutory Framework for the Early Years Foundation Stage](#).

We reserve the right to refuse an application and vary the criteria should the need arise. If we refuse your application we will send you a letter explaining why and give you information about the appeal process.

5.5 What happens once my setting is registered?

Once your application has been approved you will be able to claim the funding from the first complete week following your approval. The Department for Education will give you a unique reference number (URN) in addition to your Ofsted URN. You will find all the forms you need to claim funding at www.surreycc.gov.uk/freeearlyeducation

5.6 How do I withdraw from the Surrey Directory of Providers?

If you choose to withdraw, you must tell the Free Entitlement Team in writing at the end of any school term (see appendix 1 for contact details). If you withdraw part way through a term you will need to repay any funding already paid to you for that term.

You should write to individual parents giving at least a term/three months notice to allow them to make alternative arrangements.

Chapter 6: The claim process

6.1 How does the claim system work?

Before we can pay you, the Free Entitlement Team must have received your signed copies of the Surrey County Council Free Early Education for 3 and 4 year olds Provider Agreement, FEET Provider Agreement (if applicable) and the Early Years Providers Partnership Policy. Each of these has to be done before the start of each academic year.

On a set day each term there is a headcount (usually the week after the start of term) when settings record how many hours each child is taking as FEET or Free Early Education for 3 and 4 year olds that term. You can only claim for the number of hours for which the child's parent/legal guardian has asked you to claim.

You must keep a daily register. You should:

- fill it in using a pen
- clearly indicate who is present on any given day
- use consistent codes for non-attendance with an explanation. You may like to use the following Surrey schools codes, not all will be relevant to you:
 - / morning attendance
 - \ afternoon attendance
 - H holiday of 10 days or less
 - F holiday of more than 10 days (contact the Free Entitlement Team for advice if a parent/legal guardian is asking for more than 10 days)
 - I illness
 - N no reason supplied for absence
 - L Late
 - R Religious observance
 - Y Setting is unable to open (for example due to poor weather or damage to building).
- You may also need to record additional information in line with the Statutory Framework for the Early Years Foundation Stage.

If a child is registered to go to your setting on set days, but is regularly absent you will need to be able to show an auditor the reasons that you have claimed for that child for those days. You may be asked to show, for example, what steps you have taken to make sure that the parents/legal guardians are aware of their entitlement and the attendance requirements at your setting.

Where you know that a child is likely to be absent for more than two consecutive weeks you may claim FEET or Free Early Education for 3 and 4 year olds only if the parent/legal guardian has given you a date when the child will return to your setting.

We pay:

- an estimate payment made by the end of the first week of term
- a reconciliation payment (based on the headcount) within three weeks of half term
- amendment payments, if appropriate, later in the term.

Amendment forms, early years registration and declaration forms are all available to download from www.surreycc.gov.uk/freeearlyeducation

6.2 How do I get an estimate payment?

We will pay it to you automatically (unless you are a childminder or new setting - see below, or claiming FEET funding – see chapter 4) by the end of the first week of the new term. It will be approximately 60% of what you were paid for the same term last year. For example your estimate payment for autumn 2014 will be approximately 60% of what you were paid for the autumn term 2013. There is the option of a second estimate payment if numbers last year were significantly lower than the current term (which would mean a low payment).

If you are a new setting you will need to contact the Free Entitlement Team for an estimate claim form, as we will have no history on which to base the payment (see appendix 1 for contact details).

If you are a childminder or claiming FEET funding you will always need to fill in an estimate claim form if you would like an estimate payment. This is because the number of hours you claim tends to vary each term. The forms are available to download from www.surreycc.gov.uk/freeearlyeducation Please make sure that you use the form for the correct term.

If you need to ask for a second estimate payment please contact the Free Entitlement Team for an estimate claim form and make sure you send it back by the deadline stated (see appendix 1 for contact details).

6.3 How do I get a reconciliation payment?

Each term we will set a headcount date (headcount date is a set date each term when settings record how many hours each child is taking as FEET and Free Early Education for 3 and 4 year olds that term). These dates are in the table below and in the timetable in appendix 2.

Action	Date
Autumn term headcount date	9 September 2014
Autumn term headcount form deadline	15 September 2014
Spring term headcount date (date may change to tie in with the Department for Education census date)	15 January 2015
Spring term headcount form deadline	23 January 2015
Summer term headcount date	21 April 2015
Summer term headcount form deadline	27 April 2015

You can claim for children in two ways at this time:

Children who were funded the term before, and still qualify, will be on a pre-printed headcount form that we will send you just before the end of the last term. You must check the details for each child and write in the number of hours per week that each parent/legal guardian has asked you to claim for their child. You must cross out the names of children who no longer go to your setting. If a child who got funding last term does not appear on the form and they are still taking FEET or Free Early Education for 3 and 4 year olds hours at your setting, you must add their details to the end of the list. If a child has moved house please update their address details. If you do not have a parental declaration form for a child you cannot claim hours for them on the headcount form.

