

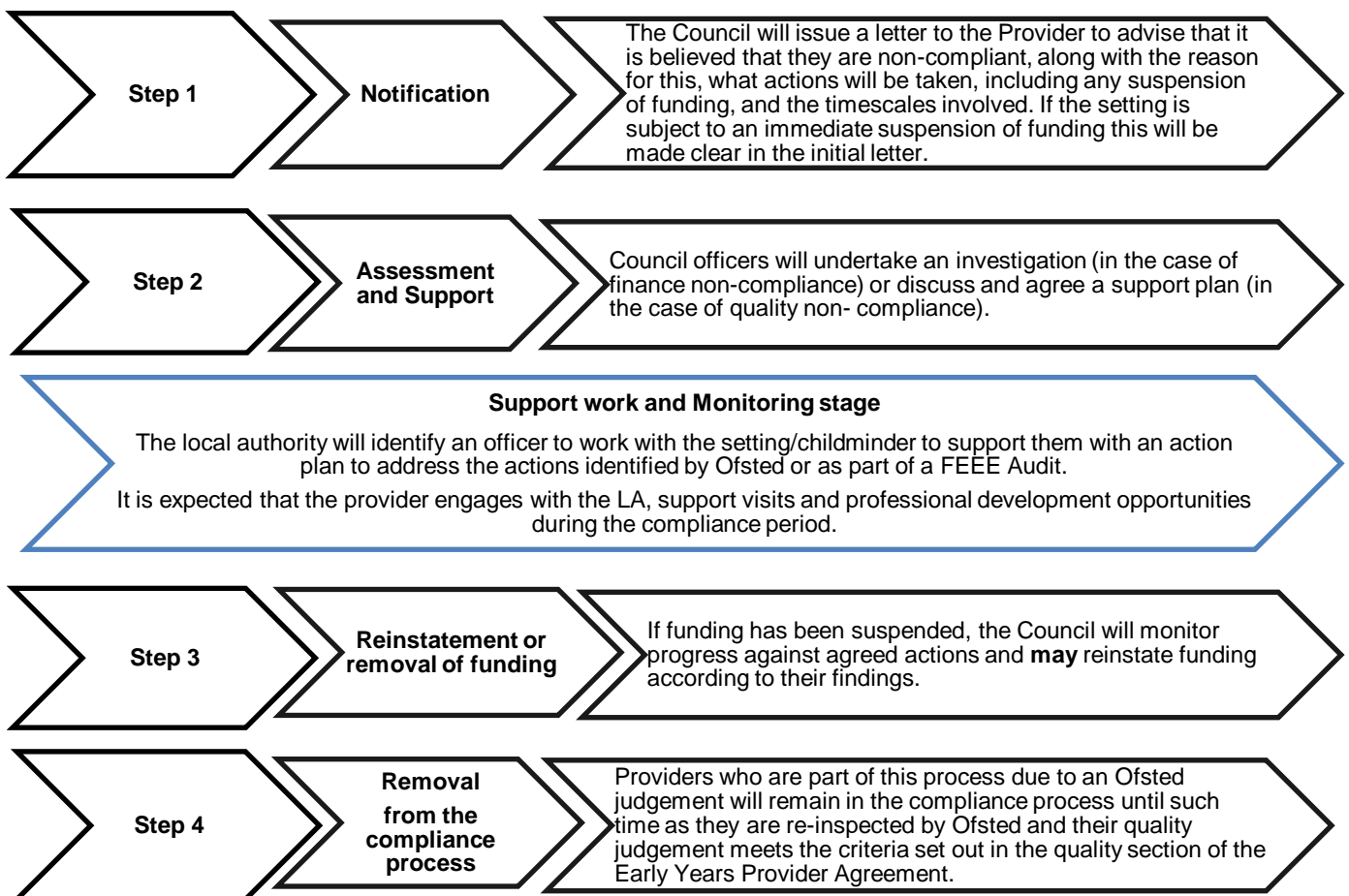
## ANNEX D (i) - Funded Early Education (FEEE) Compliance Process (Quality and Finance Non-Compliance)

If a Provider is found to be in breach of the requirements set out in the Early Years Provider Agreement, the Council will place the Provider into the Compliance Process.

