

# Early Years Free Entitlements – Frequently Asked Questions

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*You should read these FAQs alongside the Statutory and Operational Guidance.*

## **Overview of the 30 hours extended entitlement**

### **Is it childcare or early education?**

All funded provision must deliver the Early Years Foundation Stage framework. There is no difference in the education and care standards which must be met for both the universal 15 hour and extended 30 hour entitlements.

### **How many weeks of the year is 30 hours available for?**

Working families are entitled to 30 hours in each of the 38 weeks of the academic year. Parents can choose to stretch this offer over up to 52 weeks of the year where this meets their childcare needs, for instance 22 hours a week for 52 weeks, or just under 24 hours for 48 weeks.

### **Will the 15 hour entitlements continue?**

All three and four year olds, and the most disadvantaged two-year olds, continue to be entitled to 15 hours early education a week for 38 weeks of the year. Parents can choose to stretch this offer over up to 52 weeks of the year where this meets their childcare needs, for instance just under 12 hours a week for 48 weeks.

## **Funding**

### **How much will providers be paid?**

Local authorities determine the funding rates for providers in their area based on the EYNFF Operational Guidance. All local authorities should have told providers their hourly rate annually before 31st March.

Local authorities must pass onto providers the majority (95%) of the funding for three and four year olds they receive centrally.

Local authorities must offer the same funding rate for both the universal 15 hours as well as the additional 15 hours. They must also offer a universal base rate to all types of providers by 2019-20.

Local authorities must grant a supplement on the basis of deprivation. They also have the discretion to award supplements on the basis of rurality/sparsity, flexibility, quality and English as an additional Language (EAL).

### **Will providers be paid more to meet the needs of children with SEND?**

There is a range of support for children with SEND:

- The Disability Access Fund (DAF) worth £615 per eligible child.
- The SEN Inclusion Fund requires local authorities to work with providers to address the needs of individual children with SEN.
- The Early Years National Funding Formula (EYNFF) contains an additional needs element to take account of the number of children with additional needs in an area.

- The Government will provide £250 million additional funding for high needs, which covers those with complex additional needs aged 0 – 25, over this financial year and the next, on top of the increases we already promised. This brings the total allocated for high needs this year to £6.1 billion and £6.3 billion in 2019-20.
- Two-year-old children in receipt of Disability Living Allowance (DLA) and/or an Education Health and Care plan (EHC) are also eligible for the 15 hours entitlement.

### **Will my authority be funded for children not on the annual census count?**

Local Authorities are funded for the early years free entitlements based on the annual January censuses. The funding for a particular financial year will typically be based on two censuses: so for 2018-19, final funding allocations will be based on January 2018 and January 2019 census data.

This means that local authorities will not be funded for any children who take up free entitlement hours but who are not captured in the annual censuses. However children who are captured on the annual census returns but subsequently become ineligible will be funded. We understand there will be some churn in eligibility on the 30 hours entitlement, but we expect the net financial impact to be low.

## **Early Years Workforce**

### **Who does the change to level 3 EYE qualification requirements apply to?**

The requirement for level 3 EYEs to also hold GCSEs in English and mathematics Grade A\*- C to count in staff:child ratios as set out in the EYFS was broadened in April 2017 to include other suitable level 2 qualifications, including functional skills.

This change means that practitioners who started their EYE qualification from 1 September 2014 will now need to hold suitable level 2 English and mathematics qualifications to count in the staff:child ratios at level 3. The requirement sets the minimum qualification requirements, but employers are free to set their own specific requirements for recruitment of staff.

We have not removed GCSEs from the list of suitable qualifications and therefore some employers and training providers may wish to continue to apply them to recruitment.

### **What literacy and numeracy qualifications are accepted as a 'suitable level 2 qualification' to enable the holder to count in the level 3 staff: child ratios as outlined in the EYFS?**

The Department for Education (DfE) is responsible for defining the level 2 qualifications that are suitable. These will be listed in on the Early Years Qualifications List from 3 April 2017 and are as follows:

English

- functional skills qualification in English at level 2
- GCSE/International GCSE qualification in English language and/or literature to at least grade C (grade 4)
- key skills qualification in communication at level 2

- A level or AS level qualification in English language and/or English literature to at least grade E
- O Level qualification in English to at least grade C
- CSE grade 1 English (language)

Also recognised Scottish, Northern Irish and Welsh equivalents.

