



## Early Years Free Entitlements –Frequently Asked Questions

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## Introduction

You should read these FAQs alongside the Statutory and Operational Guidance.

## Overview of new 30h hours extended entitlement

### When will 30 hours be rolled out in my area?

30 hours will be delivered in every area of England from September 2017. Parents in the four additional early roll-out authorities (Dorset, Tower Hamlets, Leicestershire and North Yorkshire) were able to benefit from April 2017, and around 5,000 parents are already receiving 30 hours in the existing 8 early implementer areas.

## **Is it childcare or early education?**

All funded provision must deliver the Early Years Foundation Stage framework. There is no difference in the education and care standards which must be met for both the universal 15 hour and extended 30 hour entitlements.

## **How many weeks of the year is 30 hours available for?**

Working families are entitled to 30 hours in each of the 38 weeks of the academic year. Parents can choose to stretch this offer over up to 52 weeks of the year where this meets their childcare needs, for instance 22 hours a week for 52 weeks, or just under 24 hours for 48 weeks.

## **Will the 15 hour entitlements continue?**

All three and four year olds, and the most disadvantaged two-year olds, continue to be entitled to 15 hours early education a week.

## **Funding**

### **How much will providers be paid?**

Local authorities determine the funding rates for providers in their area based on the EYNFF Operational Guidance. All local authorities should have told providers their hourly rate before 31st March 2017.

Local authorities must now pass on the majority of the funding they receive centrally to providers – from 2017/18 they must pass on 93% and from 2018/19 at least 95%.

Local authorities will offer the same funding rate for both the universal 15 hours as well as the additional 15 hours. They must also offer a universal base rate to all types of providers by 2019-20.

### **Will providers be paid more to meet the needs of children with SEND?**

Additional financial support is available for providers to support access for children with special educational needs.

New legislation requires all LAs to have a SEN Inclusion Fund, and to consult on how it will be allocated. In addition, the new Disability Access Fund (DAF) will pay £615 per year directly to providers to support access into early years for eligible children. Parents will need to apply for this allowance. Providers will be able to use the parent declaration form template, due to be published alongside the Model Agreement to identify eligible children.

LAs will then check that the DAF eligibility requirements have been met before releasing any funds. Further information can be found within the EYNFF Operational guidance. Children with an identified special educational need (EHP) will receive additional funding.

### **Are there any other funding supplements for providers?**

Local authorities must grant a supplement on the basis of deprivation. They also have the discretion to award supplements on the basis of rurality/sparsity, flexibility, quality and English as an additional Language.

## New Funding Queries (July 2017)

### Will I be funded for children not on the annual census count?

Local Authorities are funded for the early years free entitlements based on the annual January censuses. The funding for a particular financial year will typically be based on two censuses: so for 2017-18, final funding allocations will be based on January 2017 and January 2018 census data. Please note that funding for the additional 15 hours in 2017-18 is an exception because there will be no January 2017 census data to use.

This means that local authorities will not be funded for any children who take up free entitlement hours but who are not captured in the annual censuses. However children who are captured on the annual census returns but subsequently become ineligible will be funded. We understand there will be some churn in eligibility on the 30 hours entitlement, but we expect the net financial impact to be low.

## Early Years Workforce

### Who does the change to level 3 EYE qualification requirements apply to?

The current requirement for level 3 EYEs to also hold GCSEs in English and mathematics Grade A\*- C to count in staff:child ratios as set out in the EYFS has been broadened to include other suitable level 2 qualifications, including functional skills, with effect from 3 April 2017.

This change means that practitioners who started their EYE qualification from 1 September 2014 will now need to hold suitable level 2 English and mathematics qualifications to count in the staff:child ratios at level 3. The requirement sets the minimum qualification requirements. Employers are free to set their own specific requirements for recruitment of staff.

We have not removed GCSEs from the list of suitable qualifications and therefore some employers and training providers may wish to continue to apply them to recruitment.

### What literacy and numeracy qualifications are accepted as a 'suitable level 2 qualification' to enable the holder to count in the level 3 staff: child ratios as outlined in the EYFS?

The Department for Education (DfE) is responsible for defining the level 2 qualifications that are suitable. These will be listed in on the Early Years Qualifications List from 3 April 2017 and are as follows:

- English
  - Functional Skills in English at Level 2
  - GCSE/International GCSE in English Language and/or Literature to at least grade C (grade 4)
  - Key Skills in Literacy at Level 2
  - A Level/AS Level in English Language and/or English Literature to at least grade E
  - O Level in English to at least grade C
  - CSE grade 1 English (Language)

Also Recognised Scottish, Northern Irish and Welsh equivalents.