This is a process through which the Provider's suitability to deliver FEEE places is assessed. As part of this process, the Provider may subsequently have part or all of their eligibility to deliver funded places suspended and/or monitored until such times that the Council is satisfied that the requirements of the process have been met.

This Annex sets out the compliance process that the Provider will be required to comply with in order to continue to provide FEEE places.

### Flowchart 1 - Compliance Process:



### What happens if a provider is not compliant with the requirements under the Quality section of the Early Years Provider Agreement?

If a Provider receives an Inadequate (or Not Met) inspection outcome from Ofsted or their Childminder Agency (CMA): funding for early education places for children aged 9-23 months, 2, 3 and 4 year olds will be suspended until such times as the Provider is re-inspected and receives an improved inspection outcome from Ofsted or the CMA. If the subsequent inspection outcome is Requires Improvement, funding for 3- and 4-year-olds and for the new entitlements for eligible children aged 9-23 months and 2 year olds from working families will be re-instated but not for 2 year olds from families receiving some additional forms of government support.

For childminders registered with a CMA, funding for early education places for children aged 9-23 months, 2, 3 and 4 year olds will be suspended where Ofsted has published a second consecutive inspection judgement of 'Ineffective' for their CMA and has identified concerns about the CMA's assessment arrangements.

Documentary evidence will be required to show 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 receives a Requires Improvement inspection outcome and it is the provider's first less than Good judgement, they may be given a 'grace period'. This would be at the discretion of the Council; if the nature of the

actions are appropriate. During the grace period, the provider is required to demonstrate engagement in support offered by the Council or the CMA and commitment to addressing the actions set out by Ofsted or the CMA 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 children aged 9-23 months, 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 Council reserve the right to suspend funding for the early education places for 2 year olds from families receiving some additional forms of government support. If a Provider who is in a grace period receives a second consecutive Requires Improvement inspection outcome, the grace period will end and funding for places for 2-year-olds from families receiving some additional forms of government support would be suspended until such times as the provider is re-inspected and receives a Good or above (or Met) judgement from Ofsted or their CMA.

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

If a CMA reports concerns around a childminder registered with them, the Council will 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 actions and give feedback to the Council.

If the Council is alerted to a breach of the terms and conditions for delivery of FEEE by a CMA childminder through another communication channel, they will 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. Their progress towards the Ofsted actions will be noted at each visit or support opportunity with the Provider from all the Council 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 period of the Compliance Process, along with the Providers engagement and overall progress being made. For Providers 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 and therefore not impacting on quality. If this is the case, given appropriate evidence, the Council 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 Council.

## Finance non-compliance and monitoring

Refer to [Annex D \(ii\)](#) for information on the Audit Process and Procedures.

In the event that the Council has evidence that a Provider is not adhering to the finance related statutory terms contained within Section 3 of the Early Years Provider Agreement it will be deemed non-compliant and the Provider will be entered into the Compliance Process. In such circumstances, the Provider may subsequently have part or all of their eligibility to deliver funded places suspended until such time as the Provider is deemed to be compliant.

Providers under Finance Non-Compliance may receive support as stated in Flowchart 1 above.

The Provider will remain in compliance and their progress, towards the recommendations highlighted by the Council audit officer, will be monitored until the financial issues are resolved and this will inform the decisions around funding. The Provider will be notified by the Council when the financial issues are resolved and the case being closed.

If the Council is not satisfied with the actions taken by the Provider, as directed under the Compliance Process to ensure that they meet the terms and conditions, the agreement between the Provider and the Council may be terminated upon notice given by the Council. In order for the Provider to begin delivering FEEE places again the Provider will have to ensure they meet all the statutory and contractual terms under the Early Years Provider Agreement to reapply.

The Council reserves the right to refuse funding to Providers that have previously been excluded, dependant on the reason for exclusion and providing that such refusal is reasonable in the circumstances.

The Council will provide help and support to providers where the Council believes it is reasonable to do so to assist the Providers to ensure that the statutory and contractual terms can be satisfied.