



**Havering**  
LONDON BOROUGH

# Early Educational Entitlement - Free Places for 3 and 4 Year Olds

**A Detailed Guide for Parents and Guardians**

**April 2011 – March 2012**

## Contents

Title	Section
The Early Educational Entitlement	1
Key Principles	2
Flexibility	3
Directory of EEE providers	4
Parental declarations	5
Appeals	6
Where Can I Find Out More?	7

## 1. The Early Educational Entitlement (EEE)

### **(a) The entitlement to free early years provision for 3 and 4 year olds**

The EEE for 3 and 4 year olds is at the heart of the Government's vision for all children to have access to high quality early years provision that helps them reach their full potential. It offers universal free provision from the term following a child's third birthday up until they reach compulsory school age, for every child, irrespective of background or family circumstances. From September 2010, the EEE equates to 15 hours per week, over a minimum 38 weeks of the year, with flexible access to meet parents' needs.

### **(b) Amount of free provision**

With effect from September 2010, the entitlement to free early years provision for every eligible child is 570 hours per year, the full 570 hours must be taken over no fewer than 38 weeks in any year – for example, at least 15 hours per week over 38 weeks of the year. The entitlement cannot be delivered over fewer than 38 weeks, so providers delivering less than this must not exceed 15 hours of the EEE per week. This may result in a reduced entitlement at that provider (refer to section 2c for further details).

A year commences on the date the child becomes eligible for free early years provision and subsequent years commence on the anniversary of this date. However, although this free provision must be available over at least 38 weeks of the year, the regulations do not prevent the entitlement being stretched over more than 38 weeks of the year, with fewer than 15 hours a week to enable the entitlement to be delivered more flexibly.

### **(c) Eligibility**

The regulations prescribe that children become eligible for free early years provision on the dates set out below:

A child born in the period	Will become eligible for a free place
1st April to 31st August	1st September following child's 3 <sup>rd</sup> birthday (Autumn* term)
1st September to 31st December	1st January following child's 3 <sup>rd</sup> birthday (Spring* term)
1st January to 31st March	1 <sup>st</sup> April following child's 3 <sup>rd</sup> birthday (Summer* term)

\* based on a 3 term school year

### **(d) A free place for every 3 and 4 year old**

A child moving to England from another country is entitled to free early years provision on the same basis as any other child regardless of whether they have British citizenship.

## 2. Key principles

### ***(a) Fees and charges for the EEE***

The EEE is a free, part-time place for each eligible child and parents should advise the Local Authority (LA), if the following principles are not being met by the EEE provider (refer to section 6 for further details):

1. No conditions of access - providers who deliver the EEE must not impose on parents conditions of access to which they must agree in order to take-up their free hours, i.e. parents must not be obligated to purchase additional hours or pay lunch time charges in order to secure free provision.
2. No fees charged for free hours - providers must not charge “top up” fees (the difference between what a provider would normally charge and the funding they receive from the LA to deliver the EEE) in relation to any free hours. Providers must ensure that no other fees are being charged in relation to the EEE, for example for registration or uniform.
3. Completely free at the point of delivery - parents are not required to pay up-front and be refunded at a later date, and if they want to access only their free place, they will be able to do so.
4. Clear invoicing to parents – providers must ensure parents’ bills are set out clearly so that parents can easily recognise and understand what hours they have accessed in relation to the EEE and how any fees relate to additional services or hours. The EEE must not be represented to parents as a monetary subsidy, but as a free part-time place.
5. Charges for additional hours - the rates which providers charge for their privately funded hours are a matter for them to decide and should not be dictated by LAs.

### ***(b) Accessing the full entitlement***

Parents may not always be able to access their full entitlement at the times they want, at their provider of choice. In these circumstances parents should contact the Foundation Years and Independent Advice Service\* to discuss alternative provision which can be offered as a choice to the parent.

### ***(c) Providers not delivering the full entitlement***

It is recognised that some providers are not able to be open for 15 hours a week or the full 38 weeks a year, and so may not be able to offer the full minimum EEE. For example, independent schools which are usually only open 34 weeks of the year, or a playgroup open only 12 hours a week due to shared premises. Parents can choose a reduced entitlement at these providers if they wish, however, the LA is under no obligation to offer the rest of the child’s EEE elsewhere in these circumstances. For details of providers in Havering who are able to deliver the full entitlement, please contact the Foundation Years and Independent Advice Service\*.

