

COVID-19 - Early Education Funding – Reinstatement Protocol

For the purpose of this document the term ‘providers’ unless specified separately refers to all Ofsted registered settings that operate on the Early Years registers, including childminders.

**Autumn Term 2020 reviews – 1st September 2020 to 31st December 2020*

**Spring Term 2021 reviews – 1st January 2021 to 31st March 2021*

**Summer Term 2021 reviews – 1st April 2021 to 31st August 2021*

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Protocol will be reviewed on a termly basis.

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Overview

Early Years providers that are registered with Ofsted on the Early Years Register can apply to deliver Early Education Funding places to eligible 2-year olds and all 3- and 4-year olds from the beginning of the term following their 3rd birthday.

In order to deliver the early education funded places, providers must join the local authority’s directory of funded providers. Providers are then funded directly for the hours provided to eligible children from the local authority Dedicated School Grant allocations with the children receiving free hours.

Providers must be able to meet key requirements to sign up to join the directory which is formalised by way of an annual provider agreement which links to the Warwickshire Guidance and Requirements of Early Education Funding for 2, 3 and 4 year olds. Both documents are reviewed and updated annually and issued to all providers that wish to access Warwickshire’s Directory of Funded Providers. Funding is dependent upon compliance with the provider agreement.

Warwickshire’s provider agreement is based on the model agreement provided by the Department for Education which links to the:

Early Education and Childcare, Statutory guidance for local authorities, June 2018 -

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/718179/Early_education_and_childcare-statutory_guidance.pdf

A key element of the provider agreement is the quality of the provision. Providers are regulated and inspected by Ofsted whom act as the sole arbiter of quality for this purpose. The statutory guidance states as follows:

- *Section A3 - Outcome: all children are able to take up their free hours in a high-quality setting. Evidence shows that higher quality provision has greater developmental benefits for children, particularly for the most disadvantaged children, leading to better outcomes. The evidence also shows that high quality provision at age two brings benefits to children’s development. This guidance reflects the Government’s intention that, as far as possible, free places are delivered by providers who have achieved an overall rating of ‘outstanding’ or ‘good’ in their most recent Ofsted inspection report*

*The Department for Education has not issued any amendments or revised directives in response to COVID-19 impacts with regards to the Statutory guidance documents that inform the delivery of early education funded places. Where a provider is inspected and receives an outcome of 'Requires Improvement' or 'Inadequate' then Warwickshire County Council must take action with regards to the offer of early education funded places at the setting as per the following statements from the statutory guidance:

- *A3.2 Fund places for two-, three- and four-year-old children at any provider judged 'good' or 'outstanding' by Ofsted or at any childminder registered with a childminder agency judged 'effective' by Ofsted if a parent wants their child to take up their free place at that provider and the provider is willing to accept the local authority funding and any other local authority requirements.*
- *A3.3 Fund places for three- and four-year-old children at any provider judged 'satisfactory' (prior to 2014) or 'requires improvement' by Ofsted or at any childminder registered with a childminder agency judged 'effective' by Ofsted if a parent wants their child to take up their free place at that provider and the provider is willing to accept the local authority funding and any other local authority requirements.*
- *A3.4 Fund places for two-, three- and four-year old children at new providers registered with Ofsted until the provider's first full Ofsted inspection judgement is published or at a childminder registered with an agency until the agency's first full Ofsted inspection judgement is published, if a parent wants their child to take up their free place at that provider and the provider is willing to accept the local authority funding and any other local authority requirements.*
- *A3.7 Local authorities are not required to fund places at providers who do not meet the quality standards set out at A3.2 and A3.3 above but may choose to do so to ensure sufficiency of free places.*
- *A3.13 Secure alternative provision and withdraw funding from a provider (other than a local authority maintained school), **as soon as is practicable**, when Ofsted publish an inspection judgement of the provider of 'inadequate' or an inspection judgement of a childminder agency of 'not effective'. It is for local authorities to determine an appropriate timeframe for withdrawing funding. When withdrawing funding local authorities should take into account the continuity of care for children who are already receiving their free hours at a provider or with an agency registered childminder and Ofsted monitoring information about the provider or agency. Local authorities should take appropriate action to improve the quality of provision at a local authority maintained school which has been judged by Ofsted to require significant improvement or has been placed in special measures.*

In response to the situation created by COVID-19 restrictions Warwickshire County Council will use the flexibility as stated in the statutory requirements to achieve a temporary solution until the point that Ofsted inspections recommence. This will be managed in a phased way and monitored as the impacts of COVID-19 may continue for an unknown timescale.

Context

COVID-19 restrictions, including the period of 'lockdown', have impacted substantially on the early years and childcare sector as a whole. The 'stay at home' requirements have seen providers lose substantial amounts of income due to children not attending during what is the busiest term for settings – Summer Term, leaving the sector financially vulnerable which then provides risk to Warwickshire's statutory sufficiency duty for early years and childcare places.