- Maths
  - Functional Skills in Mathematics at Level 2
  - GCSE/International GCSE in Mathematics to at least grade C (grade 4)
  - Key Skills in Application of Number at Level 2

- A Level or AS Level in Mathematics or Pure Mathematics and/or Further Mathematics to at least grade E
- O Level in Mathematics to at least grade C ○ CSE grade 1 Mathematics

Also Recognised Scottish, Northern Irish and Welsh equivalents.

### **When will the qualifications list be updated to reflect this?**

The qualifications list was updated from April when the change came into effect. Until the qualifications list is updated, the list of accepted qualifications can be found at Annex B on the Government response to the consultation on Level 3 qualification requirements.

### **When will the change to the literacy and numeracy requirements be implemented?**

The revised EYFS comes into force from 3 April 2017. However, the requirement for staff to hold a suitable level 2 English and maths qualifications to count in the staff: child ratios at level 3 applies to all staff who started their EYE qualification from 1 September 2014.

This means that those who hold or are currently working towards an EYE qualification (either stand alone or as part of an apprenticeship program) can count in the level 3 ratios if they hold a suitable level 2 qualification in English and maths once they have achieved their EYE qualification.

## **Eligibility for 30 hours (Extended Entitlement)**

### **How will providers know if a child is eligible?**

Parents will apply online and will be given a unique code; they must give this code to their provider, along with their national insurance number and child's date of birth, so that the provider can confirm with their local authority or a provider portal that it is a valid code.

## **New Eligibility Questions (July 2017)**

### **What about seasonal workers who are unable to find another job within the grace period?**

If parents are in their grace period but do not find alternative employment (that is, they are still ineligible once the grace period has lapsed) then their child should only be entitled to the universal 15 hour entitlement.

The grace period should only apply to children who are taking up a childcare place but then lose eligibility. A child cannot start taking up a 30 hours place if the parent loses eligibility before the start of term.

### **What will happen if there is a mass redundancy, e.g. car factory, and many parents fall out of eligibility all at the same time?**

Parents should be entitled to a 'grace period' where they can keep their childcare for up to a term after they lose eligibility.

### **What about the guaranteed first term issue – so what happens if a parent applied really early but has lost eligibility before taking up their 30 hours place in September 2017?**

We can confirm that, if parents loses eligibility before September 2017, they will be permitted to take up the additional 15 hours for the autumn term only and funding will be provided by the Department to

cover the cost of this commitment. This approach will not be repeated for subsequent terms as it is intended to provide certainty for providers for this key first term. As the year progresses, providers and LAs should become more accustomed to the flow of applications and reconfirmations and will be better placed to plan and allocate places.

### **What happens if a parent wants to defer their child's entry to reception or school? Can they still get 30 hours?**

If a parent continues to meet the eligibility criteria they can continue to take up their child's free 30 hours at a private, voluntary or independent childcare provider until their child reaches compulsory school age. This is providing they choose not to take up their child's right to a place in a state-funded school reception class in the September following their child's fourth birthday.

### **If a parent accepts a school place in September but defers entry until April (as the child turns 5 in March) can they still get 30 hours? What census should they be recorded on?**

If the parent meets the eligibility criteria they can take up 30 hours at a private, voluntary or independent provider between 1<sup>st</sup> September and 31<sup>st</sup> March.

Schools must enter pupils on the admission register and attendance register from the beginning of the first day on which the school has agreed, or been notified, that the pupil will attend the school, in this case in April. The school should not complete the January school census for that child as the they will not be a registered pupil in January.

If the child is taking up free hours at a PVI provider, the hours for that child should be recorded on the Early Years Census.

### **Can parents use some of their 30 hours for drop-offs/collection from school?**

Children who are in a state-funded school reception class are receiving their entitlement through the school. Therefore, they cannot receive 30 hours on top for private childcare before or after school. This is the same as the 15 hour universal entitlement.

### **I'm a student [midwife/nurse] and my partner works more than 16 hours. Are we eligible for 30 hours?**

In order to qualify for 30 hours free childcare each parent must earn the equivalent to 16 hours at National Living Wage or their Minimum Wage. If one partner is in full-time education and does not meet the income requirement, the household will not be eligible. However, they should be entitled to the universal 15 hours entitlement for three and four year olds.

### **I'm on paid maternity / paternity / adoption leave. Am I eligible for 30 hours?**

If you're on paid maternity/paternity/adoption leave then you should be eligible for 30 hours free childcare provided that you can demonstrate that you will either be on statutory leave or you will meet the minimum income criteria in the three months following your declaration to HMRC.