## Maths

- functional skills qualification in maths at level 2
- GCSE/International GCSE qualification in maths to at least grade C (grade 4)
- key skills qualification in application of number at level 2
- A level or AS level qualification in maths or pure maths and/or further maths to at least grade E
- O level qualification in maths to at least grade C
- CSE grade 1 maths

Also recognised Scottish, Northern Irish and Welsh equivalents.

### **When will the qualifications list be updated to reflect this?**

The qualifications list was updated from April when the change came into effect:

<https://www.gov.uk/guidance/early-years-qualifications-finder#level-2-literacy-and-numeracy-qualifications>

### **When will the change to the literacy and numeracy requirements be implemented?**

The revised EYFS came into force from 3 April 2017. However, the requirement for staff to hold a suitable level 2 English and maths qualifications to count in the staff: child ratios at level 3 applies to all staff who started their EYE qualification from 1 September 2014.

This means that those who hold or are currently working towards an EYE qualification (either stand alone or as part of an apprenticeship program) can count in the level 3 ratios if they hold a suitable level 2 qualification in English and maths once they have achieved their EYE qualification.

## **Eligibility for 30 hours**

### **How will providers know if a child is eligible?**

Parents will apply online and will be given a unique code; they must give this code to their provider, along with their national insurance number and child's date of birth, so that the provider can confirm with their local authority or a provider portal that it is a valid code.

## **What about seasonal workers who are unable to find another job within the grace period?**

If parents are in their grace period but do not find alternative employment (that is, they are still ineligible once the grace period has lapsed) then their child is only entitled to the universal 15 hour entitlement.

The grace period should only apply to children who are taking up a childcare place but then lose eligibility. A child cannot start taking up a 30 hours place if the parent loses eligibility before the start of term.

## **What will happen if there is a mass redundancy, e.g. car factory, and many parents fall out of eligibility all at the same time?**

Parents should be entitled to a 'grace period' where they can keep their childcare for up to a term after they lose eligibility.

## **What happens if a parent wants to defer their child's entry to reception or school? Can they still get 30 hours?**

If a parent continues to meet the eligibility criteria they can continue to take up their child's free 30 hours at a private, voluntary or independent childcare provider until their child reaches compulsory school age. This is providing they choose not to take up their child's right to a place in a state-funded school reception class in the September following their child's fourth birthday.

## **If a parent accepts a school place in September but defers entry until April (as the child turns 5 in March) can they still get 30 hours? What census should they be recorded on?**

If the parent meets the eligibility criteria they can take up 30 hours at a private, voluntary or independent provider between 1<sup>st</sup> September and 31<sup>st</sup> March.

Schools must enter pupils on the admission register and attendance register from the beginning of the first day on which the school has agreed, or been notified, that the pupil will attend the school, in this case in April. The school should not complete the January school census for that child as they will not be a registered pupil in January.

If the child is taking up free hours at a PVI provider, the hours for that child should be recorded on the Early Years Census.

## **Can parents use some of their 30 hours for drop-offs/collection from school?**

Children who are in a state-funded school reception class or in an independent school reception class which is funded by the local authority are receiving their entitlement through the school. Therefore, they cannot receive 30 hours on top for private childcare before or after school. This is the same as the 15 hour universal entitlement.

## **I'm a student [midwife/nurse] and my partner works more than 16 hours. Are we eligible for 30 hours?**

In order to qualify for 30 hours free childcare each parent must earn the equivalent to 16 hours at National Living Wage or their Minimum Wage. If one partner is in full-time education and does not meet the income requirement, the household will not be eligible. However, they are entitled to the universal 15 hours entitlement for three and four year olds.

### **I'm on paid maternity / paternity / adoption leave. Am I eligible for 30 hours?**

If you're on paid maternity/paternity leave then you should be eligible for 30 hours free childcare provided that you can demonstrate that you will either be on statutory leave or you will meet the minimum income criteria in the three months following your declaration to HMRC.

You are eligible if you are on adoption leave for a different child to the one you are claiming 30 hours for provided that you can demonstrate that you will either be on statutory leave or you will meet the minimum income criteria in the three months following your declaration to HMRC. So if you have adopted a 1YO and your eldest is now turning 3, you would be eligible. But if you had adopted the 3YO they would not be eligible until 31 days before you planned to return to work.