Although there has been a variety of financial support packages for the sector, including Warwickshire County Council continuing to pay early education funding payments as usual to providers, those settings that are currently holding an 'Inadequate' Ofsted grading have seen an enhanced impact as their income has reduced. This has occurred as Warwickshire has continued to adhere to the statutory requirements to ensure that children continue to receive quality early education funded places.

Most providers will ensure that at the point of receiving their 'Inadequate' & 'Requires Improvement' Ofsted grading they respond immediately and implement robust action plans, improvement programmes and work with wider support colleagues to address the areas identified at inspection.

Usually providers within these grading levels can expect a reinspection with a shorter timescale (within 3 to 6 months for Inadequate and 6 to 12 months for Requires Improvement). Therefore, where there is improvement, access to funding is returned at the point that the relevant grading, in line with those stipulated in the statutory requirements, is achieved, and new Ofsted report published.

***Autumn Term 2020 review:**

- *Continued financial impact and delay to Ofsted inspections due to COVID extends the need for additional considerations for Requires Improvement graded providers.*

***Spring Term 2021 review:**

- *With the period of impact from the 3rd lockdown creating continued financial pressures and delay to Ofsted inspections due to COVID extends the need for additional considerations for Requires Improvement graded providers. Variation in the current lockdown period is that all early years provision can remain open and all early years children can continue to attend.*
- **Regulation remains as per the statutory guidance for registration on the directory of funded providers – as per statement on page 1 of this protocol*

***Summer Term 2021 review:**

- *With the end of the 3rd lockdown and return for all children to full time education attendance, place take up at early years settings will grow. All early years providers can continue to open and take children that require places.*
- **Regulation remains as per the statutory guidance for registration on the directory of funded providers – as per statement on page 1 of this protocol*

Impact

Due to COVID-19 those settings that are currently holding an 'Inadequate' Ofsted grading have now seen their expected Ofsted reinspection's due in the Summer Term 2020 delayed with an unknown timescale that now leads beyond the Autumn Term 2020.

Where these providers continue to be unable to offer some elements of early education funded places for children, this can now be expected to influence higher levels of financial risk and potential closure for them as well as a potential shortage of early education funded places within the area.

***Autumn Term 2020 review:**

- *The ongoing delay to inspections will now see full inspections not due to restart until January 2021 creating a wider impact to all providers that hold both Inadequate and Requires Improvement Ofsted gradings. Ofsted are undertaking monitoring visits with a monitoring report. However, no quality grading will be allocated during the Autumn Term 2020 visits.*
- *The further delay that this creates leaves WCC needing to review how to proceed with providers that hold gradings of Requires Improvement and Inadequate to ensure that sufficiency of places and sustainability of providers going forwards can be maintained while the impact of COVID stabilises. These considerations must consider 2, 3 and 4-year-old early education funded places.*

***Spring Term 2021 review:**

- *Ofsted has advised that full graded inspections are now delayed to at least Summer Term 2021 with possible assurance monitoring visits to be undertaken. Day to day regulatory work continues to be affected by the impacts of the 3rd lockdown. Ofsted continue to respond to compliance and complaint work as required.*
- *The agreed actions taken with some providers to reinstate some or all elements of funding to those with relevant gradings will continue to be rolled over until the end of the 20 / 21 academic year or full graded inspection by Ofsted, whichever is sooner. This applies for providers where the setting continues to raise no concerns with Ofsted or other supporting bodies or teams.*

***Summer Term 2021 review:**

- *As per Spring Term 2021*

Response

Warwickshire's initial response to the delay in Ofsted inspections for funded 'Inadequate' providers is to implement an application process for reinstatement of the early education funding. The application process will allow the Early Years Team to review the progress of the provider alongside supporting evidence e.g. visit logs, actions plans, documentary evidence and financial information. Where satisfactory evidence can be provided WCC will reinstate part of the early education funding offer to the provider until a full inspection occurs.

The Early Years Team, including experts in quality, business and SEND, will review the submitted and centrally held information and decide whether to refuse or reinstate some funded places at the provider based on this application.

Providers falling into the Inadequate grading bracket will be contacted and invited to make an application, via an application form and will be required to submit supporting documentation that evidences improvement and impact. Providers will be informed of the decision in writing prior to the end of the Summer Term 2020 (17th July 2020).

***Autumn Term 2020 review:**

- *Warwickshire's response to the ongoing inspection delays for funded "Inadequate" and 'Requirements Improvement' providers (not including childminders) will be to develop the original Summer Term application process and allow nursery and day care providers to apply, the application has been developed to include the outcomes from the August 2020 Safeguarding Audit and any identified actions.*
- *Applications will be issued to providers during October / November with a response to these giving decision and written feedback by 1st December 2020.*
- *Childminders wishing to request the same considerations must complete the relevant application process as stipulated below.*
- *WCC, in making its decision will take into consideration that a childminder operates as a small business. A further key rationale linked to childminders must be for WCC to ensure that there is sufficient robust information to substantiate that improvement has been made and sustained. This is due to the lone working nature of a childminder, where there is a lack of wider scrutiny as would generally be seen within nursery providers – more staff, team working etc.*

