

# Termination and Withdrawal of Nursery Education Funding Policy

April 2024

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## Context

Worcestershire County Council complies with Department for Education statutory guidance (**Early education and childcare - Statutory guidance for local authorities – April 2024**) and as such meets both the requirements and the recommendations of this guidance in order to ensure that as far as possible 'all children are able to take up their free hours in a high-quality setting'. (DfE 2024)

Worcestershire County Council therefore funds places where the provider meets the quality requirements and is willing to accept the local authority funding requirements.

Worcestershire County Council will withdraw a provider from the Directory of Funded Providers if they are not willing to accept the local authority funding requirements, or they do not meet the quality requirements and there are sufficient places elsewhere, which meet the needs of the children and families.

## Providers who do not meet the Local Authority funding requirements

The Nursery Education Funding team carry out audits in line with the agreed audit strategy. If providers are not meeting the funding requirements, they will receive support and guidance to enable them to do so. If they do not take part in an NEF Audit, do not provide the information required, or if they remain unable or unwilling to meet the requirements set out within the Statutory Guidance and/or the Worcestershire Provider Agreement, they will be removed from the Directory of Funded Providers.

Providers found to be submitting fraudulent claims will be removed from the Directory of Funded Providers immediately and will be required to repay any funding evidenced to have been paid through a fraudulent submission.

Providers who fail to complete the Early Years Census will be unable to access funding from the following April.

Providers' who are removed from the Directory of Funded Providers, as well as the parents/carers of the children accessing the funding at that provider, will receive notice of the intention to withdraw the provider from the Directory of Funded Providers.

## Providers who do not meet the quality requirements (other than Local Authority maintained provision)

Worcestershire County Council will immediately remove a provider from the Directory of Funded Providers if their registration is cancelled or suspended.

Following publication of an Ofsted or a Childminder Agency inspection judgement of 'inadequate' or 'not met', Worcestershire County Council will complete a radial search to ascertain what funded provision is within 2 miles of the setting:

- Where there are alternative settings within 2 miles, the setting will be able to continue offering funded provision for children already registered to attend but will not be able to

claim funding for any new children. A list of registered children who are not yet accessing funded provision must be submitted to the Early Years Funding Team via the Children's Services Portal within 3 weeks of the report being published.

- Where there are no alternative settings within 2 miles, the setting will be able to continue to offer funded places for current and new children.

Following publication of an Ofsted or a Childminder Agency inspection judgement of 'requires improvement', Worcestershire County Council will complete a radial search to ascertain what provision offering funded places for two-year-old children is within 2 miles of the setting:

- Where there are alternative settings within 2 miles, the setting will be able to continue offering funded provision for two-year-old children from families in receipt of additional Government Support (Two Year Old Funding) already registered to attend but will not be able to claim funding for any new children. A list of registered children who are not yet accessing Two-Year-Old Funding but are due to start must be submitted to the Early Years Funding Team via the Children's Services Portal within 3 weeks of the report being published.
- Where there are no alternative settings within 2 miles, the setting will be able to continue to offer funded places for current and new children eligible for Two-Year-Old Funding.

Providers judged by Ofsted or Childminder Agency as 'requires improvement' are able to continue offering funded provision for eligible children of working families and 3 & 4 year-old children eligible for universal hours, without restriction.

## Re-Inspection

Following re-inspection by Ofsted or a Childminder Agency, providers who continue to be judged as 'inadequate' or 'not met' will be given notice by Worcestershire County Council of the intention to remove the setting from the Worcestershire Directory of Funded Providers, subject to the outcome of a NEF Sufficiency Assessment.

Providers may remain in the Directory of Funded Providers if it can be evidenced that there are insufficient places elsewhere to meet the needs of the funded children using the provider.

Upon publication of the Ofsted report, providers will be expected to provide a list (via the Children's Services Portal) of all **currently** funded children and their registered attendance patterns. A copy of the term's register may also be requested.

The NEF Team will then contact providers within 2 miles of the provider's registered address to determine whether these children can be accommodated elsewhere.

If the provider in question is open and offering Nursery Education Funding all year round, only other all year-round providers will be considered. If the provider is operating on a term-time only basis **or** offering the funding on a term-time only basis, only providers with a term-time only funding offer will be considered.

The NEF Sufficiency Assessment will be shared with the Early Years and Childcare Sufficiency and Funding Group, who will then make a recommendation regarding withdrawal of funding, to be approved by the Group Manager – Sufficiency & Place Planning.

The decision will be made and communicated to the provider and parents/carers of funded children within four weeks of the published judgement. Parents/Carers will be written to directly, to inform

them of the decision. Access to funding will normally be withdrawn at the end of a term or at half term, giving parents/carers at least 6 (calendar) weeks' notice.

If it is considered necessary to retain a provider on the Directory of Funded Providers, they would not be able to offer funded places for children who were not already accessing a funded place with the provider when the sufficiency assessment was completed.

## Exemptions

Exemptions may be made for children with very complex needs (those in receipt of GR4 or Exceptional Inclusion Funding) or circumstances where it can be evidenced that a move to another provider would be detrimental to their health and wellbeing, for example a child who has recently suffered a bereavement or a child whose particular needs cannot effectively be met elsewhere.

For children who are looked after by a local authority, the Corporate Parent should be notified of the both the Ofsted judgement and the outcome of the NEF Sufficiency Assessment. If the provider is removed from the Directory of Funded Providers, the child's social worker would be expected to provide information to support any request of an exemption.

When a provider's access to funding is removed at the start of or during the summer term, an exemption will be allowed for children starting school in the following September as it may be unreasonable to expect them to adjust to a new provider for one term, followed by a new school shortly after, particularly in view of transition arrangements. Parents/carers will be able to make this choice independently.

Parents/carers wishing to apply for an exemption from the removal of funding must submit a request through their child's provider. Evidence of the child's circumstances and the reasons for why an exemption should be made must be submitted to the NEF Team at Worcestershire Children First, via the Children's Services Portal, before the end of the notice period. Any requests made after the notice period will not be considered. The request will be considered by the Early Years and Childcare Sufficiency and Funding Group and a response will be communicated directly to the provider.

## Quality Improvement

If a provider is able to continue offering funded places, following a 'requires improvement', 'inadequate' or 'not met' judgement, the provider must work with their allocated Improvement Advisor to improve the quality of their provision. The Improvement Advisor will track the progress of funded children at regular intervals until the setting is re-inspected, to ensure that funded children are receiving good quality early education.

## Re-inspection

Providers subsequently judged 'met', 'good' or 'outstanding' would become eligible to access all funding upon publication of the inspection report.

If providers receive a subsequent judgement of 'not met', 'requires improvement' or 'inadequate', they will be given notice of their removal from the appropriate Directory of Funded Providers and an NEF Sufficiency Assessment will **not** be completed.

## Local Authority maintained provision

Local Authority Maintained provision is under the control and is funded directly by the local authority. This includes all provision within a school's designated age-range that is included within the school's Pupil Admission Number (PAN). It does not include additional provision that is operated by the School Governing Body.

Worcestershire County Council and its' commissioned partners will take appropriate action to improve the quality of provision at a local authority-maintained school which has been judged by Ofsted to require significant improvement or has been placed in special measures.