

Early Years Provider Agreement From Summer 2026

**Terms and conditions for the
provision of funded early education
entitlement places**

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Section 1:

Introduction

1.1. Good quality early education experiences have a positive impact on a child's future outcomes. The Council aims to ensure that every child in Leicester gets the very best start in life and is given every opportunity to learn and develop so that they are ready to begin school and achieve their best.

1.2. Funded Early Education Entitlement ("FEEE") is available as follows:

	FEEE offer	Maximum entitlement Hours per week Over 38 weeks per year 'term-time'	Maximum entitlement Hours per year Over 48 or 51 weeks per year 'stretched'
a	Early Learning for 2-year-olds for families receiving additional forms of support (FRAS). Families must have a 'YES' letter or confirmation of entitlement with a TYF code for 2YO FEEE or another form of valid local authority confirmation Go to www.gov.uk for more information	15	570
b	15 hours childcare for all 3 and 4-year-olds also known as the Universal Entitlement (UE) Go to www.gov.uk for more information	15	570
c	30 hours childcare for eligible children aged 9 months to 4 years from working families, also known as the Working Parent Entitlement Families must have a working parent eligibility code Go to www.gov.uk for more information	30	1,140

The eligibility information and criteria can be accessed via [15 and 30 hours support - Best Start in Life](#) and on the GOV.UK website via the relevant links above.

The working parent entitlement can include foster families for whom information on eligibility and the application process can be accessed via: [Foster parents and funded hours | LCC Family Hub](#)

Early Learning for 2-year-olds is the preferred new name for the 15 hour entitlement for families receiving additional forms of support (FRAS). The Council uses the reference TYF (short for two year old funding) for eligibility code purposes.

Some 2-year-olds will qualify for both the early learning (FRAS) entitlement and the working parent entitlement. They will receive 15 hours early learning (FRAS) entitlement and 15 hours working parent entitlement, making it a total of 30 hours entitlement.

3 and 4 year olds qualifying for the working parent entitlement, will receive 15 hours universal entitlement and 15 hours working parent entitlement, making it a total of 30 hours entitlement.

1.3. This Agreement is made between the Local Authority and the early years provider for the provision of funded early education and childcare. The terms and responsibilities outlined in this document shall be binding upon both parties. If this Agreement is not signed and returned to the Local Authority, then there is no binding agreement that requires the LA to fund the provider for the provision of early education and childcare. Early years providers are referred to as “providers” or the “provider” and include:

- Providers from the private, voluntary or independent (PVI) and the childminding (CM) sectors registered on the [Ofsted Early Years Register](#);
- Childminders registered with a childminder agency (CMA) that is registered with Ofsted; The Agreement will be with the childminder and the Council does not have the option for the funding to be routed via the CMA.
- Schools taking children aged 2 and over which are exempt from registration with Ofsted as an early years provider.
- Schools taking children under 2 which are separately registered on the Ofsted Early Years Register (including independent schools).
- Independent schools where the early years provision is inspected separately by an independent inspectorate

1.4. Families are able to access their FEEE place at any registered provider of their choice. The FEEE hours must be delivered free of charge by the chosen provider with the provider claiming the relevant funding for the child’s place from Leicester City Council.

1.5. This document does not provide guidance on how providers operate their private businesses, including charges for provision over and above a child’s funded hours. The Council will 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 funded place.

Legal framework and statutory guidance

1.6. The following frameworks and legislation underpin this agreement:

- Early Education and Childcare, Statutory guidance for Local Authorities*
- Childcare Act 2006
- Childcare Act 2016
- Childcare Act 1989 (section 17)
- Children Act 1989 and 2004
- Equality Act 2010
- School admissions code 2021
- Statutory framework for the Early Years Foundation Stage – EYFS**
- Local Authority, (Duty to Secure Early Years Provision Free of Charge) Regulations 2014
- The Childcare (Free of Charge for Working Parents) (England) Regulations 2022
- Special educational needs and disability code of practice: 0 to 25 years
- Data Protection Act 2018
- Human Rights Act 1998
- Freedom of Information Act 2000 (FOIA)
- Environmental Information Regulations 2004 (EIR)

* [Early education and childcare \(valid from 1 April 2026\) - GOV.UK](#)

** [Early years foundation stage \(EYFS\) statutory framework](#) (there are separate documents for childminders and for group and school-based providers)

1.7. The Council has the right to unilaterally vary the Agreement as necessary to reflect changes in legislation and guidance from the Department for Education, as well as changes to the Council's systems and processes. The Council will endeavour to keep the terms and conditions on its website up to date.

1.8. References to legislation will be to that legislation as amended from time to time, without express change in this Agreement.

Key local authority responsibilities

1.9. The Council must secure a funded entitlement place for every eligible child in their area with no mandatory charges for parents.

1.10. The Council will work in partnership with providers to agree on how to deliver funded entitlement places.

1.11. The Council will be clear about its role and the support on offer to meet the needs of children with special educational needs and/or disabilities (SEND) as well as our expectations of providers.

1.12. The Council will contribute to safeguarding and promoting the welfare of children and young people in our area.

Key provider responsibilities

1.13. The provider must comply with all its legal obligations including all relevant legislation and insurance requirements as detailed below.

1.14. The provider will ensure that it maintains at all times adequate insurance cover with an insurer of good repute to cover all claims and liabilities under this Agreement as well as any other claims or demands which may be brought or made against it by any person suffering injury, damage or loss and which shall include public and employers' liability cover.

1.15. The provider should deliver the funded entitlements (detailed above) 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 funded places, along with their services and charges. Those children accessing the funded entitlements should receive the same quality and access to provision.

1.16. The provider must follow the Early Years Foundation Stage (EYFS) and have clear safeguarding policies and procedures in place that link to the Leicester Safeguarding Children Board's guidance for recognising, responding to, reporting and recording suspected or actual abuse.

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

1.18. The provider must notify the Council of any closures or changes to the way they deliver the funded entitlements, as well as ensure that they make the required notifications to Ofsted, within the timescale required by the regulator.

Confidentiality

1.19. Unless otherwise required by law or for the purposes of fulfilling this Agreement, the Council and the provider shall keep confidential all matters relating to this Agreement and shall make all reasonable efforts to prevent anyone else from disclosing matters to any other person.

Data Protection

1.20. The definitions used in this section shall be as defined in the UK GDPR and the Data Protection Act 2018.

The Council and the provider acknowledge that for the purposes of the Data Protection Act 2018, the Council is a Controller, and the provider is a separate Controller for any Personal Data or Special Category Data processed by either party in order to comply with its obligations under this Agreement.

1.21. Organisations processing Personal Data must be registered with the Information Commissioners Office (“ICO”) as a Controller and/or Processor of Personal Data. Further information can be found at [Information Commissioner's Office - ico.org.uk](https://ico.org.uk)

1.22. The provider shall be processing Personal Data relating to children and parents and must ensure compliance for registration with ICO as explained above.

1.23. The provider is required to share Personal Data relating to children and parents with the Council. It may also be required to share information with DfE, Ofsted, HMRC, and the police to fulfill its obligations under this Agreement. The provider must ensure that it has the appropriate consents and notices in place to permit it to lawfully share and process such Personal Data.

1.24. The Council and the provider shall ensure that Personal Data is processed in accordance with the UK GDPR, the Data Protection Act 2018 and any other relevant legislation.

1.25. The Council and the provider shall ensure that any Personal Data is processed in accordance with the Controller to Controller Agreement attached at Annex C.

