



**LONDON BOROUGH OF RICHMOND UPON THAMES  
EDUCATION, CHILDREN'S AND CULTURAL SERVICES**

**Local conditions for inclusion in the local Directory of Providers  
1 September 2011 to 31 August 2012<sup>1</sup>**

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<sup>1</sup> The local authority reserves the right to make amendments to these local Conditions of Grant in the next financial year starting April 2012.

# 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 7 of the Childcare Act 2006 requires the London Borough of Richmond upon Thames as the Local Authority to have regard to the current national Code of Practice (CoP) for local authorities on delivery of free Early Years provision for 3 and 4 year olds the Local Authority will administer grant to the private, voluntary and independent providers of free places and to attach conditions which ensure the standards are met. If a provider fails to meet such conditions, the Local Authority may require the repayment of the whole or part of any grant they have made to the provider in respect of the provision of free places. The Local Authority also has the discretion to remove providers from the local Directory of Providers (DoP) if conditions are not met. In the event of this happening, there is an appeals procedure.

## Glossary of terms used in the Local Conditions

|  |  |
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| <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 EYFS</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 CoP</b>                           | 'A Code of Practice on the Provision of Free Nursery Education Places for Three and Four Year Olds' produced by the Government.  |

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 Local Authority officers on behalf of the Director of Education, Children's and Cultural Services.

Settings must successfully complete the Local Authority's quality improvement toolkit 'Improving Quality for Children (IQC)' prior to joining the DoP and settings new to the DoP must 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 must be committed to achieving and maintaining a 'green' status and this will be reviewed. 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 inspection 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 Local Authority officers.

Settings must allow the Head of Early Years and Childcare Service 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. Some of these visits may be unannounced.

Settings must inform the Early Years and Childcare Service on 020 8831 6267 immediately about the following:

- Any significant event as stated in the EYFS statutory framework (pg 30) e.g. change of location, change of bank details in writing or change of owner or manager.
- Where a complaint has been made about the setting
- Where an allegation has been made against a member of staff / or family members for childminders
- If a child protection issue arises. In addition please inform the Single Point of Access team (SPA) when a child protection issues arises on 020 8891 7969.
- When an Ofsted inspection is taking place and the outcome

# Applying to join the Directory of Providers

By being included on the DoP, early years settings undertake to deliver a high standard of early years education and care and to provide free nursery education places. Settings must commit to delivering 15 hours free nursery education and, where possible, to offer this flexibly. In response to the CoP all providers are required to offer some completely free places for 3 and 4 year olds in accordance with their size as follows:

- **Sessional provider under 26 places = 1 free place**
- **Sessional provider over 26 places and full day care under 50 places = 2 free places.**
- **Full day care provider over 50 places = 3 free places.**

Consideration will be given to settings where take up of places are low. Paragraph 3.6 sets out the criteria for free places.

Settings are required to undertake joint evaluation using Richmond upon Thames' Improving Quality for Children toolkit. Settings must agree to work to achieve or maintain a 'green'\* rating and this process will be subject to regular review with officers from the Early Years and Childcare Service. Settings who are accepted onto the DoP will have a probationary period of 12 months. It must never be assumed that, where a setting has 3 and 4 year olds on roll, there will be automatic inclusion on the Directory.

## 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 there is an identified need for places, settings working towards local and national quality standards using the Early Years and Childcare Service IQC toolkit may be added to the DoP at the discretion of the Head of Early Years and Childcare Service.

## 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 decision. The Council will retain any paperwork relating to an application.

The Council must maintain an up to date list of settings on the DoP in the private, voluntary or independent sectors that are eligible to claim funding for the provision of free nursery education places. The CoP 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 DoP. 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 Local Authority 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 CoP includes provision for the Council to:

- add providers to the Directory
- reject an application to be included in the Directory
- 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, the setting may be required to begin the probationary period of the scheme again. If the setting is consequently unable to meet the Local Conditions then they will be removed from the Directory. If a provider ceases to meet the Local Conditions or has withdrawn reasonable co-operation with the Council, the provider may be removed from the Directory. Providers will be informed if this is the case and provided with a written explanation. In these cases the setting may reapply to join the Directory when the recommendations contained in the explanation are addressed satisfactorily.

