



**Summary of  
Early Education and  
Childcare Statutory  
Guidance for Local  
Authorities**

## Summary of Early Education and Childcare Statutory Guidance for Local Authorities

Regarding delivery of free entitlement for two-, three- and four-year-olds

This document is intended to describe some of the key messages for providers, which come into effect on 1st September 2017. The full document can be found at:

[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/596460/early\\_education\\_and\\_childcare\\_statutory\\_guidance\\_2017.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/596460/early_education_and_childcare_statutory_guidance_2017.pdf)

### Eligibility criteria

The relevant dates (in relation to the age criterion) are as follows:

- Children born in the period 1st January to 31st March: the start of term beginning on or following 1st April after the child's second/third birthday;
- Children born in the period 1st April to 31st August: the start of term beginning on or following 1st September after the child's second/third birthday;
- Children born in the period 1st September to 31st December: the start of term beginning on or following 1st January after the child's second/third birthday.

### 2 year olds

- Income support;
- Income-based jobseeker's allowance;
- Income-related employment and support allowance;
- Support under Part 6 of the Immigration and Asylum Act 1999;
- The guarantee element of State Pension Credit;
- Child Tax Credit (but not Working Tax Credit) and have an annual income not exceeding £16,190, as assessed by Her Majesty's Revenue and Customs;
- A child whose parent is entitled to the Working Tax Credit four-week run-on (the payment someone receives for a further four weeks after they stop qualifying for Working Tax Credit);
- During the early introduction of Universal Credit, children in families in receipt of Universal Credit will also be entitled;
- Working Tax Credit under Part 1 of the Tax Credits Act 2002 by virtue of an award which is based on an annual income not exceeding £16,190;
- The child has a statement of special educational needs made under section 324 of the Education Act 1996;
- The child has an Education, Health and Care plan prepared under section 37 of the Children and Families Act 2014;
- The child is entitled to Disability Living Allowance under section 71 of the Social Security and Contributions and Benefits Act 1992;
- The child are looked after by a local authority;
- The child are no longer looked after by a local authority as a result of an adoption order, a special guardianship order or a child arrangement order (within the meaning of section 8(1) of the Children Act 1989) which relates to either or both of the following:
  - with whom the child is to live;
  - when the child is to live with any person.

## 30 hours for working families

- Each parent or the single parent in a lone parent household will need to expect to earn the equivalent of 16 hours at the national living wage or their national minimum wage rate over the forthcoming quarter;
- Where one or both parents are in receipt of benefits in connection with sickness or parenting, they are treated as though they are in paid work;
- Where one parent (in a couple household) is in receipt or could be entitled to be in receipt of specific benefits related to caring, incapacity for work or limited capability for work that they are treated as though they are in paid work;
- Where a parent is in a 'start-up period' (i.e. they are newly self-employed) they do not need to demonstrate that they meet the income criteria for 12 months in order to qualify for the extended entitlement;
- If either or both parents' income exceeds £100,000 they will not be eligible for the extended entitlement.

## Grace period

Local Authorities are responsible for checking continued eligibility; providers will be notified on or after the LA Audit date if any families are no longer eligible.

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

## Charging

Providers can charge for meals and snacks as part of a free entitlement place and they can also charge for consumables such as nappies or sun cream and for services such as trips and yoga. These charges must be voluntary for the parent. Where parents are unable or unwilling to pay for meals and consumables, providers who choose to offer the free entitlements are responsible for setting their own policy on how to respond, with options including waiving or reducing the cost of meals and snacks, or allowing parents to supply their own meals.

## Top up fees

Providers **cannot** charge parents "top-up" fees (the difference between a provider's usual fee and the funding they receive from the local authority to deliver free places).

Providers **cannot** require parents to pay a registration fee as a condition of taking up their child's free place. If a provider charges parents a deposit to secure their child's free place, the deposit must be refunded in full to parents within a reasonable time scale.

Providers must publish their admissions criteria and ensure parents understand which hours / sessions can be taken as free provision. Not all providers will be able to offer fully flexible places, but providers should work with parents to ensure that as far as possible the patterns of hours are convenient for parents' working hours.

## Inclusion

Providers should promote and identify children who qualify for the Early Years Pupil Premium and the Disability Access Fund.

## Flexibility

### Operational parameters:

- Maximum session length for a child is 10 hours;
- No minimum session length (subject to the requirements of registration on the Ofsted Early Years Register);
- Providers can offer free entitlement hours between 6.00am and 8.00pm;
- A child can access a maximum of two sites in a single day.

### Free places can be delivered:

- Up to 52 weeks of the year;
- Outside of maintained school term times;
- At weekends.

Parents should be made aware that the entitlement to a free place does not offer a guarantee of a place at any one provider or a particular pattern of provision.

Local Authorities are able to support families to find free childcare places, providers should signpost parents to the Cumbria Children and Families Information Service: contact details are: 03457 125 737 or Email: [childrens.information@cumbria.gov.uk](mailto:childrens.information@cumbria.gov.uk)

## Quality

Quality is benchmarked solely on the Ofsted inspection judgement of the provider. Providers who do not actively promote fundamental British values or if they promote views or theories as fact which are contrary to established scientific or historical evidence and explanations may have their funding removed.

The local authority can only fund places for two-year-old children in 'satisfactory' or 'requires improvement' providers where there is not sufficient, accessible 'good' or 'outstanding' provision.

The local authority must secure alternative provision and withdraw funding from a provider (other than a local authority maintained school), as soon as is practicable, when Ofsted publish an inspection judgement of the provider of 'inadequate'.

The local authority **cannot** withdraw funding from providers until Ofsted inspection judgement is published. Scope of requirements local authorities can place on providers.

- Places are delivered completely free of charge to parents
- Places are provided flexibly in a pattern which meets the needs of parents
- That the funding provided is used properly and in accordance with any arrangements made with providers
- That the provider meets the needs of disabled children and children with special educational needs
- Effective safeguarding and promotion of welfare of the children for whom the early education is provided and
- That providers actively promote fundamental British values and not promote views or theories as fact which are contrary to established scientific or historical evidence and explanations
- That the early years provider takes any measures identified in a report from Ofsted to improve the overall effectiveness of the provision
- Requirements are necessary for the effective administration of the arrangements

The government have issued a model agreement to use with providers, Cumbria County Council is developing the model agreement and it will be circulated in due course.

## Cumbria County Council contacts

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