### **We have parents where one is working and the other doesn't have recourse to public funds. Are they eligible for 30hours?**

If the parent applying has recourse to public funds and the remaining eligibility criteria are met then the household should be eligible.

## **I have accepted a job offer but not started work yet – am I eligible for 30 hours?**

In order to qualify for 30 hours free childcare, parents should be in work or to expecting to be in work within 14 days of applying.

## **Why do only providers and local authorities see validity periods assigned to a child's 30 hours code? Why can't parents see them?**

This is to enable local authorities to manage their local market, and for providers to manage their places. Parents will receive all communication – including reminders about reconfirmation through the “Secure messages” section of their childcare service account.

## **Application for 30 hours Free Childcare (Extended Entitlement) (July 2017)**

### **The parent only wants the 15 hour universal free childcare. Do they need to complete a Childcare Service application?**

No. Parents do not need to apply through the digital childcare service if they only want to claim the universal 15 hours entitlement.

### **A parent doesn't have a Government Gateway ID, what do they need to do?**

They need to sign up and create a Government Gateway account first. They will usually need:

- name
- date of birth
- National Insurance number
- email address
- Proof of ID such as passport

### **How will parents of 4 year olds be able to apply through the system?**

The childcare service was opened from 14 July to parents of all eligible 4 year olds.

For parents whose youngest child will be 4 years old between 1 April and 31 August 2017, they can apply through the childcare service for 30 hours and TFC in the same manner as parents of eligible 3 year olds. For parents whose child will reach 4 years old between 1 September 2016 and 31 March 2017, there is an alternative process for them to apply for 30 hours childcare.

When they go on to the childcare service, at the point where they enter their child's date of birth, they will be directed to a GOV.UK page where they will be able to access an iForm. This iForm will be completed online by the parent, printed off and posted to HMRC, who will process these applications manually. The parent will receive their eligibility response, and a temporary code if eligible, via letter from HMRC. This can take up to ten working days. These parents will not yet be able to apply for TaxFree Childcare.

### **Two working parents – do providers need to see both NI numbers?**

No providers do not need to see both NI numbers. Providers only need to verify the code against either the applicant or the partner listed on the application. Usually, the parent who made the application will share their details with the provider. However, a partner who is listed on the application may come in place of the applicant. In that case, they should bring their own National Insurance number.

**A parent has completed their application and it says they will receive a message but they have not had an email yet.**

Messages will appear in the “Secure Messages” section of their Childcare Service account. Parents should log into their account. Their 30 hours eligibility code will be found under “Secure Messages” and under “30 hours free childcare”.

**Parent was already taking up universal 15 hours with one provider. They have now applied for 30 hours and want to take these with a second provider. Do they only show their code to the second provider?**

No they should take their code, national insurance number and child’s date of birth to all providers where they are claiming free childcare.

**What about parents who are due to start work – what evidence do they need to confirm eligibility?**

Parents can apply who are not working, but expect to start a new job in the next 14 days. HMRC will determine whether parents meet the eligibility criteria. HMRC may follow up with parents before making a final decision if any information is unclear.

**When do parents have to apply for 30 hours?**

A parent can apply for 30 hours free childcare up to 16 weeks before their child turns three.

A parent can claim 30 hours from the term after both of the following conditions are met, whichever is later:

- the child’s third birthday, and
- the date they receive their eligibility code from HMRC.

Every three months, parents will be asked to reconfirm that they are still eligible. Therefore, if a parent applies very early, they may need to reconfirm that they are still eligible before they have taken up their place.

**When do parents have to verify their code with their provider?**

Parents should verify their code with their provider in good time to reserve their 30 hours place. This will give parents more certainty over their childcare arrangements and will help providers to plan their allocation of places. A parent can reserve a place for their child with their provider prior to the code being verified, but the code must be verified before the child can take up their place.

It is up to individual providers to decide whether they wish to set deadlines for parents booking childcare places.

**A parent has applied for 30 hours successfully and verified their code. However, they need to reconfirm their eligibility before the start of term. Do I offer the parent a place?**

In some circumstances, parents may apply for 30 hours free childcare or receive their code more than three months before the start of term. Providers can still reserve a place for the parent but should only start the child in their 30 hours provision if the parent remains eligible when they reconfirm.

## Providers

### **Do providers have to offer 30 hours?**

No. It is a provider's choice whether they deliver the 30 hours entitlement or not. They can choose to offer some or all of the hours. Parents are free to shop around to find appropriate funded provision.

### **Who can offer 30 hours?**

Day-nurseries, childminders and playgroups that are registered on the Early Years Register, and childminders registered with an Ofsted-registered Childminder Agency can deliver the 30 hours entitlement in full, or work in partnership with other providers to deliver part of it. Schools can also offer 30 hours. Parents will be able to split their entitlement across more than one provider.