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\* Please refer to ‘Where can I find out more?’ for contact details

### **3. Flexibility**

#### ***(a) Guaranteed models of access to the EEE***

There is a national expectation that certain guaranteed models of access to the EEE should be available in every LA for any parent who wants them. This does not mean they must be available through every provider. This secures for parents a minimum guarantee and a clear understanding of flexibility in their extended entitlement:

1. 570 hours of free provision within a year, with the full amount to be taken over no fewer than 38 weeks - parents can take up as much or as little as they wish.
2. Parents will have a choice of provider, although may not always be offered the full entitlement at the times they want, at their provider of choice.
3. Parents who want it, should have access to their EEE in the following models (although not necessarily at their provider of choice):
  - i. 3 hours a day over 5 days of the week
  - ii. 5 hours a day over 3 days of the week

#### ***(b) National Framework for Delivery***

The framework for delivery sets the parameters for the EEE, outside of which the local flexible entitlement should not operate. Where provision of the full EEE is secured through a partnership of 2 providers, their combined offer should be within the national framework.

The framework limits are:

- i. No session longer than 10 hours
- ii. No session shorter than 2.5 hours
- iii. Not before 8am or after 6pm
- iv. The full 15 hours over no fewer than 3 days (this would permit up to 12.5 hours over 2 days)
- v. A maximum of 2 providers at any one time

#### ***(c) Take up of the EEE across 2 providers or 2 LAs***

If a child attends two providers and receives in total more than the maximum EEE, the LA will apportion the amount of funding payable in respect of that child, based on the number of free hours accessed at each provision. Parents do not have a right to choose which provider is funded through the EEE. If over claims occur, parents will be liable for hours over and above their EEE entitlement at the EEE provider/s.

If a child accesses free provision at 2 providers in different LAs, the LAs will agree between themselves who will receive the funding. In cases where this cannot be resolved between the 2 LAs in question the Department for Education will allocate the funding to the LA in which the child is resident based on the child's post code. If over claims occur, parents will be liable for hours over and above their EEE entitlement at the EEE provider/s.

#### ***(d) Children who move or start late in the term***

The LA should ensure that, from parents' perspective, eligible children are provided with the EEE as soon as they start at a provider, including if they change provider late in the term – unless this breaks the terms of the parental declaration (refer to section 5 for further details).

If a parent joins a provider and this results in the breach of an existing parental declaration, then the parent may be liable for the EEE cost for the remainder of the contract length. For example, if a parent leaves provider A and joins provider B mid-term and this breaches the terms as set out in the parent declaration (with provider A), then the parent may be required to pay for the EEE for the remainder of the parental declaration at provider B.

Parents should adhere to any notice period required by the EEE provider.

LAs should ensure that parents are not expected to pay for any part of their EEE if the child starts after the termly census date and where this occurs, parents should follow the appeals procedure as set out in section 6 of this guide.

#### ***(e) Charges for meals***

Providers can make a reasonable charge for meals provided to children during the day. However, as LAs are legally required to secure free provision, they must work with providers to ensure that they do not place any conditions of access on the entitlement including payment for meals (refer to section 2a for further details).

For some parents, charges for meals may present a significant barrier, which in practice denies children access to the EEE. The LA will work with providers who require it, to ensure that, where children are accessing the EEE over the lunch period, any charge that a provider makes for lunch has been agreed with parents in advance, and that parents are given the option of providing a packed lunch if this would be more affordable.

## 4. Directory of EEE Providers

### ***(a) Who provides EEE places?***

The term 'early years provider' or 'provider' within this guide includes maintained schools; non-maintained schools; independent schools; and childcare registered by Ofsted on the Early Years Register, all of which are required to meet the EYFS requirements. All providers must be registered with the Foundation Years and Independent Advice Service (FYIAS) to be eligible to claim free EEE places for 3 and 4 year olds. Parents should contact the FYIAS for further details\*.

EEE providers could be any of the following:

- Day Nursery
- Pre-School
- Accredited Childminder
- Independent School
- Maintained Nursery School

### ***(b) The Early Years Foundation Stage (EYFS)***

The overarching aim of the EYFS is to help young children achieve the five *Every Child Matters* outcomes of staying safe, being healthy, enjoying and achieving, making a positive contribution, and achieving economic well-being.

All early years providers who are required to register with Ofsted, are required by the Childcare Act 2006 to deliver the Early Years Foundation Stage (EYFS). For more details on this framework please visit: <http://www.havering.gov.uk/index.aspx?articleid=14258>

### ***(c) Delivery of the EEE through childminders***

Not all childminders can access EEE funding and parents should contact the Foundation Years and Independent Advice Service for more details about the directory of EEE providers\*. All childminders who are able to access the EEE should adhere to the following key principles:

- Has achieved a Quality Mark
- Is qualified to minimum level 3, or working towards this.
- Has received a good or outstanding Ofsted rating

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\* Please refer to 'Where can I find out more?' for contact details

## 5. Parental Declarations

### ***(a) Parental declaration guidance***

Providers of the EEE should establish Parental Declarations with parents, which set out the hours and patterns of access to the EEE that the parent and provider have agreed to, usually on a termly / 3 monthly basis.