1.26. In entering into this Agreement, the Council and the provider agree to the terms of the Controller to Controller Agreement (Annex C).

Freedom of information, environmental information and transparency

1.27. The provider acknowledges that the Council is subject to the requirements of the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

1.28. The provider shall assist and cooperate with the Council to enable it to comply with these information disclosure requirements regarding information relating to this Agreement.

Section 2:

Safeguarding

2.1. The Council has overarching responsibility for safeguarding and promoting the welfare of all children and young people in our area. The Council has a number of statutory functions under the 1989 and 2004 Children Acts which make this clear, and the [Working together to safeguard children](#) guidance sets these out in detail.

2.2. 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 named lead practitioner must take responsibility for safeguarding, and all staff must have training to identify signs of abuse and neglect. The provider must fully engage with the Leicester Safeguarding Children Partnership Board ([LSCP](#)) in the circumstances described in the 'Working together to safeguard children guidance'.

2.3. If the provider has any concerns about an adult who works or volunteers with children harming a child, the provider shall report these concerns to the LADO (Local Authority Designated Officer) on **0116 454 2440** or email lado-allegations-referrals@leicester.gov.uk

Eligibility

2.4. The provider should check original copies of documentation (birth certificates or passports) to confirm a child has reached the eligible age on initial registration for all funded entitlements. The provider can retain paper and/or digital copies of documentation to enable the Council to carry out audits and fraud investigations.

2.5. Providers must store both paper and digital copies of documentation securely and delete or dispose of them when there is no longer a good reason to keep the data.

2.6. The data privacy guidance, which is set out in the Parental Declaration form (Annex B), and stated at the end of this agreement, informs a parent as to what the provider will do with any Personal Data that it processes.

2.7. The table below establishes when a child is entitled to start accessing FEEE based on their birth date.

Child turns 9 months old OR 2 years old OR 3 years old at any time between, and including, the following dates	Eligibility start date for FEEE place as a 9 month old OR 2 year old OR 3 year old. Start of:
1 January and 31 March	Summer Term on or following 1 April
1 April and 31 August	Autumn Term on or following 1 September
1 September and 31 December	Spring Term on or following 1 January

- The 'age eligibility' date ranges are fixed and cannot be changed under any circumstances.
- The funded entitlement stops when a child starts attending a full-time reception class place in a state school or, if later, when the child reaches compulsory school age i.e., 31 Mar, 31 Aug or 31 Dec on or after the child's 5th birthday.

- 2.8. The provider should offer places for the early learning entitlement for 2-year-olds (FRAS) on the understanding that the child remains eligible until they become entitled to the universal entitlement for 3- and 4-year-olds, even if the child or parent ceases to meet the eligibility criteria for the early learning (FRAS) entitlement during this time.
- 2.9. The provider should record 2 year olds who are eligible for both the working parent entitlement and early learning for 2-year-olds (FRAS), as receiving their first 15 hours of funding under the early learning for 2-year-olds (FRAS) scheme. Parents will need to reconfirm eligibility, for the working parent entitlement proportion, every 3 months.
- 2.10. 3 and 4 year olds qualifying for the working parent entitlement, will receive 15 hours universal entitlement and 15 hours working parent entitlement, making it a total of 30 hours entitlement. Parents will need to reconfirm eligibility, for the working parent entitlement proportion, every 3 months.
- 2.11. The Council will ensure that a child has a funded entitlement place no later than the beginning of the term following the child and parent meeting the eligibility criteria for the funded entitlements.
- 2.12. Alongside the working parents' eligibility code, which is the child's unique 11 digit number, and original copies of documentation, a provider must acquire written consent from, or on behalf of, the parent to be able to receive confirmation and future notifications from Leicester City Council, via the Council's online portal, of the validity of the working parents eligibility code. The eligibility code for any foster children will be issued by the local authority and not HMRC. The local authority will manage the application and reconfirmation process for these children separately with the agreement of the social worker supporting the family.
- 2.13. The Parental Declaration form (Annex B), which is mandatory for all FEEE places, asks the parents for the necessary information and consents, including consent to verify or validate their working parents' eligibility code.
- 2.14. Once a provider has received written consent from the parent, on the Parental Declaration form, they should verify the working parents' eligibility code on the Council's online portal.
- 2.15. The Council will confirm the validity of working parents' eligibility codes to allow the provider to offer the relevant FEEE places. The Council will provide a validity checking service to the provider to enable them to verify the working parents' eligibility codes swiftly and efficiently.
- 2.16. The provider will use the Council's online portal to validate the working parents' eligibility code provided by the parent for their relevant FEEE place. The portal will also confirm the child's eligibility start and end dates, as well as any grace period if the child falls out of eligibility.
- 2.17. In the event that a working parents' eligibility code cannot be validated through the Council's online portal, the parent will need to contact HMRC directly to access support.
- 2.18. Thereafter, the Council will complete audit checks to review the validity of working parents' eligibility codes for children who qualify for the relevant FEEE places 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 listed in the table below). It is the Council's responsibility to notify the provider where a child has fallen out of eligibility and inform them of the grace period end date.

The grace period

Date parent receives ineligible decision on reconfirmation	LA audit date	Grace Period end date
1 January – 10 February	11 February	31 March
11 February – 31 March	1 April	31 August
1 April – 26 May	27 May	31 August
27 May – 31 August	1 September	31 December
1 September – 21 October	22 October	31 December
22 October – 31 December	1 January	31 March

2.19. A child will enter the grace period when the child's parents cease to meet the eligibility criteria set out in The Childcare (Free of Charge for Working Parents) (England) Regulations 2022, as determined by HMRC (or where the child is in foster care, the responsible local authority) or a First Tier Tribunal in the case of an appeal.

2.20. The Council will access information about whether a child has ceased to meet the eligibility criteria and entered into the grace period via the Eligibility Checking Service. The grace period end date will automatically be applied to eligibility codes.

2.21. The Council will 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.

2.22. Leicester City Council will submit a report to the provider after each eligibility checking date. This will inform providers of any children that are no longer eligible and notify them of the grace period applicable for each child. The provider will then advise the parent to revalidate their code.

Flexibility

2.23. 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.

2.24. The parameters are as follows:

- No session to be longer than 10 hours
- No minimum session length (subject to the requirements of the registration on the Ofsted Early Years Register)
- Not before 6am or after 8pm
- A maximum of two sites in a single day*

*where a child accesses shared care for FEEE, it is usually with two providers. However, if a family wish to access their FEEE over more than two providers in a week, this will need to be discussed and agreed with the Funding and Grants Team.

2.25. Providers should ensure that children are able to take up their funded hours in continuous blocks if they wish to, and there should be no artificial breaks in the entitlement hours. For example, over the lunch period, a provider should not offer 10am to 12noon and 1pm to 3pm as entitlement hours and offer only private paid hours in between.

2.26. The annual entitlement can be taken as 15 hours or 30 hours per week over 38 weeks (term-time). Or, the annual entitlement of 570 hours or 1,140 hours, can be 'stretched' over more than 38 weeks (including weeks outside of term-time) and at weekends. Refer to Annex E for information and details applicable for stretched delivery.

2.27. The delivery of the annual entitlement of 570 hours or 1,140 hours cannot be condensed into less than 38 weeks because the FEEE hours must not exceed 15 hours or 30 hours per week.

2.28. There is no requirement that providers must be open for at least 38 weeks but providers open for less than 38 weeks of the year will not be able to offer the full annual entitlement and this must be made clear to parents.

