

Termination and withdrawal of Nursery Education Funding Guidance

- Herefordshire local authority wish to work with all providers to ensure that they remain good or above as judged by Ofsted
- All providers must inform the early years team of a pending Ofsted inspection when given notice, or of an unannounced inspection as soon as possible.
- Providers must invite the early years team virtually or physically to their Ofsted feedback, where notes will be taken and sent to the provider.
- Any provider judged below good must work with the early years team to make rapid improvements in order to raise the quality of education and care and address concerns outlined by Ofsted
- Providers working with the early years team will be supported and given the time they need to make improvements
- providers who are judged by Ofsted as 'Requires Improvement' may be removed from the Herefordshire Directory of Funded Providers for Two Year Old Funding
- providers who are judged by Ofsted as 'Inadequate' may be removed from the Herefordshire Directory of Funded Providers

Providers may also be removed from the Herefordshire Directory of Funded Providers if they:

- fail to supply adequate information to complete an NEF Audit
- do not adhere to the 'Early education and childcare: Statutory guidance for local authorities', April 2023 [Early education and childcare - Statutory guidance for local authorities](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/111111/early-education-and-childcare-statutory-guidance-for-local-authorities.pdf) ([publishing.service.gov.uk](https://www.publishing.service.gov.uk)) and/or the current Herefordshire Provider Agreement
- fail to complete the annual Early Years Census
- fail to engage with the Early Years Personal Education Plan (EYPEP) process and therefore fail to meet the needs of children who are looked after
- fail to inform the Early years Improvement team of an Ofsted inspection or invite them to feedback

Removal of funding process

If a provider is judged to be 'Requires Improvement', 'Not Met' or 'Inadequate' by Ofsted:

- upon publication of the Ofsted report, providers will be expected to provide attendance patterns for all children who are currently receiving NEF - these families may be given notice of the removal of funding from their child's provider
- registered attendance pattern (including days and times)
- children who are not included on this list may not receive NEF after the publication of the Ofsted report

- A NEF sufficiency assessment may be conducted to ascertain if there is alternative provision available within the locality of the provider - where it can be evidenced that there is no alternative provision available for children it may be possible for the family to continue using the provider
- The NEF Sufficiency Assessment will be completed by the NEF/EY Team. Based on the results of the NEF Sufficiency Assessment, a recommendation will be shared with the Early Years Sufficiency team and the Head of Learning and Achievement
- notice will be given to the provider within four weeks of the judgement being published. Families of funded children will also be notified that funding will be removed from their child's provider - funding will cease from half-term or term break, depending upon the number of weeks remaining in the period, ensuring that at least 6 (calendar) weeks' notice is given
- providers who receive a subsequent judgement of 'requires improvement', 'not-met' or 'inadequate' will be given notice of their removal from the appropriate Directory; an NEF Sufficiency Assessment will not be completed

Herefordshire complies with Department for Education statutory guidance (Early education and childcare - Statutory guidance for local authorities – April 2023) 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 2023).

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

Herefordshire 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. Do not show rapid improvement 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. 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 Herefordshire 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)

Herefordshire will remove a provider from the Directory of Funded Providers for 2, 3 and 4 year old funding if their registration is cancelled or suspended.

Herefordshire Children First will consider removal from the Directory of Funded Providers for 2, 3 and 4 year old funding if:

- a provider receives a judgement of inadequate
- a provider receives a judgement of 'not met'
- a provider does 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
- an agency has indicated to the local authority that a childminder is not of the appropriate quality.

Herefordshire will also consider removal from the Directory of Funded Providers for 2 year old funding if:

- a provider receives a judgement of 'requires improvement'

Sufficiency of places

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 of all currently funded children and their registered attendance patterns. A copy of the term's register may also be requested.

The NEF/EY Team may 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 Sufficiency team and the Head of Learning and Achievement, who will then make a recommendation regarding withdrawal of funding.

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. Parents needs will be at the heart of this decision.

If it is considered necessary to retain a provider on the Directory of Funded Providers, they may 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 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 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 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 and 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, 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 Lead Early Years Improvement Advisor.

Quality improvement

If a provider is able to continue offering two year old funded places after a judgement of Requires Improvement, or two year old funding and/or 3 and 4 year old funding after a judgement of 'Inadequate' or 'Not Met', the provider must formally agree to work with their Improvement Advisor, showing progress with their Focused Rapid Improvement Plan (FRIP) in order to improve the quality of their provision. The Improvement Advisor will track the progress of funded the provider at regular intervals until the setting is re-inspected, to ensure that funded children are receiving good quality early education and that all actions and recommendations are being addressed. Where they have concerns they will share this directly with Ofsted.

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.

Herefordshire 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.