



Nottingham City Council

Early Years Free Entitlements

Information on financial disputes for parents/carers relating to free early years entitlement places.

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1. Introduction

This guidance outlines how Nottingham City Council ('the Council') and early years and childcare providers ('providers') fulfil their legal obligations with regards to the delivery of free early years entitlement places.

This guidance is to inform you, as parents and carers, of the process for raising concerns around the free early years entitlements places and outlines the process for the Council dealing with these concerns in a transparent, fair and reasonable way.

The eligibility criteria for free entitlement places is set by central government and further information can be found on the ASKLiON website at https://www.asklion.co.uk/kb5/nottingham/directory/landing.page?directorychannel=3_1

Please note that any additional hours or services, over and above the free early years entitlement hours, will be a private arrangement between you and your provider. The Council will not intervene where you choose to purchase additional hours or services, providing that this does not affect your ability to take up your child's free place.

2. Nottingham City Council's responsibilities

As a local authority, Nottingham City Council is legally obliged to secure a free entitlement place for every eligible child in the local authority area. These obligations are contained in the Childcare Act 2006 and 2016; and regulations, and are discussed further in the [Early Education and Childcare: Statutory Guidance for Local Authorities](#)

The Council has a Provider Agreement with all providers who receive funding to deliver places. The Council ensure that providers comply with the requirements set out in the Provider Agreement, which details the terms and conditions that must be adhered to when delivering the free early years entitlements. The Council has an audit process in place to monitor these Agreements and ensure that the Council is funding these places appropriately according to its obligations.

3. Provider's responsibilities for delivering free early years entitlements places

The responsibilities of providers are set out in the Provider Agreement between the provider and the Council, detailing what providers can and cannot do when providing the free places.

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The responsibilities of providers set out in the Provider Agreement are in place to ensure that the Council fulfils its own legal obligations in securing early years provision, free of charge.

Depending upon eligibility, children are able to access 15 or 30 hours per week of free, high quality, flexible childcare for the equivalent of 38 weeks per year. These hours must be delivered completely free of charge. The following list outlines some of the main requirements that providers must uphold when providing these places:

- **Free entitlement places must be delivered completely free of charge to the parent/carer.** Providers must not charge parents 'top-up fees' – This means any difference between a provider's normal charge to parents/carers and the funding they receive from the Council to deliver the free places. Providers must not require parents/carers to pay a registration fee for the child to take up a free place.
- **Providers should deliver the free entitlement consistently so that all children accessing any of the free entitlements receive the same quality and access to the provision.** This must apply regardless of whether parents/carers opt to pay for additional hours, services, meals or consumables.
- **Providers should publish their admissions criteria, along with the days and times the free entitlement places, along with all additional service charges.**
- **Providers must be completely transparent about any additional charges.** All invoices should be set out in such a way to allow you to easily understand what hours you have accessed in relation to the free early years entitlements and, if applicable, what additional hours or services you have been charged for.
All invoices should be clear, transparent and itemised. Any additional charges should be clearly outlined and itemised so they can be easily distinguished from the free early years entitlements. These charges should also mirror the detail within the Parent/Provider Agreement to reflect what was agreed to when the place at the provider was accepted.

The Council give examples of invoice templates to support providers to comply with these requirements.

- **Providers can charge for the costs of meals and consumables (such as lunch, nappies or sun cream), however they must offer a free alternative.** This can include allowing you to provide a packed lunch, your own nappies or sun cream. The provider must ensure that the 15 or 30 hours provision remains completely free at the point of delivery.

4. The process for raising concerns around the free early years entitlements

4.1 Complaining to the Provider

The above information outlines the financial aspects of how you should receive your free early years entitlement place. If you have any queries, or are unhappy with this, in the first instance you should raise your concerns with your provider. Your provider must have a written, published and accessible complaints procedure for parents/carers who are not satisfied that their child has received their entitlement appropriately.

You should follow the provider's complaints procedure before raising your concerns with the Council.

4.2 Complaining to the Council

Unfortunately, some issues cannot be resolved by dealing directly with the provider.

If you have raised your concerns through the provider's complaints procedure and remain dissatisfied with the outcome, you can make a complaint to the Council. The Council will endeavour to reach a fair and reasonable resolution as quickly as possible.

The appropriate route for complaining to the Council is via a process called 'Have Your Say'.

You can raise your concern online at <https://www.nottinghamcity.gov.uk/hys>, by telephoning 0115 915 5555 or by putting your concern in writing to; Have Your Say, Nottingham City Council, Loxley House, Station Street, Nottingham, NG2 3NG.

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When the Council receive a complaint relating to the free early years entitlements, we will:

Acknowledge and Consider the Complaint

The Council will consider what you have submitted in your complaint to establish the nature of the issue. Within 10 days of receiving the complaint, we will acknowledge the complaint and may ask you for supporting documentation; such as invoices, agreements, correspondence or receipts and ask for your permission to contact the provider about the complaint, if necessary.



Engage with the Provider

Once we have considered all the information you have provided, a decision will be taken as to whether or not we need to contact the provider to obtain additional information and discuss this matter further. We will update you within 10 days of our previous communication if we will require additional time to complete the complaints process. We will give you an estimated date for an outcome of your complaint at this time.



Review of Obligations under the Provider Agreement

Having informed you that we require additional time to review all the information and continue discussions with the provider, we will do so by reviewing the provider's legal obligations within the Provider Agreement in conjunction with all documentation provided to enable an informed outcome to be reached regarding the complaint raised.



Outcome

After considering all relevant information against the terms and conditions of the Provider Agreement, and the Council's own legal obligations; a decision will be made as to whether the provider has made any breach of this Agreement.

You will be notified of the outcome and the reasons for the decision made and also of any resulting actions. If we find that there has been a breach of the Provider Agreement, the Council will work with the provider to rectify the matter.

4.3 Complaining to the Ombudsman

The Council will take all reasonable steps to ensure that your complaint is dealt with appropriately, concluding in a suitable resolution to the issue. If you are still dissatisfied, and after both the provider's and Council's complaints procedures have been exhausted, you contact the Local Government & Social Care Ombudsman.

The Local Government & Social Care Ombudsman is a free, independent and impartial service that investigates complaints and effectively resolves disputes relating to Councils and other public bodies. The Ombudsman will publish the conclusions of any investigations they undertake but have no legal powers to enforce their recommendations.

The Ombudsman can be contacted at www.lgo.org.uk or by telephoning 0300 061 061 or in writing at Local Government Ombudsman, PO BOX 4771, Coventry, CV 0EH.