2.29. Where a child is accessing shared care for FEEE it is usually with 2 providers. For a 30-hour place, this could be referred to as 'Blended' delivery. For a 30 hour 'blended' place for a 3- or 4-year-old child one provider will be delivering the 15 hour Universal Entitlement and the other will be delivering 15 hours under the Working Parent Entitlement. For a 30 hour 'blended' place for a 2 year old eligible for both the working parent entitlement and early learning for 2-year-olds (FRAS), one provider will be delivering the 15 hour early learning for 2-year-olds (FRAS) entitlement and the other will be delivering 15 hours under the working parent entitlement.

2.30. For a blended delivery place:

- both settings have to offer the same number of weeks either 38 weeks or stretched.
- where a 3 or 4 year old is accessing a 30 hour blended place with a school nursery class, it will have to be over 38 weeks AND the school nursery class will be deemed to be the provider of the Universal Entitlement proportion. The PVI/CM will be delivering the Working Parent Entitlement proportion.
- Where a 2 year old is accessing a 30 hour blended place with a school nursery class, it will have to be over 38 weeks AND the school nursery class will be deemed to be the provider of the early learning (FRAS) entitlement. The PVI/CM will be delivering the working parent entitlement.

2.31. The provider must work with the Council and share information about the times and periods at which they are able to offer funded entitlements to support the Council to secure sufficient places, including stretched and flexible places, to meet parental demand in the city.

The provider must also make information about their offer and admissions criteria or policy available to parents at the point of initial enquiry before the parents commit to their child accessing provision at their setting. It is mandatory for providers to complete/update the Childcare Profile Form via [Self update provider portal | LCC Family Hub](#)

2.32. There is no requirement that the provider must offer the full 30 hours working parent entitlement to deliver FEEE places.

2.33. Early years provision by a childminder (either independently registered with Ofsted or registered with a childminder agency) for a related child does not count as childcare in legal terms. Therefore, a Childminder cannot claim FEEE for their own children and any child who is related to them (whether full blood or half blood, or by marriage or civil partnership or as a step parent).

Partnership working

2.34. The Council supports partnerships on four levels between:

1. The Council and providers
2. providers working with other providers, including childminders, schools and organisations
3. providers and parents
4. The Council and parents

2.35. The Council promotes partnership working between different types of providers, including childminders, across all sectors and encourages more providers to offer flexible provision, alongside other providers.

2.36. The provider must work in partnership with parents, carers and other providers to improve provision and outcomes for children in their setting.

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

2.38. For all FEEE places offered, it is mandatory for providers to get the parents to complete and sign a Parental Declaration form (Annex B). The provider must complete and sign the form alongside the parents to ensure that all agreements are clear between the provider and the parent.

2.39. The original signed Parental Declaration Forms (Annex B) must be retained by the provider for a period of 6 years and be made available to a local authority officer for audit purposes. A copy must be given to the parent/carer for their reference.

Special Educational Needs and Disabilities (SEND)

2.40. The Council strategically plans the support provided to children with SEND, to support the needs of all children in our area, as per the [Special Educational Needs and Disability \(SEND\) code of practice: 0 to 25 years](#), and must ensure that the entitlements are delivered to children with SEND free of charge with no mandatory additional costs attached to their entitlement hours.

2.41. providers must be aware of the requirement on them to have regard to the SEND Code of Practice 0 to 25 years, and duties under the Equality Act 2010 and the EYFS statutory framework to meet the needs of children with SEND. This includes removing barriers that prevent children accessing early education and childcare and working with parents to give each child support to fulfil their potential.

2.42. The EYFS sets the standards that all early years providers must meet, to ensure that children have equality of opportunity and anti-discriminatory practice, ensuring that every child is included and supported. The Council has a legal duty to inform Ofsted, where there is evidence that the practice is not inclusive.

2.43. The [Inclusive provision for children with SEND in early years | LCC Family Hub](#) document describes the Council's expectations of provision available for SEND children receiving FEEE. All providers will need to adhere to this document.

2.44. The Council has a published local offer which provides information and advice about SEND and how to search for local services that can support children and young people with SEND. Refer to [SEND local offer | LCC Family Hub](#).

2.45. The provider must 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.

2.46. Providers are not permitted to charge parents of children with SEND for additional support costs as part of their entitlement hours or as a condition of accessing a FEEE place. providers claiming FEEE funding for children with SEND may be able to claim the full 15 (or 30 hours if entitled) per week even if the child does not attend for the full 15 or 30 hours due to their individual needs. The provider must supply a statement to the Council from their

named Special Educational Needs Coordinator (SENCO) to support the claim and identify how the additional money will be spent to support the child concerned.

2.47. Children with additional needs are entitled to access their funded place on the same terms as every child, and providers have a legal duty to ensure that they are making reasonable adjustments to enable children to attend their provision.

[Equality Act 2010: guidance - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

2.48. Providers may be eligible for additional funding to provide suitable support for children identified as needing adaptation or personalisation to the curriculum to make good progress, on a case by case basis. The Council may provide some financial support known as SEN Inclusion Funding or SENIF (subject to availability and conditions) to enable settings to undertake essential training or offer more appropriate staff to child ratios. Children who are in receipt of Disability Living Allowance (DLA) and accessing FEEE will be eligible for Disability Access Funding (DAF) which is paid to the provider for necessary expenditure to enhance support at the setting. Children with an Education, health and care plan (EHCP) can receive funding from the High Needs block of the Dedicated Schools Grant. Please speak to your area SENCO for more information.

2.49. Training and Continuous Professional Development (CPD):

- SENCOs in early years must access appropriate training in SEND. The DfE recommends that all SENCOs should have a Level 3 qualification. Ideally SENCOs should access the Level 3 early years SENCO qualification offered by the Council. The training and qualification can be accessed with other training providers.
- Providers must ensure their SENCO engages in regular continuous professional development (CPD) in SEND. This must include accessing SEND focused refresher training for the equivalent of one day per year, as a minimum.
- Providers must ensure that all staff access ongoing CPD and training in SEND to support inclusive practice and to help improve outcomes for children with additional needs.
- Providers must engage in planning meetings with the Council's Early Years Support Team (EYST) at least twice per year to support continuous improvement in SEND provision and outcomes for children.

2.50. For childminders, support and advice should be accessed through the Council's Early Years Support Team. They will be able to help plan the work that is undertaken to improve outcomes for individual children and will be able to help with applications to the SEN Inclusion Funding panel.

2.51. If a complaint is received regarding the provider denying a place to a child with additional needs, the Council will investigate and may, if the provider is found to be discriminating against a child based on their additional needs, report the concerns to Ofsted for further investigation and enter the provider into the compliance process.

Social mobility and disadvantage

2.52. The Council promotes equality and inclusion, particularly for disadvantaged families, including families receiving additional forms of support, looked after children and children in need by removing barriers of access to funded places and working with parents to give each child support to reach their full potential and have the best start in life.

2.53. The provider should ensure that they have identified the relevant children in their

setting as part of the process or checking Early Years Pupil Premium (EYPP) eligibility. They will also use EYPP and any locally available funding streams or support to improve outcomes for this group.

2.54. The Council has a statutory duty to ensure that children in care, aged 3 and above, have a Personal Education Plan (PEP) meeting each term and, as good practice, PEP meetings may be held for younger children if their social workers or the childcare setting identify any concerns. The PEP meetings cover the child's progress, attendance, SEND needs and EYPP funding. providers should engage with support from the Virtual School team to submit information which will be requested formally and attend PEP meetings which are usually held remotely.

