

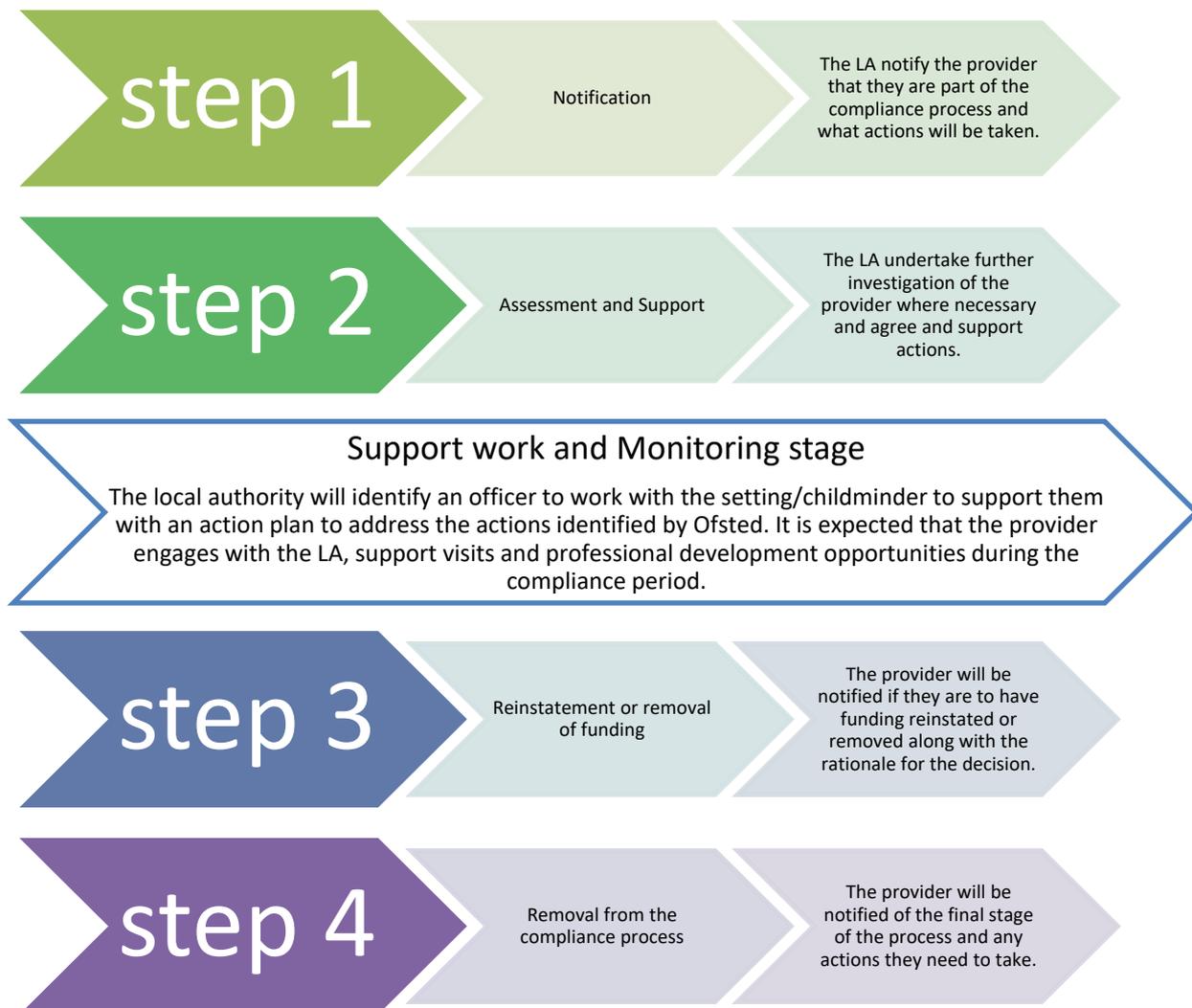
ANNEX D (i) – Guidance for Funded Early Education (FEEE) Compliance process (Quality and Finance Non-Compliance)

Quality - Funded Early Education Entitlement (FEEE) Compliance Process

In line with the Provider Agreement: Terms and Conditions for the provision of Funded Early Education Entitlement places Autumn 2020 (Section 2 – Quality, 2.41 to 2.51, 2.52).

If a provider is found to be in breach of the requirements set out in the above agreement the local authority will enter the setting or childminder into compliance; this is a process through which the provider’s suitability to deliver FEEE places is assessed (therefore may subsequently have part or all of their eligibility to deliver funded places suspended) and monitored until such times that the local authority are satisfied that the requirements have been met.

