



**LONDON BOROUGH OF RICHMOND UPON THAMES  
CHILDREN'S SERVICES AND CULTURE**

**Local conditions for inclusion in the local Directory of Providers  
1 September 2009 to 31 August 2010**

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## Introduction

The following conditions have been devised to ensure that children in receipt of publicly funded free nursery education have a consistently high standard of care and education regardless of the setting their parents choose. The conditions are not designed to discourage diversity but will ensure that parents can make an informed choice. These local conditions reflect the best of current practice in London Borough of Richmond upon Thames.

Section 153 of the Education Act 2002 requires the London Borough of Richmond upon Thames as the Local Authority (LA) to have regard to the current Sure Start Code of Practice on the Provision of Free Nursery Education for 3 and 4 year olds (the Code) when providing financial assistance to private, voluntary and independent providers of free places and to attach conditions which ensure the standards are at least met. If a provider fails to meet such conditions, the Council may require the repayment of the whole or part of any financial assistance they have made to the provider in respect of the provision of free places. The Council also has the discretion to remove providers from the Local Directory of Providers if conditions are infringed. In the event of this happening, there is an appeals procedure.

### Glossary of terms used in the Local Conditions

<b>The Directory of Providers</b>	The local directory of all providers within the local authority who are eligible to claim funding for free early education places.
<b>Early Years Settings</b>	Nurseries, accredited childminder networks, preschools and schools offering free nursery education places
<b>Settings</b>	All nurseries, accredited childminder networks, preschools and schools
<b>Early Years Practitioners</b>	Adults working with children in Early Years Settings- delivering the Early Years Foundation Stage Curriculum
<b>Early Years Foundation Stage</b>	The Statutory framework for setting the standards for learning, development and care for children from birth to five (Every Child Matters Change for Children DCSF 2008)
<b>LA</b>	Local Authority
<b>The Code</b>	'A Code of Practice on the Provision of Free Nursery Education Places for Three and Four Year Olds' produced by the Government Sure Start Unit and updated each year.

The Office for Standards in Education (OFSTED) Early Years Directorate carry out regular inspections to ensure that settings meet required standards as set out in the EYFS. Local conditions are set by Council officers on behalf of the Director of Children's Services and Culture.

The Early Years and Childcare Service has combined the new national Early Quality Improvement Programmes, which it is required to use, with its local Support and Improvement Programme. The London Borough of Richmond upon Thames new programme is called 'Improving Quality for Children'.

New settings must successfully complete the Local Authority's quality improvement toolkit 'Improving Quality for Children (IQC)' prior to joining the Directory of Providers (DoP) and be rated as 'green' (it takes a minimum of 6 months to be accepted onto the DoP following this pathway). Accredited childminders may be expected to use a different audit tool.

Settings already on the DoP will need to work with EYCs on ICQ and to work to maintain a 'green' status. In addition to evidence that the setting is continuing to work with IQC, a view on the quality of provision in a setting is informed by:

- Ofsted judgement on how well a setting meets the standards for Care and Education as set out in the EYFS.
- The level of compliance with the local conditions of grant as evidenced through observation by Council Officers.

Settings must allow the Head of Early Years and Childcare Services or an officer acting on his/her behalf to visit a setting at any reasonable time and work with them in response to recommendations for improvement.

In this document local conditions are numbered and are written in conventional type. Additional guidance is given at some points in italics. These are not conditions but provide some explanation or background information

# 1. Applying to join the Directory of Providers

**By being included on the Directory of Providers, early years settings undertake to deliver a high standard of early years education and care and to provide free nursery education places. It must never be assumed that, where a setting has 3 and 4 year olds on roll, there will be automatic inclusion onto the local Directory of Providers.**

## 1.1 Acceptance to the Directory and conditional acceptance

Providers may make an application to join the Directory. The Early Years & Childcare Service will guide the provider through the process. The Council will need to be sure that the provider meets the conditions laid out in this document.

Where a setting is unable to comply with the local conditions, this does not necessarily imply the setting is operating in an inappropriate way or is not eligible for registration with OFSTED. It may mean the setting does not comply with local conditions for settings joining the DoP after September 2009. For example, where there is no direct access to an outside play area. These settings may, at the discretion of the Head of Early Years and Childcare Services, be provisionally added to the directory where there is a local need to do so. In these cases the addition will be conditional with a deadline indicated for when full compliance must be achieved.

## 1.2 Rejection and appeals

Applications to join the Directory will be rejected if the provider is not able to meet the local conditions laid out in this document. Where an application is rejected, the Council will write to the provider with an explanation of its decisions. The Council will retain any paperwork relating to an application.

The Council must maintain an up to date list of settings on the Directory of Providers in the private, voluntary or independent sectors that are eligible to claim funding for the provision of free nursery education places. The Code sets out criteria for eligibility and conditions for inclusion in the Directory.