Best Start in Life strategy and local priorities

2.55. Aligned to the government's Best Start in Life strategy and local priorities to improve children's outcomes including their Good Level of Development (GLD) achievement by the end of the early years foundation stage:

- Providers should identify, as early as possible, children who need additional support to meet their developmental milestones and make progress towards readiness for school.
- Providers are asked to engage in training opportunities to support this and may be asked to take part in targeted intervention programmes and individual support for their setting, to respond to Leicester's Best Start Local Plan.

Quality

2.56. The Early Years Foundation Stage (EYFS) statutory framework is mandatory for all schools that provide early years provision and early years providers registered with Ofsted or with an Ofsted registered Childminder Agency 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.

2.57. For all funded entitlements, the Council can only rely on the Ofsted inspection outcome (or, where relevant, an independent inspectorate inspection outcome) of the provider or the childminder agency, or the childminder agency's reasonable opinion of the childminder, as the sole benchmarks of quality and standards of provision,

2.58. The Council has a legal duty to secure information, advice and training on meeting the requirements of the EYFS, meeting the needs of children with SEND, vulnerable and disadvantaged children, and looked after children and on effective safeguarding and child protection to providers on the early years register who are:

- newly registered and who have not yet had an inspection report published
- rated weaker than 'good' for overall effectiveness by Ofsted, if their most recent inspection was done before 10 November 2025
- rated by Ofsted as 'not met' in safeguarding or weaker than 'expected standard' in leadership and governance, if their most recent inspection was done on or after 10 November 2025.

The Council may provide information, advice and training for all early years and childcare providers (including prospective providers) and offer support to settings, regardless of their latest Ofsted judgement, if requested by the provider or where there is evidence of need. However, the Council can only require providers to undertake training or support with quality improvement when the setting has received an inspection judgement as stated above.

2.59. The purpose of providing funded places for children is to improve their early opportunities and prepare them for school. Therefore, high standards in practice with regards to learning are essential.

2.60. 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 in the EYFS statutory framework.

2.61. Minimum quality standards must be maintained, by providers, to continue to be eligible to deliver FEEE places.

2.62. The following information outlines when providers registered on the Early Years Register cannot deliver some or all the FEEE entitlements after receiving a 'specified' inspection grade from Ofsted.

For Ofsted inspections before 10 November 2025

Ofsted inspection outcome	Early Learning Entitlement for 2-year-olds (FRAS)	Universal Entitlement for 3 and 4 year olds and Working Parent Entitlement for children aged 9 months to 4 years
Requires improvement	Cannot deliver	
Inadequate OR Not met (where provider had no children on roll or no children present at the time of inspection).	Cannot deliver	Cannot deliver

For Ofsted inspections from 10 November 2025, under the new inspection framework

Ofsted inspection grading	Early Learning Entitlement for 2-year-olds (FRAS)	Universal Entitlement for 3 and 4 year olds and Working Parent Entitlement for children aged 9 months to 4 years
'Needs attention' in leadership and governance	Cannot deliver	
'Urgent improvement' in leadership and governance' OR Safeguarding is 'Not met'	Cannot deliver	Cannot deliver

To support continuity of care, if deemed safe, providers will continue to be funded for any children already on roll.

2.63. Providers inspected before 10 November 2025 may have a 'Met' judgement if they had no children on roll or no children present at the time of inspections. providers who have an Ofsted judgement of 'Met' can deliver FEEE places for all entitlements. The minimum quality standards will apply when the subsequent full Ofsted inspection judgement is published.

2.64. Childminders registered with a Childminder Agency (CMA) that has been judged 'effective' by Ofsted can deliver FEEE places for all entitlements. Following a second consecutive 'ineffective' inspection judgement for a CMA, the Council will continue to fund their childminders if the CMA has assessed them as being of acceptable quality and Ofsted has not identified any concerns about the CMA's assessment arrangements. However, a childminder cannot deliver funded entitlements if the CMA notifies the Council that, in their opinion, the childminder is not of the appropriate quality.

2.65. New providers registered with Ofsted can deliver FEEE places for all entitlements. The minimum quality standards will apply when the first full Ofsted inspection report is published. There may be exceptions where the Council will consider any information published by Ofsted about a provider or a CMA, including the recent history about childcare provision by a particular provider or childcare provision at a particular address or about a CMA. This may include, for example, where the Council has concerns that a provider not meeting the minimum quality standards or not being of an acceptable quality by a CMA, may have re-registered their setting with Ofsted or a CMA to avoid making the quality improvements identified by Ofsted or a CMA.

2.66. In the event that a provider is inspected and fails to meet the minimum quality standards, the provision will become non-compliant, and the compliance process will be initiated in accordance with Annex D (i).

2.67. Information, advice and training support will be offered to providers as stated above. This offer may include access to training and support or steps the provider could take to improve quality in preparation for their next inspection. The level and content of this support will be determined by the Council.

2.68. For independent schools inspected by Ofsted or by the Independent Schools Inspectorate (where the provision is not registered in the early years register) the 'specified' grades where the provider is not meeting the minimum quality standards are detailed in Annex D (i).

2.69. Existing providers who have not currently signed up to the Early Years provider Agreement to deliver FEEE places would need to meet the minimum quality standards for the relevant FEEE entitlements or be assessed by their CMA of being of acceptable quality. The Council may also consider the Ofsted inspection judgment of the CMA.

2.70. Providers who are already delivering FEEE under the existing Early Years provider Agreement will remain subject to any FEEE compliance measures already in place.

2.71. Providers who are served with one or more Welfare Requirement Notices (WRN) by Ofsted will be entered into compliance by the Council regardless of whether a full inspection has taken place or not. The setting will remain in compliance until such times as they have been monitored by Ofsted and they have published notification that they are satisfied that the necessary action has been taken to address the notice served. Refer to Annex D (i) for details.

2.72. For childminders registered with a CMA, the local authority will require the CMA to inform and update them regarding any information/changes and/or concerns which may affect the childminder's compliance with these terms and conditions for the delivery of FEEE places and the childminder would then be subject to the compliance process.

2.73. Where a childminder registered with Ofsted or a CMA is co-childminding or operating from the same premises with another childminder or childminders registered with Ofsted or a CMA, the Council may need to stipulate additional compliance conditions if there are changes to the inspection outcome (if minimum quality standards are not being met) and/or any regulatory action taken against any of the co-childminders or if there are changes to the inspection outcomes or regulatory action taken against the CMA.

Section 3: Council

Business planning

Data collection – Headcount

3.1. The 'headcount' is an information return made to the Council by the provider using the Council online portal system and contains the attendance details of each child receiving a FEEE place. Refer to Annex E for the latest information.

3.2. Each term the provider is able to add or amend data for a set number of weeks only. Any child that starts attending the provision but leaves part way through a term can be funded for split weeks. However, this must be confirmed with the Funding and Grants team and, if it is possible, it will be done providing the child's hours do not exceed the total hours/weeks for that term. Refer to Annex E for the latest information.

3.3. Portal submission timeline and dates: Refer to Annex E for the latest information.

3.4. Payment schedule and dates: Refer to Annex E for the latest information.

3.5. Funding is provided for up to 570 hours or up to 1,140 hours per year. This is generally paid in line with the school term dates for each academic year, equating to 15 or 30 hours per week for 38 weeks per year. However, subject to the provider offering 'stretched' delivery, parents can choose to access their entitlement flexibly over fewer hours per week and more weeks per year. Refer to Annex E for information and details applicable for stretched delivery.