### **Is funding for maintained nursery schools being cut?**

Maintained nursery schools (MNS) are an important part of the early years sector, they provide valuable high quality services, often to disadvantaged areas, and make an increasingly important contribution to social mobility. We are giving LAs enough funding to allow them to maintain current levels of MNS funding, and we will consult in due course about their future. We want them to have a greater role in the pedagogical leadership of the early years system, and the sustainability to do this in the longer term. We also want local authorities to make full use of their expertise, experience and resources in whatever way local need requires.

### **How can sessional providers deliver 30 hours?**

We encourage providers to work in partnership to offer 30 hours. For example, sessional providers who cannot offer 30 hours a week can work with childminders to offer wraparound care, which meets the needs of working parents eligible for 30 hours.

### **Do parents have to take up the full 30 hours?**

No, parents eligible for the 30 hours can take up any amount of childcare up to a maximum of 30 hours.

## Delivery Models (July 2017)

### **What do we mean by no minimum session length subject to Ofsted registration requirements?**

We referenced the registration requirement because, for the delivery of the free entitlements, we want the best outcomes for children and so have restricted it to providers who are registered on Ofsted's or a Childminder Agencies Early Years Register (or schools who are exempt from separate registration). All registered (or exempt) provision must follow the Early Years and Foundation Stage Framework, which sets out safety, welfare and learning and development requirements.

So, there is no minimum session length, the reference to registration was to emphasise the need for providers to be capable of delivering care for more than 2 hours and follow the Framework.

### **Is there a requirement that providers have to offer free places at certain times?**

There is no national requirement that childcare providers must deliver free hours at particular times of the day or on particular days of the week. However, the Early Education and Childcare Statutory Guidance for Local Authorities states that local authorities should encourage providers to offer flexible packages of free hours. Providers are free to choose when to deliver free hours, as long as they meet the standards set out in the guidance.

The guidance is clear that evidence shows that continuous provision is in the best interests of the child. Where it is reasonably practicable local authorities should ensure that children are able to take up their free hours in continuous blocks and avoid artificial breaks being created throughout the day, for example, over the lunch period.

The guidance also makes it clear that providers should publish their admissions criteria and provide clear information so parents can understand which hours/sessions can be taken as free provision.

### **Why should parents, who are splitting the extended offer over two or more providers, have to identify where they are taking the universal element?**

If a parent ceases to meet the eligibility criteria, they may, at that point choose with which provider they wish to continue their child's universal entitlement. The local authority will manage this process with parents and providers. However, asking parents to identify this in advance, and then to confirm that decision if it is needed, helps local authorities and providers to plan and manage places.

## **Delivery Models – Schools (July 2017)**

### **When are children pupils of a school?**

Children become registered pupils of a school, when the school enters their names into the register of pupils. Schools must enter pupils on the admission register and attendance register from the beginning of the first day on which the school has agreed, or been notified, that the pupil will attend the school. This is set out in the School Attendance Guidance under contents of admission register – expected first day of attendance (<https://www.gov.uk/government/publications/school-attendance>).

Once they are registered pupils of the school that is their status, even if they are attending a breakfast club or other non-class based provision at the school. Children do not become pupils of a school by virtue of receiving education at the school.

### **You use the phrase 'normal school day' in operational guidance – what do you mean by that? Why not say 9am-3pm?**

Governing bodies have the power to set the school day locally. So we cannot say 9am-3pm as many schools will have a different day. The normal school day consists of a morning and afternoon session, as set by the governing body of that school.

### **We have a mixed early years unit with children aged 2-4 that is open from 8-6 what do staffing do I need?**

You should work through paragraphs 3.28 to 3.40 in the EYFS Framework to determine what staffing you need for the mix of children attending the unit.

The ratios for 2 year-olds are the same regardless of the type of school. However, for 3 and 4 year-olds there are various options depending on the type of schools.

Paragraphs 3.35 and 3.36 set out the requirements for academies and free schools.

Paragraph 3.37 (and associated footnotes) set out the requirements for maintained schools. However, outside of the normal school day, so that is before the start of morning session and after the end of the afternoon session, maintained schools may choose to operate provision for 3 year-olds without a school-teacher. This is also the case for holiday provision. In this case the staff:child ratio must be 1:8, there must be one person who holds a full and relevant L3 qualification, and at half of the other staff must hold a full and relevant L2.

## **We have a breakfast and after-school club that takes our nursery children – how do I deliver 30 hours?**

The governing body and headteacher will have to decide what flexible packages they can offer to parents. We cannot offer specific advice but there are models and further advice on Childcare Works website.