*\*\*The Early Years and Childcare Service maintains a list of settings on the Directory of Providers. During the academic year 2009 -2010 all settings will be graded 'red', 'amber' or 'green'. Settings graded as 'red' are those new to the DoP, or where Ofsted, the setting or LA officers consider a high level of input is needed. 'Amber' settings require regular support. Settings graded as 'green' will receive light-touch support from the Early Years and Childcare Service.*

## 1.3 Removing providers from the Directory

The Code includes provisions for the Council to **add** providers to the Directory, **reject** an application to be included in the Directory or **remove** providers from the Directory.

Where a setting changes ownership or there are substantial changes to the provision, e.g. where there has been a high level of staff turnover or changes to the type of service provided, this may mean the provider has effectively become a new setting. If the new setting is consequently unable to meet the Local

Conditions then they will be removed from the Directory. If an existing provider ceases to meet the Local Conditions or has withdrawn reasonable co-operation with the Council, then the provider may be removed from the Directory. Providers will be informed if this is the case and provided with a written explanation. The setting will be required to inform parents of this decision. In these cases the setting may reapply to join the Directory when any recommendations contained in the explanation are addressed satisfactorily.

All Early Years Providers must inform the Early Years and Childcare Office Manager, Melanie Adams, on 0208 831 6267 when an Ofsted inspection is taking place. The Council will remove from the Directory any provider who has their registration withdrawn by OFSTED. The setting may remain on the Directory of Providers during an initial appeal but must keep the Early Years and Childcare Service informed throughout the process.

#### **1.4 Appeals**

Providers have the right to appeal against a decision to reject or remove them from the Directory. All providers will be informed of the appeals procedure including how an appeal can be made, to whom it should be made, how it will be dealt with and within what timeframe.

#### **1.5 Nursery Education Appeals Panel**

The Nursery Education Appeals Panel will consist of three persons:-

- (a) a second-tier officer in the Children's Services and Culture.
- (b) a third-tier officer in the Council's Services and Culture (who is independent of the Early Years Development and Child Care Service); and
- (c) a representative person from the Directory of Providers.

The appellant is entitled to be accompanied by another person who may assist them in presenting their case at the Panel hearing. The Head of Early Years and Childcare Service will present the management response on behalf of the Council. The Panel, having heard the appeal and the management's response, will make recommendations to the Director of Children's Services and Culture who will be authorised to make the final decision.

#### **1.6 Possible outcomes of the appeals process**

A provider who has been removed from the Directory, or who has been informed that they will be removed from the Directory imminently, may be readmitted to the Directory where the appeals panel upholds the decision that they may reapply to join.

Should a provider not be satisfied with their treatment under the appeal process they should follow the Council's complaints procedure.

## **2. Information, policies and admissions**

### **2.1 Information for parents**

Settings must provide clear information on policies, procedures and fees to prospective and existing parents. The setting must comply with welfare requirements and keep documents as directed by Ofsted and set out in the Statutory Framework for the Early Years Foundation Stage.

### **2.2 Admissions**

Private, independent and voluntary settings are free to set their own admission criteria but these must be open and transparent and applied fairly. Early Years Settings included on the Directory are required to ensure that their admission policy -

- does not discriminate against children in any way - for example under the Disability Discrimination Act 1995; and
- children cannot be refused a place based on parental background/faith, culture, ethnicity; except where legislation specifically allows faith schools to give priority to children whose families are of a particular faith or denomination
- does not require children taking up a free nursery place to sit a test, be interviewed or selected on the grounds of academic ability

### **2.3 Information for Richmond upon Thames Early Years and Childcare Service**

Settings in receipt of Nursery Education Grant must comply with requests for information and keep financial information from the Department for Children, Schools and Families (DCSF), Children's Workforce Development Council (CWDC) and local authority Early Years and Childcare Service or Workforce Development team as requested, including those from the Council's audit department. Settings are required to provide the Early Years and Childcare Service with an email contact and must make every reasonable effort to access local and national information regarding early years and childcare online.

Proprietors should complete the following statements and sign the undertaking below. On behalf of:

Name of setting: .....

I agree to abide by the following document:

- The London Borough of Richmond upon Thames Local Conditions of Nursery Education Grant dated November 2009

And undertake to ensure that **all** the staff employed in the above named setting carry out the duties necessary to ensure that the terms of both the Code of Practice and the Conditions of Grant are fulfilled.

Signed \_\_\_\_\_ (Proprietor)

Date \_\_\_\_\_

Please return the completed form to:

**Melanie Adams, Office Manager, Early Years and Childcare Team,  
Children's Services and Culture, London Borough of Richmond upon  
Thames, 2<sup>nd</sup> Floor, Regal House, London Road, Twickenham TW1 3QB**