3.6. Headcount documentation will be sent electronically for submission via the Council's online portal.

3.7. The provider is also obliged to submit provider surveys for the Council's childcare sufficiency assessment, children's development information, data in response to an emergency requiring contingency action and requests for other reasons which will be clarified at the time of the request for the data. The Council will monitor submissions of requested data within the stated timeline and, where a provider is found to be non-compliant with this requirement, this may result in FEEE payments being withheld.

Financial records

3.8. The provider should maintain accurate financial and non-financial records relating to funded entitlement places and should give Council officers access on reasonable notice to all financial and non-financial records relating to funded entitlement places funded under this agreement, subject to confidentiality restrictions.

3.9. The provider should ensure they submit and/or retain timely and accurate information, including, but not limited to, headcount data, census data, parental declaration forms and invoices. Failure to do so may result in inaccurate, delayed or suspended funding.

3.10. Leicester City Council has a duty to ensure that public funding is used in accordance with legislation and any associated statutory guidance.

3.11. Financial records relating to the delivery of FEEE places must be retained by the provider for a minimum period of 6 years from the date each child takes up a place.

Audits

Refer to Annex D (ii) for stages of the audit process and supporting notes.

3.12. The Council has an audit process to check that all providers in receipt of FEEE funding including Early Years Pupil Premium (EYPP), SEN Inclusion Funding (SENIF) and Disability Access Funding (DAF) are administering the funding in line with these terms and conditions and related legal requirements. Audits will be carried out each term based on a random selection of providers or may be initiated due to a complaint or compliance concerns regarding the administration of FEEE places.

3.13. The Funding Investigation Officer will contact each provider chosen as part of the random selection and send them an audit form to complete and return by email.

The Council officer will also ask for copies of the following, to be collected from your establishment at an agreed date:

- Parental declaration forms for a sample of funded children
- Daily registers for a stated period of 3 weeks
- Admissions criteria or policy document(s) which should include detailed fees & charges pricing structure
- Invoices.

The audit will usually be carried out remotely as a desktop procedure. If a visit is required, it will be arranged. If the audit is initiated because of a complaint or compliance concerns, the visit may be unannounced but only for exceptional cases. The documents will then be requested at the visit and some of the audit checks may be carried out on the visit.

3.14. Records relating to children who are in receipt of SENIF will be audited for the whole term. Information for this will be requested by the Council officer. Refer to Annex D (ii) for information about what will be checked for SENIF and DAF expenditure.

3.15. As part of the audit process, the Council officer will check:

- The completed audit form
- Daily registers of children attending the setting
- The parental declaration forms to compare with the provider's FEEE claim
- The Admissions criteria or policy document(s), the fees and charges pricing structure
- The invoices and invoicing system.

3.16. As part of the audit process, the Council officer will also contact a sample of parents of children accessing their FEEE place at the setting.

3.17. providers are obliged to make all records fully available to the Council officer, as requested, and to cooperate fully with the audit process.

3.18. The Council officer will highlight any discrepancies to the provider and make suggestions or directions for any changes to recording or administration processes that may need to be made.

3.19. After completing the audit process, the Council officer will compile a full report for the Council managers. The report will identify any discrepancies found during the audit along with all recommendations and directions made to the provider. The provider will receive an electronic copy of the report or, where there is no email address provided, a hard copy will be posted.

3.20. In the event that discrepancies are found the provider will be judged to be non-compliant and the compliance process will be initiated. Refer to Annex D (i) for more details.

3.21. The Council will report any evidence of fraudulent activity to the police and will recoup any or all payments made to the provider.

3.22. The Council reserves the right to refuse funding to any person or organisation that has a history of misuse of public funds or any criminal record relating to financial mismanagement or fraud where it is reasonable for the Council to do so.

Delivery models for FEEE places

3.23. The Council supports providers to deliver FEEE places as follows:

- 1) **Standard 'term time' model:** 15 or 30 hours (as applicable) per week for 38 weeks per year divided into the applicable number of weeks each term.
- 2) **Stretched delivery model:** 570 or 1,140 hours (as applicable) divided by the number of stretched weeks per year and paid over the applicable number of weeks in each of 3 terms in the year.

Please note:

- Providers can choose to offer the term-time model only, or the stretched offer model only, or they can offer both the term-time model and the stretched offer model.
- A child can access a term time model or stretched offer model at more than one provider. This is known as a 'blended offer' between the providers. However, both providers must offer the same model for the child i.e. the term time model or the stretched offer model.

3.24. Providers must inform the Council of any children that will be accessing the stretched offer model, using the Council's online portal.

3.25. All details of the hours and providers that are being attended must be recorded accurately on the Parental Declaration form.

3.26. Children cannot change from one model to another during a term. The family will need to wait to make any changes until the start of the following term.

3.27. If a child accessing a stretched offer leaves a setting and starts at another provider part way through a term, the number of hours provided will be calculated by the local authority to determine a fair approach to funding.

Charging

3.28. Government funding is intended to deliver 15 or 30 hours a week of funded, high quality, flexible childcare. The 15 or 30 hours must be accessible free of charge to parents. There must not be any mandatory charges for parents in relation to the funded hours. Government funding is not intended to cover the costs of meals, other consumables, additional hours or additional services.

3.29. Providers can charge parents for the following extras in connection with the funded hours, but these charges must be voluntary for the parent:

- consumables to be used by the child, such as nappies or sun cream
- meals and snacks consumed by the child
- extra optional activities such as events, celebrations, specialist tuition (for example music classes or foreign languages) or other activities that are not directly related or necessary for the effective delivery of the Early Years Foundation Stage (EYFS) statutory framework

Providers can also charge parents for any additional, private paid hours according to their usual terms and conditions provided taking up private paid hours is not a condition of accessing a funded place.

3.30. Providers must follow these terms in levying any chargeable extras.

3.31. Providers must ensure that parents are able to opt out of paying for chargeable extras and the associated consumable or activity for their child. For activities and extra services, parents should be made aware that participation in any optional extra activity should be on the basis of parental choice and a willingness to meet the charges. In these circumstances, providers should ensure that children who do not participate in optional activities continue to receive provision that complies with the EYFS.

3.32. Providers should be mindful of the impact of charges on families, particularly the most disadvantaged. Providers who choose to offer the funded entitlements, are responsible for setting a policy on providing parents with options for alternatives to additional charges. This policy must offer reasonable alternatives that allow parents to access the entitlement for free, including allowing parents to supply their own, or waiving the cost of these items.

3.33. In all cases, these chargeable extras must not be a condition of taking up a funded place, for example, parents should not be declined a free place because they opt out of chargeable extras. All parents, including disadvantaged families, must have fair access to a funded place. The local authority will intervene if a provider seeks to make additional hours, optional services or optional consumables a mandatory condition of taking up a funded place.

3.34. Providers should deliver the funded entitlements consistently, so that all children within a setting accessing any of the funded entitlements receive the same quality and access to provision, regardless of whether they choose to pay for voluntary hours, voluntary extra services, meals or consumables.