## **We have education/childcare split what do I do?**

All provision for children who have yet to reach the September following their 5<sup>th</sup> birthday, is covered by Early Years Foundation Stage (EYFS) Framework and this makes no distinction between education and childcare. Furthermore, all providers delivering both universal (15 hours) and the extended entitlements (30 hours) must deliver the learning and development requirements (or have a specific exemption from so doing).

So governing bodies and headteachers should ensure that whether the provision in their school is in a nursery class, or as a community or charitable facility, they are following the EYFS Framework. There are some flexibilities on staffing and ratio requirements depending on the type of provision and these are set out in the Framework. So, governing bodies and head teachers should work through the EYFS Framework to determine suitable staffing structures based on the mix of children and the type of provision.

## **Charging**

### **Can providers charge for meals?**

Providers are able to charge parents for meals, nappies and additional activities such as trips and additional teaching such as learning a musical instrument. However, these charges are voluntary and at the discretion of the parent and therefore cannot be a condition of accessing any free entitlement place.

Providers should deliver the free entitlements consistently to all children accessing any of the free entitlements, regardless of whether they opt to pay for additional hours, services, meals or consumables.

## **New Charging Questions (July 2017)**

### **What if a parent refuses to provide packed lunch but also refuses to pay for lunch at setting?**

The statutory guidance and operational guidance is clear that government funding is intended to deliver 15 or 30 hours a week of free, high quality, flexible childcare. It is not intended to cover the costs of meals, other consumables, additional hours or additional services.

To ensure that parents can make informed decisions on their choice of childcare, providers should publish a statement of how they deliver the free entitlement and any additional charges for optional activities outside of the entitlement. This should set out clearly the charges for meals, optional activities or additional hours. In fact, providers may wish to have a separate agreement for any additional hours or activities, which clearly sets out for how long the parent has opted to pay the additional charges and the circumstances when the parent can opt out of paying the additional charges.

## **Can I insist that a parent pays for the additional hours if I have a 10 hour day but only 6 of them are free entitlement hours?**

You cannot insist that a parent pays for additional hours in excess of the funded hours. Providers will need to be clear with parents on the pattern of funded hours they are able to offer. Obviously, if a parent wants additional hours they must pay for them but parents must not be required to take any additional hours as a condition of taking up their child's free entitlement place.

## **SEN/D and DAF**

### **Our school accesses “enhanced resourced funding” for SEND for 15 hours – if all our parents of children with SEND want 30 hours - where is our funding coming from?**

The high needs funding system provides funding to local authorities for children with special educational needs and disabilities (SEND) from their early years to the age of 25. In addition, the early years funding formula contains an additional needs element to take account of the number of children with additional needs in an area and a new disability access fund provides to support disabled children to access the free entitlements, equivalent to £615 per child per year.

The SEN Inclusion Fund also supports local authorities to work with providers to address the needs of individual children with SEN.

Early in 2017, we also allocated £23m to local authorities so that they could conduct a strategic review of provision for children with special educational needs and disabilities.

## **Early Years Pupil Premium (EYPP) (July 2017)**

### **Is EYPP only paid for universal offer?**

EYPP funding will continue to be 53p per hour for each eligible child for up to a maximum of 570 hours.

## **Relationship between LA and Providers (July 2017)**

### **Do providers need to sign up to an agreement with their LA to be funded for delivering the free entitlements?**

The Department's statutory guidance on early education and childcare is intended to set out what local authorities are required to do by legislation and what local authorities should do to meet their statutory responsibilities.

Local authorities must enter into arrangements with childcare providers for the delivery of free early education to ensure the providers comply with legislative requirements (except that there is no requirement to enter into arrangements with the governing body of a maintained school). Additionally, they must ensure that the arrangements may be terminated if the provider fails to meet the Ofsted quality standards set out in legislation (except for the governing body of a maintained school). These are often referred to as provider agreements. The local authority is not required to fund a provider that is unwilling to accept these requirements.

In March 2017, the Department published a Model Agreement for early years provision to bring greater consistency to provider agreements across all local authorities and all types of provider. This is clear that the expected headings and wordings provided should be used in every provider agreement unless there is good reason not to.

The statutory guidance is clear that, unless they have good reason not to, local authorities should use the model agreement as a tool for developing their agreements with providers.

**Is there anything in statutory guidance that LA have to provide business support?**

No, there is no statutory duty to provide business support to providers. However, LAs and providers may find the GOV.UK EY business sustainability support collection useful. The collection can be accessed here: <https://www.gov.uk/government/collections/early-years-business-sustainability>