Children for whom you are claiming for the first time – their parents/legal guardians will need to fill in a [registration form](#). You should not fill in any of the child's details yourself. This registration form does have parts for you to fill in too and acts as the claim form for that child for the first term. You need to be aware that you can only claim FEET or Free Early Education for 3 and 4 year olds once you have got a completed registration form.

If you are unable to claim FEET or Free Early Education for 3 and 4 year olds for a child because the parent/legal guardian has not given you the form, you may wish to charge the parent/legal guardian full fees. The form asks for details that the Department for Education need for statistical purposes. We use this information when assessing take up of certain family groups and for planning purposes.

Please note: when making the first claim for a FEET funded child you can only claim from the date the application was received and accepted by the FEET Team. If you are unsure of this date please contact the FEET Team (details can be found in appendix 1). Once the parent has completed the registration form, you will need to add their unique reference code given to you when checking with the FEET team that the child is approved for funding.

Send in your completed, signed registration forms and pre-printed headcount forms by the published deadline, so you don't delay your reconciliation payment. All forms should be originals. Please do not use your own versions of the forms. You should use only the forms you've downloaded from www.surreycc.gov.uk/freeearlyeducation Forms must have 2014/2015 printed at the top. We will not be able to accept old style forms and sending in old forms may delay your payment. Don't forget to include your URN and setting name at the top of the form.

6.4 Do I need to get parents/legal guardians to do anything else?

For children new to the setting:

- Parents/legal guardians claiming FEET or Free Early Education for 3 and 4 year olds with you for the first time will need to show you the child's birth certificate or passport to prove they qualify for a free part-time early education place and to show the child's legal identity before you submit their registration form to us.

You must make sure that parents/legal guardians fill in their address and postcode and that the name of the child is their **full legal name** (as stated on the birth certificate or valid passport). You should not complete any of the information requested on the front of the page **apart from the URN and setting name**. You should ensure that parents return the form to you and not directly to us.

For children who are continuing to be funded:

- You need to ask parents/legal guardians to fill in a [declaration form](#). If the parent wants to claim for the same number of hours for the following term, they can sign in the appropriate place on the original form. If the hours are changing the parent must complete a new form. You must not amend the number of hours. This provides written confirmation from parents/legal guardians at the beginning of each term saying how many hours they want you to claim for their child at yours and any other setting. You should not send us the declaration forms but you will need to securely store them for seven years in case auditors want to see them. All forms should be stored locally.

You do not need to store photocopies of birth certificates or passports and you should not do so

unless you can store them securely. Please record the child's details accurately, any errors cause delays in the administration process.

You will need to give every parent/legal guardian a copy of the Privacy Notice. You must add details relating to your setting in the appropriate places.

You can download the registration form, declaration form and Privacy Notice from www.surreycc.gov.uk/freeearlyeducation

6.5 What do I do if a parent/legal guardian changes their mind after the headcount?

If a parent/legal guardian wishes to cut or increase the amount of their child's FEET or Free Early Education for 3 and 4 year olds hours with you (up to the maximum of 15 hours a week) after the headcount date, you need to fill in an [amendment form](#). The parent/legal guardian will also need to fill in a [change of hours form](#). You need to send the amendment form to the Free Entitlement Team (contact details in appendix 1) and keep the change of hours form for seven years. You can download both forms from www.surreycc.gov.uk/freeearlyeducation

Only use amendment forms to tell us about changes for existing children. You will need to send us registration forms for new children.

Remember that a child who goes to more than one setting may already be getting the maximum funding and we may not be able to pay you for the increase in hours at your setting. Also, if a child has been to another setting you may not get funding as it will have been paid to the other setting.

6.6 What do I do if a child moves settings after the headcount?

Once a parent/legal guardian has filled in a registration or declaration form they will know that their child will not be funded if they move to another setting, unless there are exceptional circumstances as stated in 2.3. The new setting will be entitled to charge the parents/legal guardians their normal fees.

6.7 What do I do if a child starts at my setting after the headcount?

As long as the parent/legal guardian did not fill in a registration or declaration form for another setting and the child did not start at the other setting or school, we will pay you from the first complete week that the child starts with you.

6.8 Can I backdate claims?

No, claims have to be made during the term in which the child takes up or uses their free early education place. We cannot make payments for a particular term once that term has ended.