3.35. Providers must ensure that the funded entitlement is available free of charge and therefore must not charge parents for the following in connection with the funded entitlement hours:

- Top-up fees (any difference between a provider's normal charge to parents and the funding they receive from the local authority to deliver funded places)
- The supply of or use of any materials, including, but not limited to, craft materials, crayons, paper, books, instruments, toys, or other equipment or learning resources that are necessary for the effective delivery of childcare
- Business running costs, including, but not limited to, rent, mortgage payments, staff wages, cleaning materials, disposal of waste materials, insurance, or utility bills such as energy, gas or water

- Non-refundable registration fees as a condition of taking up a child's funded entitlement place, where a child is only accessing the funded entitlement hours and where no additional hours or services are being purchased.
- Non-refundable deposits as a condition of taking up a child's funded entitlement place. (Also refer to Refundable Deposits information).
- Non-refundable retainer fees in relation to funded entitlement places
- Additional support costs for children with SEND as part of their funded entitlement hours or as a condition of accessing a funded place. (Additional funding may be available as explained under the SEND section above).
- General charges, including but not limited to, non-itemised enrichment charges, sustainability charges, business continuity charges, additional charges, enhanced ratios, hourly rates, or any other supplementary charges on top of the funded hours
- Any additional fees that are not specifically identified and itemised as being for chargeable extras as described above.

3.36. Refundable Deposits:

- Providers can ask for a refundable deposit from parents to secure their child's Universal Entitlement or Working Parent Entitlement place (see below for Early Learning (FRAS) places for 2 year olds). The provider should refund the deposit in full within a reasonable time after the child takes up their place. Where the child is only accessing the funded entitlement hours and where no additional hours or services are being purchased, the Council requires that refunds must be made by the end of the first week of attendance.
- The Council does not permit providers to ask parents for a deposit for Early Learning (FRAS) places for 2 year olds where a child is only accessing the funded entitlement hours and where no additional hours or services are being purchased.
- The Council recommends providers do not ask parents for a deposit for universal entitlement places where a child is only accessing the funded entitlement hours and where no additional hours or services are being purchased.
- If providers choose to hold a deposit, they will need evidence that this is not creating a barrier of access for families who are unable to pay this. Deposits that are deemed to be excessive may cause providers to be non-compliant with clauses within this document that relate to equality of access.

Transparency

3.37. The provider must publish their admissions criteria, (such as what age groups the provider takes, any priority for children with SEND or looked after children, and both how and when to apply for a place). The provider must ensure parents understand which hours/sessions can be taken as free provision, what optional extras are available to them, and the types of reasonable alternatives they have if they choose not to take up these extras.

3.38. Providers should publish the costs of chargeable extras on their websites or, where they do not have any website, on the local authority Family Information Services. These should be clear, up-to-date and easily accessible to parents, to enable parents to make an informed choice of provider. They should set out, for each setting, the amounts charged for all the chargeable extras listed, as well as the pattern of hours that parents can take the entitlements. providers should ensure that they illustrate a breakdown of costs, as detailed

in [DfE's Chargeable extras: template](#). The Council will check providers websites and facilitate providers to update the information provided to Family Information Service.

3.39. Childminders and providers caring for 10 or fewer children at any one time are exempt (regardless of whether those children are using entitlement hours or not) from publishing their charges online and exempt from using the Department's templates. However, these childminders and providers may still publish their charges through Family Information Services if they wish to do so.

3.40. Invoices and receipts should be itemised, and have a breakdown to separately show:

- the funded entitlement hours
- additional private paid hours
- food charges
- non-food consumables charges
- activities charges

Providers should ensure these itemised invoices are in place. This is to allow parents to see that they have received their child's funded entitlement hours completely free of charge and understand that any fees paid are for additional hours or optional services. Invoices and receipts should include the provider's full details so that they can be identified as coming from a specific provider for the purposes of audits and any payments made in relation to Universal Credit.

3.41. Providers must ensure that a parental declaration form is completed and signed by the parent and provider before the child first takes up their funded place. This declaration should set out their free hours, the pattern of hours taken up during the week, and any additional optional charges the parent has opted to pay for. This is to ensure both parents and providers have clarity of the number of entitlements hours and any additional charges agreed. providers should regularly review their parental declarations with parents to ensure the planned hours agreed with parents remain accurate and align with the actual number of hours taken up by the child.

3.42. Providers should work with parents so that parents understand which hours and sessions can be taken as funded provision. (also see Flexibility Section above).

Funding

3.43. The payment options that the Council offers for PVI providers and for Childminders are detailed in Annex E.

3.44. Funding is paid directly into the providers' bank account usually via BACS. The bank account for FEEE payments must be in the name of or under the Registered Person (Legal Entity) for Ofsted purposes. Refer to Annex D (ii) for guidance.

3.45. Payment of funding for providers is split into 'estimate' payments and 'adjustment' payments each term.

Refer to Annex E for detailed information on Estimate and Adjustment Payments.

Funding rates for FEEE places

3.46. There are different base rates for 9 – 23 month olds, 2 year olds and 3 and 4 year olds and providers may qualify for one or more of quality and deprivation related supplements which will be added to the base rates. Refer to Annex E for the latest funding rates information.

Other Funding providers can claim:

3.47. Early Years Pupil Premium (EYPP) funding is an additional sum of money paid to childcare providers for FEEE children from families in receipt of certain benefits. Also refer to the EYPP section below.

3.48. Disability Access Fund (DAF) – FEEE children in receipt of Disability Living Allowance (DLA) are eligible for the DAF. Parents / carers can nominate one setting only to receive this funding. Further information on how to apply for DAF can be accessed via: [Disability access fund | LCC Family Hub](#)

3.49. Special Educational Needs Inclusion Funding (SENIF) – refer to the information above under the Special Educational Needs and Disabilities section.

Early Years Pupil Premium

3.50. All providers registered to deliver funded places are entitled to apply for Early Years Pupil Premium (EYPP) funding for eligible children for up to 570 hours per year only.

3.51. Providers can decide how best to spend the EYPP funding but must be able to evidence how the funding has been used to improve outcomes for the child.

3.52. In the event that there is a complaint or concern raised, regarding the use of EYPP, the Council will investigate via the audit system set out in this document and may suspend the provider from delivering FEEE places or remove them from the register.

3.53. Where the audit shows that the provider has been misusing the funding Leicester City Council will forward the evidence to the police and will recoup all funding (both EYPP and FEEE) for a specified period.

3.54. Information on the eligibility criteria for EYPP is available from [Get extra funding for your early years provider - GOV.UK \(www.gov.uk\)](#)

The Parental Declaration form (Annex B) must be completed, which asks the parent for the necessary information and consent to enable the provider to claim EYPP.

Verification of age and identity of children

3.55. The provider should check copies of documentation (birth certificates or passports) to confirm a child has reached the eligible age on initial registration for all FEEE entitlements. The Parental Declaration form at Annex B of the 'provider Agreement' must be completed, which asks the parent for the necessary information and consents.

3.56. providers must ensure that the parent is given a copy of the signed Parental Declaration form (electronic or paper copy).

3.57. The Council will provide a validity checking service to providers to enable them to verify the working parents eligibility codes in a timely fashion.

Attendance monitoring – Recording of daily attendance

3.58. providers must keep an accurate register of all children in attendance. The register must be made available for inspection on demand by the Council. All funding for children for whom no accurate record of attendance exists, or for whom an incorrect amount of FEEE hours has been claimed may be recovered.

3.59. Completion of Registers in accordance with ‘codes’ outlined below by the Council:

CODES	Reason for absence	provider action
H	Holiday for 2 consecutive weeks of attendance	Explanation documented
F	Holiday of more than 2 consecutive weeks of attendance	Contact Funding and Grants team
I	Illness	Explanation documented
R	Religious observance	Explanation documented
N	Absent no reason supplied	Explanation documented
Y	provider is unable to open	Contact funding team, outlining the reason for closure. (e.g., for exceptional circumstance beyond your control such as poor weather/ health and safety building issues etc.)