Providers should set out the terms of the declaration with parents, for example:

- I understand that the 15 hours free entitlement must be free at the point of delivery and that I cannot be charged for this in advance
- I have received a EEE detailed parent guide 10/11 from the Setting and have been advised of additional services available for my child and I understand that I will have to pay fees for these services
- I understand that I have to provide notice in line with the Settings terms and conditions in order for the EEE funding to follow my child if they move to another setting during the funded term
- If I do not adhere to the notice period as stated on this agreement I agree that I may be liable for the cost of the EEE at this or any other EEE provider
- I understand that if my child leaves this setting they will complete a EEE Funding Transfer Form
- My child is not registered to claim more than 15 hours EEE funding

Providers should also agree the conditions under which parental declarations can be amended or broken; for example:

- If the family leaves the area
- If the family's circumstances change, i.e. a new job / unemployment.
- Child with long term sickness
- To accommodate changing shift patterns
- Provision not appropriate to the child's needs

### ***(b) Parental Choice – school admissions***

A child reaches compulsory school age either on or after their 5<sup>th</sup> birthday, on whichever of the following dates is either on, or the first to follow, their birthday: 31st August, 31st December or 31st March.

When determining the arrangements for primary schools that admit children below compulsory school age, the admission authority must make it clear that:

- a) the arrangements do not apply to those being admitted for nursery provision including nursery provision delivered in a co-located children's centre;
- b) parents of children who are admitted for nursery provision must apply for a place at the school if they want their child to transfer to the reception class;

- c) attendance at the nursery or co-located children's centre does not guarantee admission to the school; and
- d) parents can request that the date their child is admitted to the school is deferred until later in the school year or until the child reaches compulsory school age in that school year;
- e) parents can request that their child attends part-time until the child reaches compulsory school age.

As at the time of writing this document, where children receive their EEE through a maintained provision (school), any hours accessed outside of this through another EEE provider will be at full cost to the parent.

For more details regarding schools admissions, please visit the Education and Learning section of the Havering website at [www.havering.gov.uk](http://www.havering.gov.uk) or contact School Support and Pupil Services on 01708 434600 or email [schooladmissions@havering.gov.uk](mailto:schooladmissions@havering.gov.uk).

## **6. Appeals Procedure**

### ***(a) Why does the LA have an appeals process?***

The LA has put into place an appeals procedure for parents who are not satisfied that their child has received their EEE in the correct way from their EEE provider, as outlined in this guide.

### ***(b) Who is the appeal made to?***

Appeals from parents must be made formally in writing to:

Policy Officer  
Foundation Years and Independent Advice Service  
Learning and Achievement  
Scimitar House,  
23 Eastern Road, Romford  
RM1 3NH

### ***(c) What does the appeal need to contain?***

In order for the appeal to be investigated by the LA, the following information must be provided:

- The full name, date of birth and address of the child/ren concerned.
- The name of the provision(s) the child attends at including full details of the patterns of attendance.
- The reason for the appeal, including the relevant sections under this guide.
- The full name of the parent/guardian who has legal responsibility for the child.
- The appeal must be signed and dated by the appellant.

An appeal is not valid until it contains the grounds on which the appeal is made. The appeal grounds do not need to be lengthy, but must be clearly stated; without this, the appeal timeline is unable to commence and the appeal will be rejected.