### **We have parents where one is working and the other doesn't have recourse to public funds. Are they eligible for 30hours?**

If the parent applying has recourse to public funds and the remaining eligibility criteria are met then the household should be eligible.

### **I have accepted a job offer but not started work yet – am I eligible for 30 hours?**

In order to qualify for 30 hours free childcare, parents should be in work or to expecting to be in work within 31 days of applying.

### **Why do only providers and local authorities see validity periods assigned to a child's 30 hours code? Why can't parents see them?**

This is to enable local authorities to manage their local market, and for providers to manage their places. Parents will receive all communication – including reminders about reconfirmation through the "Secure messages" section of their childcare service account.

## **Application for 30 hours Free Childcare (Extended Entitlement)**

### **The parent only wants the 15 hour universal free early education. Do they need to complete a Childcare Service application?**

No. Parents do not need to apply through the digital childcare service if they only want to claim the universal 15 hours entitlement.

### **A parent doesn't have a Government Gateway ID, what do they need to do?**

They need to sign up and create a Government Gateway account first. They will usually need:

- name
- date of birth
- National Insurance number
- email address
- Proof of ID such as passport



## **Two working parents – do providers need to see both NI numbers?**

No providers do not need to see both NI numbers. Providers only need to verify the code against either the applicant or the partner listed on the application. Usually, the parent who made the application will share their details with the provider. However, a partner who is listed on the application may come in place of the applicant. In that case, they should bring their own National Insurance number.

## **A parent has completed their application and it says they will receive a message but they have not had an email yet.**

Messages will appear in the “Secure Messages” section of their Childcare Service account. Parents should log into their account. Their 30 hours eligibility code will be found under “Secure Messages” and under “30 hours free childcare”.

## **Parent was already taking up universal 15 hours with one provider. They have now applied for 30 hours and want to take these with a second provider. Do they only show their code to the second provider?**

No they should take their code, national insurance number and child’s date of birth to all providers where they are claiming free childcare.

## **What about parents who are due to start work – what evidence do they need to confirm eligibility?**

Parents who are not working, but expect to start a new job in the next 31 days can apply. HMRC will determine whether parents meet the eligibility criteria. HMRC may follow up with parents before making a final decision if any information is unclear.

## **When do parents have to apply for 30 hours?**

A parent can apply for 30 hours free childcare up to 16 weeks before their child turns three.

A parent can claim 30 hours from the term after both of the following conditions are met, whichever is later:

- the child’s third birthday, and
- the date they receive their eligibility code from HMRC.

It is important to apply in good time to enable to you fulfil these conditions ahead of the start of term. Term start dates are 1<sup>st</sup> September, 1<sup>st</sup> January and 1<sup>st</sup> April.

Every three months, parents will be asked to reconfirm that they are still eligible. Therefore, if a parent applies very early, they may need to reconfirm that they are still eligible before they have taken up their place. If the parent already has a childcare account for a child i.e. using Tax-Free Childcare, they will automatically receive a 30 hours eligibility code, after a successful reconfirmation, from 16 weeks before the child turns three.

## **When do parents have to verify their code with their provider?**

Parents should verify their code with their provider in good time to reserve their 30 hours place. This will give parents more certainty over their childcare arrangements and will help providers to plan their

allocation of places. A parent can reserve a place for their child with their provider prior to the code being verified, but the code must be verified before the child can take up their place.

It is up to individual providers to decide whether they wish to set deadlines for parents booking childcare places.

**A parent has applied for 30 hours successfully and verified their code. However, they need to reconfirm their eligibility before the start of term. Do I offer the parent a place?**

In some circumstances, parents may apply for 30 hours free childcare or receive their code more than three months before the start of term. Providers can still reserve a place for the parent but should only start the child in their 30 hours provision if the parent remains eligible when they reconfirm.

## Providers

**Do providers have to offer 30 hours?**

No. It is a provider's choice whether they deliver the 30 hours entitlement or not. They can choose to offer some or all of the hours. Parents are free to shop around to find appropriate funded provision.

**Who can offer 30 hours?**

Day-nurseries, childminders and playgroups that are registered on the Ofsted Early Years Register, and childminders registered with an Ofsted-registered Childminder Agency can deliver the 30 hours entitlement in full, or work in partnership with other providers to deliver part of it. Schools can also offer 30 hours. Parents are able to split their entitlement across more than one provider subject to a maximum of two sites in a single day.