- providers must complete all paper registers in pen.
- Daily registers must clearly indicate who is present on any given day, stating start time and leaving time.
- providers should use the ‘codes’ above for non-attendance but where your IT system does not allow you to use these codes you must then maintain a separate absence log for the types of absences stated above.

Absences and attendance expectation

3.60. Funded places must be used regularly and providers should explain this responsibility to parents when the place is offered. Providers should work with parents to manage attendance rates so that there is an expected attendance level of 80%. This is in the interest of the child’s readiness for school and accountability for public funding for the funded hours.

3.61. The hours claimed on the funding claim and the hours attended per the daily registers should normally match unless there is an absence which falls within one or more of the ‘codes’ and reasons stated in the table above.

3.62. If a parent is not accessing their entitlement as per the funding claim and the overall attendance falls below the expected 80% level, the provider needs to address this with the parent and also promote the benefits of early education and how this contributes to their child’s readiness for school. If the provider needs any support or has any queries, they should contact the Funding and Grants Team at the Council.

3.63. Monitoring of absences should be part of the provider’s safeguarding policy, and any concerns should be reported immediately following the safeguarding policy. Please maintain records of the conversations with the parent’s and the actions agreed to improve attendance.

3.64. providers must make parents aware that they must contact the setting if their child is absent. The providers must contact the parent/carer in the event that a child is absent without explanation for a prolonged period (more than 3 days). Children whose whereabouts are unknown but for whom the funding has been claimed on the understanding that they

were expected to attend should be included on the daily registers. In the event that a parent/carer cannot be contacted, and the absence continues, providers should send a letter explaining that the place will only be kept open for 7 days from the date of the letter. If the child does not return, the provider must contact the Funding and Grants team so that the headcount can be amended to reflect this.

3.65. All correspondence should be recorded and noted when funding is claimed. Leicester City Council will take into account individual circumstances but may withdraw and reclaim funding where absences have not been actively managed by the provider.

3.66. providers will not be penalised for every unexplained absence for a session or where a child has a late start or an early finish provided that the child has otherwise been attending sessions regularly for the pattern stated on the parental declaration form i.e., the overall attendance is not below the expected 80% level.

3.67. Where an absence is recurring over an extended period and overall attendance is below the expected 80% level, the provider must make all reasonable efforts to establish a valid reason for the absence and promptly notify the Council's Funding and Grants Team. The Council will then consider all the known circumstances and use our discretion in deciding whether, and to what extent, it is appropriate to withdraw or reclaim funding in respect of the child.

Family holidays during the claim period

3.68. Children may be absent due to family holidays for a maximum of two consecutive weeks of attendance per term and parents must inform the provider in advance of the dates the child will be absent. If the parent is requesting more than two consecutive weeks leave, please contact the Funding and Grants team in advance to seek authorisation. If the child does not return, the provider should notify the Funding and Grants team, as the funding may be reduced.

Authorisation for more than two consecutive weeks leave in a term must be requested prior to the absence. If the authorisation is not granted, the Council will not fund the child's place for this period. The parent and provider will have to come to a private arrangement for any non-funded hours if the parent wants to retain the place. The maximum number of weeks the Council will fund for absences due to family holidays is four weeks (in total), anything above this must be resolved with the parents.

Settling in period

3.69. Children are permitted to take up reduced hours during the settling in period and the provider can claim for their normal pattern of attendance for the term as documented in the Parental Declaration form.

3.70. The maximum settling in period allowed is four weeks. If this is exceeded the local authority may withdraw and reclaim funding.

3.71. We will take into account individual circumstances e.g., if a child has a Special Educational Need or where there are exceptional circumstances such as for refugee families, which require an extended settling in period, the provider must consult the Funding and Grants team to seek approval.

Setting closures

3.72. Closures lasting for one week or more must be discussed with Funding and Grants team to determine whether FEEE funding can be claimed during this period. This applies whether the reason for closure was unforeseen or planned e.g. fire, flood or planned building

/ redecoration work. The period of closure must be notified to the Council as soon as possible so that the funding can be adjusted if the period of closure has already been claimed.

3.73. It is accepted that providers may have no option but to close for a day or two in cases where, due to exceptional circumstance beyond their control, it would not be legal or safe to remain open (e.g. it is not possible to meet staff ratios due to illness or if the heating fails and the temperature falls below the legal minimum). In these cases the funding can still be claimed but providers must put strategies into place to rectify the problem promptly. In such circumstances the provider would be expected to notify the local authority and Ofsted; including details of contingency plans in place.

3.74. Where possible, providers should make every effort to provide the funded children with additional hours to replace those hours they have missed during any period of closure. This will need to be demonstrated when audited.

3.75. Where a provider decides to permanently close and resign their Ofsted registration, they have a responsibility to inform the Council (Funding and Grants team and Early Education Development Team) at the earliest opportunity and provide details of the children and families impacted by the closure. This is to ensure that the Council can offer the appropriate brokerage support and sign-posting to children and families.

Staff Training Days / Bank Holidays (public holidays)

3.76. Where a provider has to close for training, the Funding and Grants team must be informed of this and the FEEE hours should be offered at an alternative time to ensure parents are able to access the missed entitlement.

3.77. It is at the discretion of individual settings whether they close or stay open on bank holidays (including any extraordinary bank holiday). Providers will not be penalised if the setting policy is to close for bank holidays. There is no requirement to offer alternative sessions, but providers can choose to, and are encouraged to offer alternative sessions where possible to make-up for the hours. Providers must state their arrangements for bank holidays in their admissions criteria or policy document and make it clear to parents if their child will not receive the entitlement for bank holidays. In the event of an extraordinary bank holiday being announced, providers should communicate arrangements with parents in a timely manner.

Transfer from another provider

3.78. If the parent is transferring from another provider, it is important to clarify if they have given the required notice to the other provider. This is because the Council cannot make a 'double' funding claim. The providers must confirm with the Funding and Grants Team if the funding can be split and, if yes, how it will be split between the providers.

Providers not delivering the full entitlement

3.79. Providers can only claim for the weeks that they are open to deliver the free entitlement. Some providers may not be able to deliver the minimum free entitlement. For example, independent schools may be open for less than 38 weeks of the year or a sessional playgroup may be open only 12 hours per week due to availability of shared premises. These are the only types of exceptions to not delivering the full 15 hours or 30 hour entitlement to all funded children.

3.80. Providers who are open for 15 hours or 30 hours or more per week and for at least 38 weeks per year will not be funded if they choose to deliver less than the full 15 hours or 30

hours entitlement to all funded children. They can have some parents who access less than the full entitlement or, depending on available sessions, may offer some places for less than the full entitlement.

3.81. Providers should inform parents in writing that they are offering less than the full entitlement. The letter should explain to parents the full entitlement and explain the potential drawbacks of attending a provider offering less than 38 weeks a year i.e. that the parent is not able to access the balance of free entitlement weeks elsewhere. Please note that the delivery of the annual entitlement of 570 hours or 1,140 hours cannot be condensed into less than 38 weeks because the FEEE hours must not exceed 15 hours or 30 hours per week.

Compliance and the Compliance Process

3.82. If a provider is found to be in breach of the requirements set out in the Early Years provider Agreement, the Council will place the provider into the Compliance Process. This is a process through which the provider's suitability to deliver FEEE places is assessed. As part of this process, the provider may subsequently have part or all of their eligibility to deliver funded places withdrawn and/or monitored until such times that the Council is satisfied that the requirements of the process have been met.