***Spring Term 2021 review:**

- *The agreed actions taken with some providers to reinstate some or all elements of funding to those with relevant gradings will continue to be rolled over until the end of the 20 / 21 academic year or full graded inspection by Ofsted, whichever is sooner. This applies for providers where the setting continues to raise no concerns with Ofsted or other supporting bodies and teams.*
- *Any additional requests will be considered on a case by case basis e.g. where a requires improvement childminder that has never offered 2 year funding is requesting to offer a place to an eligible child already on the providers roll, will be able to submit an application as per the Autumn Term 2020 process.*

***Summer Term 2021 review:**

- *As per Spring Term 2021*

Which funded entitlements will be reinstated

1. Providers will only be able to apply for 3 and 4-year-old funding for both Universal and Extended Entitlement hours to be reinstated where they can provide sufficient evidence to support their progress.
2. Early education funded places for 2-year olds is based on the family meeting a criterion of disadvantage. For this purpose, Warwickshire will not undertake reinstating the 2-year-old funding element to providers that fall into the category of awaiting reinspection on an 'Inadequate' grading.

At the time of inspection all providers receiving an 'Inadequate' Ofsted grading receive contact from the Early Years Team to review how the funded places will be managed at the site. This contact is followed up and confirmed in writing to the providers. Any existing provider specific funding arrangements will generally remain in place for each provider where it has been agreed under the remit of 'continuity of care for children'.

***Autumn Term 2020 review**

Providers of childcare on non-domestic premises:

- *that hold a 'Requires Improvement' grading will be given the opportunity to be considered for reinstatement of 2-year-old funded places until Ofsted inspections recommence.*
- *that are graded 'Inadequate' wishing to be considered to have funded 2-year-old places reinstated may also apply with the submitted application providing clear supporting documentation that evidences substantial quality improvements.*

Childminders that fall into the above categories will be given the opportunity to request that 2, 3 and 4-year-old early education funded places be reinstated.

For all providers an application form process will apply.

***Spring Term 2021 review:**

- *As per Autumn Term 2020*

***Summer Term 2021 review:**

- *As per Spring Term 2021*

Application Criteria

Providers (preschools, day nurseries on non-domestic premises) must meet the below criteria to apply:

- Be listed on Warwickshire's Funded Provider directory at the time of inspection
- Be offering early education funded places at the time of inspection
- Have held a previous grading of Outstanding or Good and history of sustaining this level of quality delivery
- Have submitted a fully completed application form and supporting documentation

**Autumn Term 2020 review:*

- *Addition to application form to include actions from August 2020 WCC Safeguarding Audit and specific focus on actions from grading especially those linked to learning and development. See Annex B*

Childminders that fall into the 'Inadequate' or 'Requires Improvement' grading bracket may request for funding to be reinstated or to be added to WCC's Directory of Funded providers by completing the relevant application form which will include the requirement to evidence:

- *Place requirements for existing children on roll - continuity of care*
- *Sustained quality delivery prior to the current grading e.g. history of 'Good' or 'Outstanding' Ofsted gradings - rationale to use prior gradings to support ability as standalone practitioner*
- *Specific actions from Inadequate and Requires Improvement gradings have been addressed and developed*
- *Have worked with WCC Early Years Quality Team or wider quality support since time of grading and documented information supports improvement to practice*
- *Sustainability of provision*

**Spring Term 2021 review:*

- *As per Autumn Term 2020*

**Summer Term 2021:*

- *As per Spring Term 2021*

Providers **are unlikely to have funding reinstated** where:

- Two consecutive 'Inadequate' Ofsted gradings are held

**Autumn Term 2020 review:*

WCC continues to follow this rationale due to the historical indications that a provider has been unable to sustain quality improvements. WCC is not in a position to make such a quality judgement when the level of improvements required to achieve 'Good' or 'Outstanding' would need to be significant and Ofsted as the regulator of quality is not at the current time allocating quality gradings at monitoring visits. The need for

quality provision when delivering early education funded places linked to safeguarding and outcomes for children as per the Statutory requirements is essential and must be taken into account at all times regardless of the situation created by COVID.

***Spring Term 2021 review:**

- As per Autumn Term 2020

***Summer Term 2021:**

- As per Spring Term 2021

- The service was not registered on WCC's Funded Provider directory at the time of the current inspection grading.

***Autumn Term 2020 review:**

Providers may apply to be considered to offer early education funded places linked to the need to maintain continuity of care for existing children on roll regardless of prior status on WCC's Funded Provider directory.

***Spring Term 2021 review:**

- As per Autumn Term 2020

***Summer Term 2021:**

- As per Spring Term 2021

Numbers of providers Impacted

<u>Ofsted Grading</u>	<u>Childminders</u>	<u>Providers on Non-Domestic Premises</u>	<u>Total</u>
Requires Improvement	5	5	10
Inadequate	1	2	3
2 x Consecutive Inadequate	1	1	2
Total	7	8	15