The Council will remove from the Directory any provider who has their registration withdrawn by Ofsted or the Independent Schools Inspectorate. The setting may remain on the DoP 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 second-tier officer in the Education, Children's and Cultural services .
- a third-tier officer within the Department independent of the Early Years and Childcare Service and
- a representative person from the DoP (PVI sector).

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

Education, Children's and Cultural Services 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 appeals process they should follow the Council's complaints procedure.

## **Data Protection**

### **2.1 Data Security**

London borough of Richmond upon Thames stores and uses data in compliance with the principles of the Data Protection Act and in accordance with its published retention schedules.

Settings must meet their obligations under the Data Protection Act 1998. In particular, that when sending personal data to the council (or another) they will take all reasonable steps to ensure that the data is received by the intended recipient.

Settings will take the following steps to protect information sent by email, to help prevent data being accessed by an unauthorised person:

Rather than simply entering the personal information in the body of the text, the information will be sent to the intended recipient as an attached word document that has been password protected. Once confirmation has been provided that the email has been received a separate email will be sent to the intended recipient telling them what the password is, to enable them to open the word document.

## **Information, policies and admissions**

### **3.1 Information for parents**

Settings must provide clear information on policies, procedures, additional costs 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.

### **3.2 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

### **3.3 Charges to Parents**

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

Settings in receipt of Nursery Education Grant (NEG) must comply with requests for information and keep financial information from the Department for Education including those from the Council's departments. Settings must make every reasonable effort to access local and national information regarding early years and childcare online.

### **3.5 New Conditions of Grant in response to the latest Code of Practice**

All settings in receipt of NEG must adhere to Richmond upon Thames local policy on the current CoP. This policy details how the extended and flexible offer for 15 hours is offered and how all settings and the Local Authority complies with the CoP. We will ask you to state the number of completely free places you will offer and what additional services you will offer parents as part of your overall package. In the case of Independent school nurseries, we will ask you to tell us the details of any bursary arrangements offered to children under 5.

We recommend that this information is detailed to parents in the form of your parental agreements so that there is transparency throughout the whole process.

### **3.6 Free Places**

Settings may use the following criteria when allocating their completely free place/s. The parent/carer could be in receipt of one of the following benefits; Income Support, income based Job Seekers Allowance, Child Tax Credit at a rate higher than the Family Element or Extra Working Tax Credit relating to Disability or Pension Credit.

If any parent/carer requests a free place and the provider is unable to offer one, places can be brokered by the Early Years and Childcare Service.

Settings must endeavour to keep free places open until 6 weeks prior to the first day of term.

All providers to place promotional material in a prominent position so that parents can be aware of the free place(s) that are available.

Childminders are exempt from offering an entirely free place due to their size.

Independent schools may be exempt if they offer bursaries or other support to families. The Early Years and Childcare service reserves the right to receive information about how this support is delivered.

### **3.7 Compliance**

- Information regarding free places offered, and therefore available, will be returned as part of the headcount form each term.
- Annual audit will check sample for compliance.
- Local information gained through brokerage will indicate possible non compliance which will be followed up.

Proprietors should complete 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 Grant dated 1 September 2011 to 31 August 2012<sup>2</sup>

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 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 Service,  
Education, Children's and Cultural Services, London Borough of Richmond  
upon Thames, 1<sup>st</sup> floor, Civic Centre, 44 York Street, Twickenham TW1 3BZ**

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<sup>2</sup> The London Borough of Richmond upon Thames reserves the right to amend the local Conditions of Grant at the start of the new financial year, April 2012.