**Is funding for maintained nursery schools being cut?**

Maintained nursery schools (MNS) are an important part of the early years sector. They provide valuable high quality services, often to disadvantaged areas, and contribute to social mobility. We are giving LAs enough funding to enable them to maintain current levels of MNS funding, and we have just extended the period over which this funding will be available - from March 2020 to September 2020. This allows LAs to fully-fund their MNS for the whole of the 2019/20 academic year. What happens after this will be decided as part of the next Spending Review.

**How can sessional providers deliver 30 hours?**

We encourage providers to work in partnership to offer 30 hours. For example, sessional providers who cannot offer 30 hours a week can work with childminders to offer wraparound care, which meets the needs of working parents eligible for 30 hours.

**Do parents have to take up the full 30 hours?**

No, parents eligible for the 30 hours can take up any amount of childcare up to a maximum of 30 hours.

## Delivery Models

### **What do we mean by no minimum session length subject to Ofsted registration requirements?**

We referenced the registration requirement because, for the delivery of the free entitlements, we want the best outcomes for children and so have restricted it to providers who are registered on Ofsted's Early Years Register, childminders that are registered with an Ofsted registered Childminder Agencies or schools who are exempt from registration on the Ofsted Early Years Register. All registered (or exempt) provision must follow the Early Years Foundation Stage Framework, which sets out safety, welfare and learning and development requirements.

So, there is no minimum session length, the reference to registration was to emphasise the need for providers to be capable of delivering care for more than 2 hours and follow the Framework.

### **Is there a requirement that providers have to offer free places at certain times?**

There is no national requirement that childcare providers must deliver free hours at particular times of the day or on particular days of the week. However, the Early Education and Childcare Statutory Guidance for Local Authorities states that local authorities should encourage providers to offer flexible packages of free hours. Providers are free to choose when to deliver free hours, as long as they meet the standards set out in the guidance.

The guidance is clear that evidence shows that continuous provision is in the best interests of the child. Where it is reasonably practicable local authorities should ensure that children are able to take up their free hours in continuous blocks and avoid artificial breaks being created throughout the day, for example, over the lunch period.

The guidance also makes it clear that providers should publish their admissions criteria and provide clear information so parents can understand which hours/sessions can be taken as free provision.

### **Why should parents, who are splitting the extended offer over two or more providers, have to identify where they are taking the universal element?**

If a parent ceases to meet the eligibility criteria, they may, at that point choose with which provider they wish to continue their child's universal entitlement. The local authority will manage this process with parents and providers.

## Delivery Models – Schools

### **When are children pupils of a school?**

Children become registered pupils of a school, when the school enters their names into the register of pupils. Schools must enter pupils on the admission register and attendance register from the beginning of the first day on which the school has agreed, or been notified, that the pupil will attend the school. This is set out in the School Attendance Guidance under contents of admission register – expected first day of attendance (<https://www.gov.uk/government/publications/school-attendance>).

Once they are registered pupils of the school that is their status, even if they are attending a breakfast club or other non-class based provision at the school. Children do not become pupils of a school by virtue of receiving education at the school. Children who are pupils of the school must be recorded on the school census.

### **You use the phrase ‘normal school day’ in operational guidance – what do you mean by that? Why not say 9am-3pm?**

Governing bodies have the power to set the school day locally. So we cannot say 9am-3pm as many schools will have a different day. The normal school day consists of a morning and afternoon session, as set by the governing body of that school.

### **We have a mixed early years unit with children aged 2-4 that is open from 8-6 what do staffing do I need?**

You should work through paragraphs 3.28 to 3.40 in the EYFS Framework to determine what staffing you need for the mix of children attending the unit.

The ratios for 2 year-olds are the same regardless of the type of school. However, for 3 and 4 year-olds there are various options depending on the type of schools.

Paragraphs 3.35 and 3.36 set out the requirements for academies and free schools.

Paragraph 3.37 (and associated footnotes) set out the requirements for maintained schools. However, outside of the normal school day, so that is before the start of morning session and after the end of the afternoon session, maintained schools may choose to operate provision for 3 year-olds without a school-teacher. This is also the case for holiday provision. In this case the staff:child ratio must be 1:8, there must be one person who holds a full and relevant L3 qualification, and at half of the other staff must hold a full and relevant L2.

