

MERTON COUNCIL

# Funded Early Education Guidance 2022 to 2023

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# 1. Introduction

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Welcome to London Borough of Merton's Guidance for the delivery of funded Early Education places for 2, 3 and 4-year-olds. This document sets out the terms and conditions that Early Education providers agree to when delivering funded Early Education places.

These terms and conditions will ensure that the Local Authority (LA) meets its statutory duties under the Childcare Act 2006, the Education Act 2011 and the Early Education and Childcare statutory guidance for Local Authorities (June 2018). This legislation and statutory guidance for LAs underpins all aspects of our local terms and conditions for funding Early Education places. It supports the Merton Early Education Funding Agreement which all providers must sign if they wish to offer funded Early Education in Merton.

Research shows that the impact on children's long-term outcomes is improved when they attend high quality Early Years' provision; especially when those children come from vulnerable backgrounds. Early Years providers have a key role in narrowing the gap in outcomes that some children experience.

This Guidance therefore outlines how the LA works in partnership with providers, ensuring that provision in Merton continues to evolve into high quality, inclusive, customer-focused services which offer real choice for families. Our aspiration is that our Early Years' provision reflects local need and delivers the best possible outcomes for children, as well as supporting parents to return to work or undertake studying/training.

The Guidance explains:

- Eligibility – who is eligible for an Early Education place
- Flexibility – how Early Education can and should be delivered
- Quality – the quality standards required to deliver an Early Education place
- Local limiting conditions that providers must meet to deliver Early Education
- The Single Funding Formula
- Funding – the finance processes for funding Early Education
- Directory of Providers – how to join the Directory, withdraw or be removed from the Directory
- Compliance – the procedure and possible actions for providers who fall short of terms and conditions of funding

This document does not provide guidance on how providers operate their private businesses, including charges for provision over and above a child's funded Early Education place. The Local Authority will not intervene in a provider's private business outside of a child's funded Early Education place.

In this document the term '*providers*' refers to an Early Years provider other than a childminder registered on the Ofsted Early Years Register; a childminder registered with a childminder agency which is itself registered with Ofsted; or schools taking children age two and over and which are exempt from registration with Ofsted as an Early Years provider. The term '*parent*' represents both mother and father and those who have parental responsibility for a child.

## 2. Key outcomes

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London Borough of Merton adheres to the following requirements when managing the delivery of funded Early Education places:

- Allow all providers that meet the quality standard agreed by the Department for Education and the local funding conditions to deliver Early Education places
- Ensure that, as much as is practicably possible, the models of delivery of funded Early Education are flexible enough within a given local area to allow children to take up their full entitlement at the times that fit with the needs of their parents and that places are offered free of charge
- Make sure that children who meet the prescribed criteria are able to take up high quality funded Early Education, regardless of their parents' ability to pay, and that parents are aware this does not offer a guarantee of a place at any particular provider
- Ensure that providers who deliver Early Education do so in accordance with the Local Authority's terms and conditions as stated in this Guidance
- Ensure that providers are able to keep children safe
- Ensure that providers promote equality of opportunities for all children and have arrangements in place to support children with SEN or a disability
- Ensure providers narrow the gap improving outcomes for children and reducing inequalities.

## 3. Background

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The Childcare Act 2006, Childcare Act 2016 and the Education Act 2011 place duties on Local Authorities to:

- Improve outcomes for all children under five and reduce inequalities
- Secure enough childcare, in so far as is reasonably practicable, for working parents
- Secure free Early Education places for all children who meet the criteria
- Provide information, advice and assistance to parents
- Provide information, advice and training to childcare providers

Section 99 of The Childcare Act allows Local Authorities to collect information about children from providers. These duties are discharged to Local Authorities within the Early Education and Childcare Statutory guidance for local authorities.

## 4. Early education for 2, 3 and 4-year-olds

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**Outcome:** *All children who meet the prescribed criteria are able to take up a free place if parents want one.*

For all entitlements, it is the provider's responsibility to check the residency and the date of birth of the child by having sight of the child's original birth certificate or passport.

Eligible 2-year-olds and 3 and 4-year-olds can start in a funded place part-way through a funding period, as long as they have not already received funded hours at another provider in that funding period and subject to being on roll during and/or after the Headcount week (see section 9).

Eligible 2-year-olds and 3 and 4-year-olds who start a funded place part-way through a year can only access the number of funded hours that reflect the portion of their entitlement that remains within the funding periods remaining in that year (i.e. pro-rata hours only).