6.9 What happens if you pay me too much money?

There may be times when we pay you too much money. This can happen if you claim for far fewer children than the same term the year before or if children leave or cut their sessions during the term. When this happens, we will send you an invoice. We will send invoices out in January for the autumn term, March for the spring term and September for the summer term. This means that you won't be expected to pay invoices during the longer holiday periods but you may need to take this into account in your business processes.

6.10 Where do I send my forms?

Do not fax or email headcount or registration forms to us. Please post forms to:

Free Entitlement Team
Early Years and Childcare Service
Fairmount House
Bull Hill
Leatherhead
Surrey KT22 7AH

Our building has a policy of not accepting underpaid post so we will not get your forms if there are not enough postage stamps on the envelope. If you use an A4 envelope you'll need a large letter stamp.

6.11 How do I know how much you have paid me for each child?

When we credit your bank account with the reconciliation payment, we will send you a list showing you how much we have paid for each funded child. When we make the main amendment payment towards the end of term we will send you an updated list.

Please check the remittance advice and your funded list **as soon as you get them**. If you think you have been paid incorrectly, contact the Free Entitlement Team (see appendix 1 for contact details). Remember, a child may have been going to another setting without your knowledge, and so the funding may be divided up in line with this.

6.12 Audit of records

The Free Entitlement Team and Surrey County Council's auditors visit a sample of settings to look at records kept relating to FEET and Free Early Education for 3 and 4 year olds. If we are going to visit you we will contact you to arrange a mutually convenient date and to tell you what documents you will need to show us.

Under [Section 9 of the Childcare Act 2006](#), local authorities have the power to place conditions of funding on providers of childcare. If a provider fails to meet the conditions set by Surrey County Council (in this Local Code of Practice), you may need to repay us all or part of the funding you have been paid for FEET or Free Early Education for 3 and 4 year olds and you may be removed from the Surrey Directory of Providers and/or List of FEET Providers. We may also contact parents directly if necessary.

6.13 Can I claim deprivation funding?

You cannot apply for deprivation funding, we will contact you if you qualify.

The single early years funding formula includes a social deprivation factor, based on information from IDACI (Income Deprivation Affecting Children Index) to recognise the extra costs of meeting the needs of socially deprived children.

We use data from the Department for Education's Early Years Census to work out who qualifies. If you qualify, we will pay the deprivation funding for all children for all terms in the academic year. For example, for the academic year September 2014 to August 2015 we will work out which settings qualify based on the January 2014 census data.

To be able to get the deprivation funding providers must also:

- be open for 36 weeks of the year or more
- in the week of the January census have recorded over 100 hours of free early education in total for all children.

We use a four-tier sliding scale to work out the funding so that the providers with the most disadvantaged children will get the highest amount of funding.

Deprivation ranking (1=most deprived)	Pence per hour
1-10	0.80
11-20	0.60
21-45	0.40
46-60	0.30

We will contact all providers who qualify for deprivation funding and tell them which funding category on the sliding scale they are in. We will pay the deprivation funding soon after the term ends.

Chapter 7: Quality in settings

7.1 Why does quality matter?

“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 early education at age two brings benefits to children’s developments”. DfE Code of Practice for Early Education for 2, 3 and 4 year olds, September 2014.

[The Childcare Act 2006](#) clearly states that local authorities have a “statutory duty to improve the well-being of, and reduce inequalities between, young children”.

7.2 Agreement

Providers must:

- Complete the [Early Years Foundation Stage Profile](#) and take part in the moderation process led by the local authority where appropriate
- Comply with the [Statutory Framework for the Early Years Foundation Stage 2014](#)
- Comply with other legal obligations: [Employment Law](#), [Anti-discriminatory Legislation](#), [Health & Safety Legislation](#), [Data Collection Regulations](#), [Duty of Care](#)

Providers should:

- Keep an up to date [staff training and development plan](#) for qualifications and undertake a relevant training programme for continuous professional development for all staff within the setting.
- Submit an action plan to us within 20 working days after getting the report following an Ofsted inspection.
- Keep records of [children’s progress](#) throughout the Early Years Foundation Stage.
- Have a named special educational needs coordinator (SENCO) who works in the setting and who will go on the [Inclusion and Code of Practice](#) course within six months of taking on this responsibility and go to relevant training at least once a year.
- Have a designated child protection officer (DCPO) or deputy DCPO on duty at each setting. We expect that they would have been on the Working Together to Safeguard Children and Surrey Safeguarding Modules 1 and 2, and that they would then go on a DCPO update workshop every two years.
- Take part in an EYCS Annual Welfare Requirements visit as required by the Plymouth Serious Case review recommendations.
- Work with the [Workforce Development Advisory Team](#) to make sure that relevant training is identified:
 - [Leadership Skills](#)
 - [Supervision and appraisal](#)
 - [Safer recruitment.](#)