### ***(d) Who hears the appeal?***

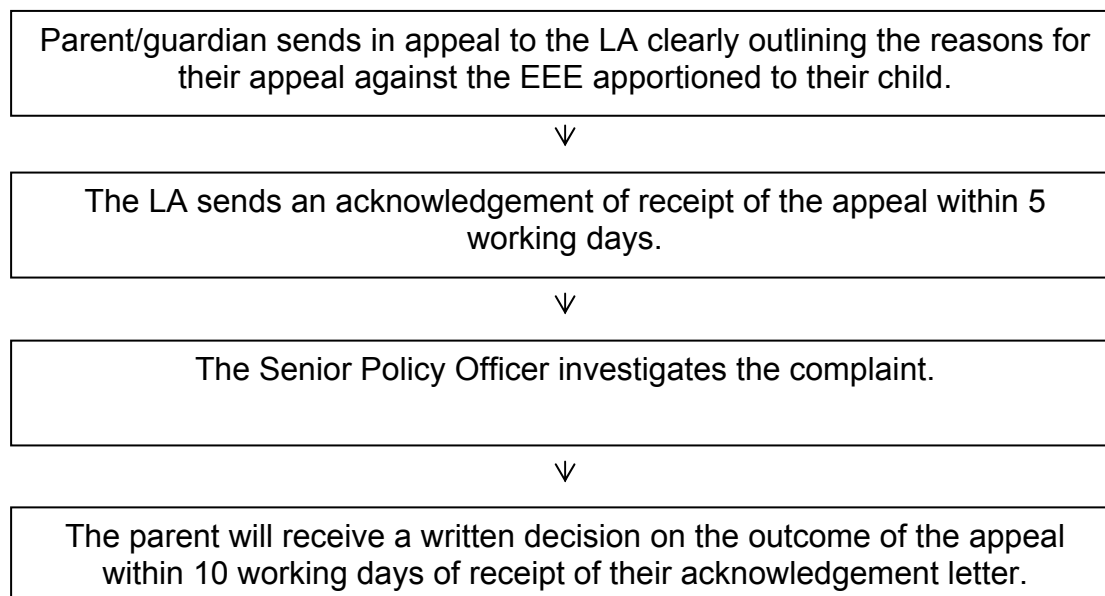
All parent/guardian appeals regarding EEE will be heard in the first instance by the Senior Policy Officer who will investigate the complaint made and make a decision as to the outcome within 10 working days of the acknowledgement letter being sent to the parent/guardian.

### ***(e) How is the information kept?***

All contents of a parent/guardian appeal including any information held with regards the child's personal identifiers (e.g. name, address, date of birth) will remain private and

confidential, and securely kept at all times. The LA may be required to contact the nursery for clarification and so the nature of your appeal may be disclosed to the provider.

***(f) What is the appeal process and timeline?***



***(g) What if parents are still dissatisfied?***

If following the Senior Policy Officer's investigation the parent/guardian is still dissatisfied with the outcome, the appeal will be heard by the Early Years Provider Reference Group (EYPRG). EYPRG is an independent forum made up of professionals from a range of services across the London Borough of Havering Early Years Sector; EYPRG meet once a term. They will have the final decision as to the outcome of the appeal.

***(h) Are there circumstances where there is no right to appeal?***

All parents/guardians have the right to appeal if they consider that their child's entitlement to the EEE has not been administered in the correct way.

***(i) Who can parents talk to for more information?***

The majority of concerns can be alleviated through discussions with your EEE provider in the first instance. If you are concerned that your child's EEE has not been correctly administered, or have any questions relating to your EEE, please contact your child's EEE provider in the first instance. If following this, you would like to discuss the EEE any further, please contact the Foundation Years and Independent Advice Service\*.

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\* Please refer to 'Where can I find out more?' for contact details

## **7. Where can Parents find out more?**

### ***(a) Foundation Years and Independent Advice Service***

Havering Foundation Years and Independent Advice Service (FYIAS) – provide information for children, young people, parents and professionals, with information about tax credits, childcare vouchers, or other financial benefits that may be available to you.

Free phone: **0800 678 1991** (9am-5pm, Mon-Fri-out of hours answer phone)

Email: [correspondence\\_FYIAS@haverinq.gov.uk](mailto:correspondence_FYIAS@haverinq.gov.uk)

Website: [www.haverinq.gov.uk/directory](http://www.haverinq.gov.uk/directory)

### ***(b) Help with the costs of childcare***

FYIAS can also give information regarding help with childcare costs, such as Tax Credits, Care to Learn and Employer Supported Childcare Vouchers.

Should you require any further information, please contact FIS or visit the Havering Family, Youth and Community Directory: [www.haverinq.gov.uk/directory](http://www.haverinq.gov.uk/directory)

### ***(c) Privacy Notice***

Data controllers (those who collect and hold data) have to provide “data subjects” (individuals who are the subject of personal data) with details of who they are, the purposes for which they process the personal data, and any other information that is necessary to make the processing of the personal data fair, including any third parties to whom the data may be passed on. This is referred to as a “privacy notice”.

The Privacy Notice process involves advising pupils/parents/carers once only about the Data Protection Act arrangements. In the initial round of the new process every pupil/parent/carer must therefore be advised through a direct communication, but it will not need to be repeated thereafter for existing pupils. All new pupils joining a setting will need to receive the same information. This may be through the use of an existing process e.g. inclusion in the Provider Prospectus or welcome pack. EEE providers may also wish to include a reference in other annually produced and shared communications with parents (e.g. newsletters or individual child’s report etc.) to ensure that the message and link to web based information is clear. For more information relating to privacy notice, please contact your EEE provider.