### 4.1 Eligibility criteria for 2-year-olds

Children become eligible for a funded Early Education place from the relevant date after their second birthday as in table 1 below and if the parent meets one of the following eligibility criteria:

- Families in receipt of non-working / working benefits
- A child with a Statement of Special Educational Needs or an Education, Health and Care Plan (EHCP)
- A child in receipt of Disability Living Allowance (DLA)
- A child who has left care through adoption order, residence order or special guardianship
- A child who is looked after by a Local Authority
- A child who is part of a non-EAA family who has no recourse to public funds

For the full range of eligibility criteria please refer <https://www.gov.uk/help-with-childcare-costs/free-childcare-2-year-olds>

All families, apart from non-EAA families, must check their eligibility using the Merton online eligibility checker. Eligible families will receive a confirmation email with an EY Voucher code. Parents must share this code with the provider before their child starts in their place. Providers can request a copy of the email from parents as evidence of their eligibility.

Non-EAA families will be unable to use the Merton online checker to check their eligibility; their eligibility can only be checked via the Local Authority. If you have a non-EAA family wishing to take up a place' refer ask them to email [fsd@merton.gov.uk](mailto:fsd@merton.gov.uk).

Families from outside the borough wishing to attend a Merton setting are also required to follow the process above and get a Merton EY Voucher code.

Providers must submit an EY Voucher code for every funded 2-year-old onto the termly Headcount claim on Merton's Early Years Provider Hub using the 'Enter EY Voucher' option (please refer to the headcount guidance).

A 2-year-old who has met any of the above eligibility criteria can continue to receive a funded place once they have taken it up, even if the child ceases to meet these criteria at a later date.

## 4.2 Eligibility criteria for 3 and 4-year-olds (Universal Entitlement)

Children become eligible for a funded place from the relevant date after their third birthday as shown in Table 1 below and remain eligible up until the term after their fifth birthday or when they start in a maintained school Reception Class place, whichever is the sooner. All 3 and 4-year-old children of qualifying age are entitled to a Universal Entitlement place of up to 15 hours a week for 38 weeks of the year and therefore no eligibility codes are required to confirm these places, only proof of age.

## 4.3 Eligibility criteria for 3 and 4-year-olds - 30 hours (Extended Entitlement)

Children become eligible for a funded place from the relevant date after their third birthday as shown in Table 1 below and if the child's parent has a current valid 30-hour code obtained from the HMRC online Childcare Service.

[Childcare Choices | 30 Hours Free Childcare, Tax-Free Childcare and More | Help with Costs | GOV.UK](#)

Providers are required to validate the code before confirming an early education place with parents and then completing the Parent Early Education Agreement Form.

Parents must apply for their 30-hour code the term **before** they wish their child to start an extended funded place; by the deadlines shown in Table 2 below. Parents can apply up to 16 weeks prior to their child turning three. Parents are subsequently required to 'reconfirm' their code every three months via their HMRC Childcare Service account or the code will expire. Codes are 11 digits long and usually start with '500'.

On occasion parents may be issued a temporary code beginning with 11, as opposed to 500. Temporary codes must be validated and providers should follow up with parents and validate their permanent code once it is issued by HMRC.

**Table 1: Child’s qualifying dates of birth**

| <b>A child born between:</b> | <b>Child will be eligible for funding from:</b>                            |
|------------------------------|--|
| 1 January to 31 March        | 1 April following the child’s second or third birthday (as applicable)     |
| 1 April to 31 August         | 1 September following the child’s second or third birthday (as applicable) |
| 1 September to 31 December   | 1 January following the child’s second or third birthday (as applicable)   |

To be able to start on or after the dates shown in Table 2, the child’s parent must have applied for their 30-Hour code or reconfirmed their code by the deadlines in Table 2. However, parents may not always receive confirmation of their code from the Childcare Service until after the dates shown.

**Table 2: Qualifying start dates**

| <b>For a start date at a setting on or after:</b> | <b>Application / reconfirmation of code must be on or before:</b> |
|---|---|
| 1 April   | 31 March  |
| 1 September                                       | 31 August   |
| 1 January   | 31 December   |

Providers should complete the following actions before 30 Hours (extended entitlement) place is confirmed with a parent:

- Validate the 30 Hours code on the EYP Hub. Please see the [EYP Hub Guidance](#) for details of how to do this. Mandatory information required for validation is 30 hours code, parent’s NI number and child’s date of birth.
- Check that the start date of the code is on or before the deadlines in Table 2 above. Codes with a start date after the qualifying dates above will not be funded.
- Check the child’s identity and date of birth.
- Receive confirmation from the parent that funding has not been received at another setting during the same funding period.