Refer to Annex D (i) for details of the Compliance process (Quality and Finance Non-Compliance)

Termination and withdrawal of funding

3.83. Suspension of registration by Ofsted or childminder agency, or a breach of statutory requirements or safeguarding issues may result in the termination of this agreement and will result in withdrawal of funding, for the period of suspension or until Ofsted has concluded an outcome relating to the breach.

3.84. In addition to any other rights or remedies available to the Council, the Council may terminate this Agreement and withdraw all or part of the funding with immediate effect by giving written notice if the provider:

- a) does not meet the minimum quality standards to continue to be eligible to deliver FEEE places (as detailed in the Quality section of this document).
- b) no longer holds a valid Ofsted registration on the Early Years Register;
- c) has changed ownership and no longer holds a valid Ofsted registration;
- d) breaches any of its statutory obligations in relation to the provision of the FEEE and in particular the safeguarding requirements;
- e) is in breach of any of its obligations under this Agreement and fails to remedy the breach to the satisfaction of the Council within 14 days of written notification from the Council;
- f) having been subject to the Compliance Process, fails to remedy the issue notified to it by the Council and the Council has given written notice to the provider of its intention to terminate: (Refer to Annex D (i) for details on the compliance process)
- g) becomes insolvent, or is declared bankrupt, placed into receivership, administration or liquidation, or a petition has been presented for its winding up, or it enters into any arrangement or composition for the benefit of its creditors, or it is unable to pay its debts as they fall due.

3.85. In relation to the quality of provision, providers should note that Ofsted will, as part of their inspection schedule, make a judgement as to whether providers are seen to be actively

promoting fundamental British values (democracy, the rule of law, individual liberty, mutual respect and tolerance of different faith and beliefs) as reflected in the EYFS. Where concerns are raised and evidenced, the Council is required to take compliance action and report concerns to Ofsted. Providers should be aware that this may mean access to funding is withheld, withdrawn or removed as appropriate and the Council may terminate this Agreement upon written notice, if it becomes aware of any concerns raised by Ofsted which the provider fails to remedy in accordance with the Ofsted compliance action.

3.86. No failure or delay by Leicester City Council to exercise (in full or part) any right or remedy provided under this agreement or by law shall constitute a waiver of that, or any other right or remedy, nor shall it prevent or restrict the further exercise of that or any other right or remedy.

Consequences of termination

3.87. In the event that the Council terminates this Agreement, the Council reserves the right to require repayment of any sums which the provider has received but which relate to any period of time where the provider was no longer eligible to receive funding under this Agreement.

Appeals process

3.88. A provider may be denied approval to offer the funded entitlements or have their funding withdrawn as set out above. The provider can appeal against that decision, they should do this in the first instance by emailing eedteam@leicester.gov.uk

Complaints process

3.89. The Council has the following complaints process in place for parents who are not able to resolve their concern directly with the provider. [Complain about childcare | LCC Family Hub](#)

3.90. Through this the parent can raise concerns around the provision for funded entitlement in accordance with the legislation or as set out in this Agreement and in the Early Education and Childcare Statutory guidance for Local Authorities.

3.91. Where a complaint is received regarding the quality of a provider, the Council will investigate the allegation further and will contact Ofsted to notify them in addition to advising the complainant to contact Ofsted. If the allegation is related to safeguarding then the Local Authority Designated Officer (LADO) will be contacted immediately.

3.92. The provider should ensure they have a complaints procedure in place that is published and accessible for parents who are not satisfied their child has received their funded entitlement in the correct way, as set out in this agreement and in the Early Education and Childcare Statutory guidance for local authorities.

3.93. If a parent or provider is not satisfied with the way in which their complaint has been dealt with by the Council or believes that the Council 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. www.lgo.org.uk/

Annexes

- **Annex A** - provider information, declaration and signature

To accept the Agreement providers must complete the information required, sign to acknowledge that they have read and accepted the Agreement and submit the declaration electronically. Providers who have previously submitted Annex A via DocuSign, will be contacted by the Council and must confirm that they accept this updated Agreement.

New providers must contact the Early Education Development Team to be facilitated to complete and submit Annex A and other required documents to then be able to deliver funded places.

- **Annex B** – Parental declaration form

It is **mandatory** for these forms to be completed, alongside parents, for **ALL** children accessing a FEEE at your setting. A copy must be given to the parent/carer for their reference.

This declaration is the main agreement for the FEEE place between the parent and the provider. Please note that this form does not replace the usual full contract, or parental contract, that providers will have with each parent.

- **Annex C** - Controller to Controller Agreement
- **Annex D (i)** - Compliance process – For quality and finance non-compliance
- **Annex D (ii)** - Finance auditing processes and supplementary information and guidance
- **Annex E** - Information Sheet - FEEE rates, funding timelines, payment dates, delivery models for funded places and details of funding payments.

Data privacy guidance

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

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 Leicester City Council. 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 (ICO) on holding personal data including sensitive personal data available at:

[Handling more sensitive information | ICO](#) and [Guide to the UK General Data Protection Regulation \(UK GDPR\) | ICO](#)

As stated under the Data Protection section above, all providers must register with the Information Commissioner's Office (ICO). <https://ico.org.uk/>

Contact details for Leicester City Council teams

<p>Early Education Development Team</p> <p>Supporting new and existing providers in the Early Years sector; with quality, training and business support. Responsible for FEEE Compliance and Sufficiency of childcare places.</p>	<p>0116 454 4190</p> <p>eedteam@leicester.gov.uk</p> <p>Family Information Early Education Development (leicester.gov.uk)</p>
<p>Funding and Grants Team</p> <p>Provides support for the administration and finance of 2, 3 and 4 year FEEE and 30 hours Extended Entitlement.</p>	<p>0116 454 1667</p> <p>earlyeducation@leicester.gov.uk</p> <p>Karuna.Bennett@leicester.gov.uk</p>
<p>Early Years Support Team (SEND)</p> <p>A team of teachers and teaching assistants working with children aged 0-5 who have special needs and disabilities (SEND), their families and other professionals.</p>	<p>0116 454 4750</p> <p>Sarah.Mounsey@leicester.gov.uk</p> <p>Nicola.Black@leicester.gov.uk</p> <p>School's Extranet – Early years support team (leicester.gov.uk)</p>
<p>SEN Inclusion Funding (SENIF)</p> <p>(previously referred to as Element 3 Funding)</p> <p>Information link for SENIF</p>	<p>0116 454 4715</p> <p>nick.gilroy@leicester.gov.uk</p> <p>SEN inclusion fund and element 3 funding application LCC Family Hub</p>
<p>Early Help</p> <p>Best Start Family Hubs</p> <p>12 Best Start Family Hubs in 6 cluster areas across the city all offering a range of support to families.</p> <p>Parents can ring Early Help advice line for support with their 2 year FEEE application.</p>	<p>0116 454 1004</p> <p>Family Hubs LCC Family Hub</p>
<p>Leicester City Council - Schools Admission team</p> <p>Information for applying for primary and secondary school place.</p>	<p>0116 454 1009 (option 1)</p> <p>School admissions (leicester.gov.uk)</p>
<p>Leicester City Council - Virtual School Team</p> <p>Support for children in care and professionals working with the children.</p>	<p>Early Years Virtual School Officer:</p> <p>robyn.wall@leicester.gov.uk</p> <p>0116 454 5007</p> <p>virtualschool@leicester.gov.uk</p> <p>schools.leicester.gov.uk/services/virtual-school/</p>