### **We have a breakfast and after-school club that takes our nursery children – how do I deliver 30 hours?**

The governing body and head teacher will have to decide what flexible packages they can offer to parents. We cannot offer specific advice but there are models and further advice on Childcare Works website.

### **We have education/childcare split what do I do?**

All provision for children who have yet to reach the September following their 5<sup>th</sup> birthday, is covered by Early Years Foundation Stage (EYFS) Framework and this makes no distinction between education and childcare. Furthermore, all providers delivering both universal (15 hours) and the extended entitlements (30 hours) must deliver the learning and development requirements (or have a specific exemption from so doing). There are no exemptions from the welfare requirements.

So governing bodies and head teachers should ensure that, whether the provision in their school is in a nursery class, or as a community or charitable facility, they are following the EYFS Framework. There are some flexibilities on staffing and ratio requirements depending on the type of provision and these are set out in the Framework. So, governing bodies and head teachers should work through the EYFS Framework to determine suitable staffing structures based on the mix of children and the type of provision.

## Charging

### **Can providers charge for meals and other activities?**

Government funding is intended to deliver 15 or 30 hours a week of free, high quality, flexible childcare for eligible 2, 3 and 4 year olds. It is not intended to cover the costs of meals, other consumables, additional hours or additional services and providers are able to charge parents for these.

However, these charges are voluntary and cannot be a condition of accessing any free entitlement place. Providers should deliver the free entitlement hours consistently to all children accessing them, regardless of whether they opt to pay for additional hours, services, meals or consumables.

## New Charging Questions

### **Allowing parents the option of bringing in a packed lunch is not manageable for providers. What if a parent refuses to pay for lunch and wants to bring a packed lunch?**

The statutory guidance and operational guidance are clear that government funding is intended to deliver 15 or 30 hours a week of free, high quality, flexible childcare. It is not intended to cover the costs of meals. Providers can charge for meals and snacks as long as they do not make this a condition of a parent taking up a 15 or 30 hours place.

Where parents are unable or unwilling to pay for meals, providers are responsible for setting their own policy on how to respond, with options including waiving or reducing the cost of meals and snacks or allowing parents to supply their own meals.

### **Can I insist that a parent pays for the additional hours if I have a 10 hour day but only 6 of them are free entitlement hours?**

You cannot insist that a parent pays for additional hours in excess of the funded hours. Providers will need to be clear with parents on the pattern of funded hours they are able to offer. Obviously, if a parent wants additional hours they must pay for them but parents must not be required to take any additional hours as a condition of taking up their child's free entitlement place.

## Early Years Pupil Premium (EYPP)

### **Is EYPP only paid for universal offer?**

EYPP funding will continue to be 53p per hour for each eligible 3 or 4-year-old child for up to a maximum of 570 hours (up to £302 per year).

## Relationship between LA and Providers

### **Do providers need to sign up to an agreement with their LA to be funded for delivering the free entitlements?**

The Department's statutory guidance on early education and childcare sets out what local authorities are required to do by legislation and what local authorities should do to meet their statutory responsibilities.

Local authorities must enter into arrangements with childcare providers for the delivery of free early education to ensure the providers comply with legislative requirements (except that there is no requirement to enter into arrangements with the governing body of a maintained school). Additionally, they must ensure that the arrangements may be terminated if the provider fails to meet the Ofsted quality standards set out in legislation (except for the governing body of a maintained school). These are often referred to as provider agreements. The local authority is not required to fund a provider that is unwilling to accept these requirements. The department first published a Model Agreement in March 2017. A revised version was published in June 2018. The model agreement sets out the department's expectations, in line with the statutory guidance and Early Years Foundation Stage requirements, on what should be included in all agreements between local authorities and providers. The expected headings and wordings provided should be used in every provider agreement unless there is good reason not to.

The statutory guidance is clear that, unless they have good reason not to, local authorities should use the model agreement as a tool for developing their agreements with providers.

### **Is there anything in statutory guidance that state LAs have to provide business support?**

No, there is no statutory duty to provide business support to providers. However, LAs and providers may find the GOV.UK EY business sustainability support collection useful. The collection can be accessed here: <https://www.gov.uk/government/collections/early-years-business-sustainability>