Flowchart 1 - Compliance Process:



Quality non-compliance

Provider Agreement - Autumn 2020

2.46 The minimum quality levels that must be maintained in order to remain eligible to deliver places are as follows:

- Providers delivering FEEE places to eligible 2 year olds are required to maintain a minimum Ofsted judgement of Good
- Providers delivering FEEE places to 3 and 4 year olds are required to maintain a minimum Ofsted judgement of Requires Improvement

Providers who have an Ofsted judgement of 'Met' can deliver FEEE places to 2, 3 and 4 year olds. The minimum quality levels above will apply when the subsequent full Ofsted inspection judgement is published.

New providers registered with Ofsted can deliver FEEE places to eligible 2, 3 and 4 year olds. The minimum quality levels above will apply when the first full Ofsted inspection judgement is published.

2.47 In the event that a provider is inspected and fails to meet the minimum quality criteria stated above, the provision will become non-compliant and the compliance process will be initiated.

2.52 For childminders registered with a childminding agency (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 – the childminder would then be subject to the compliance process

If a provider receives an inadequate inspection outcome: funding will be suspended until such times as the provider is re-inspected and receives an improved inspection outcome from Ofsted.

Documentary evidence will be required to evidence any funded children already on roll (as funding for these children may be able to continue, to support continuity of care, if deemed safe).

If a provider that delivers FEEE places is served a welfare requirement notice (WRN) by Ofsted the local authority will write to them requesting that the provider submits documentary evidence to the LA outlining the action taken in response to the WRN. This will be monitored under the compliance process until such times as Ofsted publish notification that the WRN is addressed and closed.

If a provider receives a Requires Improvement they will be given a 'grace period' during which they are required to demonstrate engagement in support offered by the local authority and commitment to addressing the actions set out by Ofsted in the report. Providing ongoing progress is shown towards the actions during this time the provider can continue to provide funded early education places to 2, 3 and 4 year olds, if at any point leading up to it, the provider fails to engage with support activity and does not demonstrate progress, the local authority reserve the right to suspend funding for the early education places for two year olds.

If however a provider is receiving a second consecutive less than good judgement, funding for 2 year old places would be suspended until such times as the provider is re-inspected and receives a good or above Ofsted judgement.

If a CMA reports concerns around a Leicester city childminder registered with them, the LA would liaise with the CMA about the appropriate course of action to take, including consideration to whether the childminder has breached conditions of the terms and conditions of FEEE delivery and therefore should be subject to the compliance process. The CMA would agree support for the childminder, monitor and assess agreed action and feedback to the LA.

If the LA are alerted to a breach of the terms and conditions for delivery of FEEE by a CMA childminder through another communication channel, they would liaise with the CMA and agree action in line with the compliance process.

Monitoring – Quality non - compliance

Providers in the compliance process will receive support as outlined in the Flow chart 1 above and progress towards the Ofsted actions will be noted at each visit or support opportunity with the provider from all of the local authority teams involved in the support for early years provision i.e. Early Education Development Team, Early Years Support Team or other teams/agencies deemed appropriate. Records made of support visits will be shared with the provider and they will have opportunity to feedback as appropriate.

Records of support/intervention with the provider will be reviewed throughout the compliance period, along with the providers engagement and overall progress being made. For settings in 'grace', this informs the decisions around funding and monitors conditions of compliance. Providers will be informed of any impact on their FEEE delivery/compliance process.

A provider remains in compliance and will be monitored until the setting is reinspected by Ofsted and receives an appropriately improved outcome which meets the quality requirements outlined in the provider agreement.

In exceptional circumstances the nature of the action set for the provider, by Ofsted may be such that it can be addressed with immediate effect, therefore not impacting on quality, if this is the case, given appropriate evidence, the LA will consider reinstatement of FEEE funding, but the provider would continue to be monitored under the compliance process until reinspected by Ofsted and receiving an improved outcome. This action is at the discretion of the LA.

Financial non-compliance

Please Note: refer to Annex D (ii) – Financial Audit process

In the event that Leicester City Council has evidence that a provider is not adhering to any of the statutory terms and deemed non-compliant, the provider will be entered into the compliance process and may subsequently have part or all of their eligibility to deliver funded places suspended.

If Leicester City Council is not satisfied with the actions taken by the provider to ensure that they meet the terms and conditions, the provider may be removed from the register. In order for the provider to begin delivering FEEE places again the provider will have to ensure they meet all the terms and conditions and reapply. Leicester City Council reserves the right to refuse funding to providers that have previously been excluded, dependant on the reason for exclusion.

Leicester City Council will provide help and support to providers where it is needed to ensure that all the conditions can be satisfied.

Monitoring – Finance non- compliance

Providers in the compliance process may receive support as outlined in the Flow chart 1 Please refer to Annex D (ii) regarding progress towards the recommendations highlighted by LA Auditing officer; this informs the decisions around funding and monitors conditions of compliance.

The provider remains in compliance and will be monitored until the financial issues are resolved and the provider is notified by the LA of this case being closed.