Surrey County Council will:

- Offer a training programme that provides ongoing professional development to all settings.
- Offer advice about relevant qualifications which meet the statutory framework for the Early Years Foundation Stage.
- Offer a quality improvement programme including the [Surrey County Council Quality Improvement Award](#).
- Offer advice, support and training to [newly registered providers](#) and providers undergoing re-registration for FEET and Free Early Education for 3 and 4 year olds.
- Support providers to include all children within the setting and to offer equality of opportunity to meet the special educational needs and disability code of practice and to provide an inclusive environment.
- Offer an annual review (including [Safeguarding and Welfare Requirements](#)).
- Signpost providers to information and training in order to maintain or gain at least a 'good' Ofsted inspection grading.

7.3 Withdrawing settings from the List of FEET Providers and/or Surrey Directory of Providers

We may withdraw settings from the List of FEET Providers and/or the Surrey Directory of Providers if they, or the childminder agency they are registered with:

- receive an inadequate Ofsted outcome. From November 2013, providers will become inadequate if they receive two requires improvement outcomes in a row.
- do not comply with the statutory framework for the Early Years Foundation Stage 2014
- do not comply with legal requirements such as health and safety
- commit fraud or misappropriate funds or grants
- do not return the spring headcount and early years census form by the date given.

Withdrawal from the List of FEET Providers and/or the Directory of Providers means that you would not be able to claim free early education for 2, 3 and 4 year olds.

Providers withdrawn from the List of FEET Providers and/or Directory will need to re-register following the normal process.

Appendix 1: Useful contact details

Free Entitlement Team

Tel: 01372 833811

Email: free.earlyeducation@surreycc.gov.uk

Web: www.surreycc.gov.uk/freeearlyeducation

Address: Early Years and Childcare Service, Fairmount House, Bull Hill, Leatherhead, Surrey KT22 7AH

Free Early Education for Two year olds (FEET) Team

Tel: 01372 833368

Email: feet@surreycc.gov.uk

Web: www.surreycc.gov.uk/freeearlyeducation

Address: Early Years and Childcare Service, Fairmount House, Bull Hill, Leatherhead, Surrey KT22 7AH

General enquiries

Tel: 01372 833833

Email: eycs.admin@surreycc.gov.uk

Web: www.surreycc.gov.uk/surreyeycs

Training Team

Tel: 01372 833888

Email: eycs.training@surreycc.gov.uk

Web: www.surreycc.gov.uk/childcareworkshops

Workforce Development Team

Tel: 01372 833900

Email: workforcedevelopment@surreycc.gov.uk

Surrey Family Information Service

Tel: 0300 200 1004

Email: surrey.fis@surreycc.gov.uk

Web: www.surreycc.gov.uk/fis

Ofsted

Tel: 0300 1231 231

Web: www.ofsted.gov.uk

Appendix 2: Diary dates July 2014 – July 2015

Form or process	Action	Date
Autumn term		
Provider Agreement 2014 -15 for 3 & 4 year olds Provider Partnership Policy Provider Agreement 2014-15 for 2 year olds	Send to Free Entitlement Team	23 July 2014
Estimate payment for autumn term	Payment to you from Free Entitlement Team	By 5 Sep 2014
Headcount for autumn term (Fill in form on 9 Sept 2014)	Send to Free Entitlement Team	By 15 Sep 2014
Headcount payment for autumn term	Payment to you from Free Entitlement Team	21 Nov 2014
Amendment form deadline for autumn term	Send to Free Entitlement Team	By 28 Nov 2014
Last payment for autumn term	Payment to you from Free Entitlement Team	19 Dec 2014
Spring term		
Estimate payment for spring term	Payment to you from Free Entitlement Team	By 9Jan 2015
Headcount for spring term (Fill in form on 15 Jan 2015*)	Send to Free Entitlement Team	By 23 Jan 2015
Headcount payment for spring term	Payment to you from Free Entitlement Team	13 Mar 2015
Amendment form deadline for spring term	Send to Free Entitlement Team	By 20 Mar 2015
Last payment for spring term	Payment to you from Free Entitlement Team	31 Mar 2015
Summer term		
Estimate payment for summer term	Payment to you from Free Entitlement Team	By 17 Apr 2015
Headcount for summer term (Fill in form on 21 Apr 2015)	Send to Free Entitlement Team	By 27 Apr 2015
Headcount payment for summer term	Payment to you from Free Entitlement Team	19 Jun 2015
Amendment form deadline for summer term	Send to Free Entitlement Team	By 26 Jun 2015
Last payment for summer term	Payment to you from Free Entitlement Team	17 Jul 2015

* Date may change to tie in with Department for Education census date.