Providers should continue to re-validate codes before the start of each new term, to check that families are still eligible for the extended entitlement and that their codes have not expired.

## 4.4 Foster Carer eligibility for 3 and 4-year-old Universal and Extended Entitlements

Children in foster care are eligible for 30 Hours (Extended Entitlement) when the child meets the following criteria:

- The child meets the eligibility age range.
- Accessing 30 Hours is consistent with the child’s Care Plan.
- The foster carer/s is/are taking up sufficient paid employment outside of their fostering role.

It is the role of the responsible Local Authority to determine the eligibility of these children. Eligible foster carers will receive a code beginning with ‘400’. If providers have any difficulties validating a 400 code via the EYP Hub, they can contact [ey.funding@merton.gov.uk](mailto:ey.funding@merton.gov.uk)

## 4.5 The Grace Period

A 3 or 4-year-old child in receipt of 30 Hours (the Extended Entitlement) will continue to be funded for a period of time even when the parent ceases to meet the eligibility criteria; this is known as the Grace Period.

When a parent whose child was previously eligible and receiving the entitlement gets an ineligible decision from HMRC (the Childcare Service) during the first half of the funding block (as defined in the table 3 below) the child will be funded until the end of that Grace Period or for as long as they remain under compulsory school age, whichever is shorter.

When a parent whose child was previously eligible and receiving the entitlement receives an ineligible decision in the latter half of the Grace Period, the place will continue to be funded until the end of the following Grace Period or for as long as they remain under Compulsory School Age, whichever is the shorter.

| <b>Date code becomes invalid</b> | <b>Grace Period end date</b> |
|----------------------------------|------------------------------|
| 1 January - 10 February          | 31 March                     |
| 11 February - 31 March           | 31 August                    |
| 1 April - 26 May                 | 31 August                    |
| 27 May - 31 August               | 31 December                  |
| 1 September - 21 October         | 31 December                  |
| 22 October - 31 December         | 31 March                     |

The Local Authority will complete audits on the codes as part of the Headcount procedures, but providers can check the status of codes themselves via the Early Years Provider Hub. This will help you to manage your communications to parents about reconfirmation of their codes before they fall into the grace period.

If a child falls out of eligibility for 30 Hours, the provider must continue to ensure that the child can still receive their Universal Entitlement at the setting.

Children may not start a new 30 Hours place at a provider during their Grace Period. This includes the following scenarios:

- Where a parent falls into their Grace Period before the child has started a 30 Hours place;
- Where a parent falls into their Grace Period whilst their child is in a 30 Hours place and the parent is seeking to move the child to a different provider.

## 4.6 Charging

Providers must give equal and fair access to children to the funded entitlements. Therefore, funded Early Education and childcare must be delivered free of charge to the parent. Providers can charge for meals / snacks, consumables such as nappies or sun cream or for other services such as trips / yoga. These charges must be voluntary for the parent.

Where a parent is unable or unwilling to pay, the provider must be responsible for setting their own policy of how they will respond e.g. waiving or reducing the cost for some parents or allowing parents to bring in their own consumables. Providers must be mindful of the impact of additional charges on the most disadvantaged children.

Providers must deliver the funded entitlements consistently so that all children receive the same quality and access to provision regardless of whether they opt to pay for additional hours, services, meals or consumables.

Providers must publish their charging policy for parents including a list of charges over and above the funded entitlements.

Providers cannot charge top-up fees (this is the difference between the provider's usual fee and the funding they receive from the Local Authority for the delivery of free places).

Providers cannot charge parents a registration fee for those children just taking up a free Early Education place as a condition of taking up their child's free place. For children taking up an additional paid for childcare place / extra hours, registration fees can be charged but should not be at a level that would prevent a child from taking up their entitlement, for example, providers should consider the amount being charged.

If providers charge parents a deposit to secure their childcare place, this deposit must be returned to the parents in full as soon as possible after the child has started in their place.

Providers must publish their admissions criteria and ensure that parents understand the hours and sessions that can be taken as funded entitlements and the other hours and services that are charged for.

Providers must ensure that their invoices and receipts are clear, transparent and itemised allowing parents to see that they have received their child's free entitlement without any charge.

## 4.7 Inclusion

Providers must make sure that they meet the needs of children by removing barriers to access ensuring that all children can meet their full potential and work within the guidelines set out in the contractual agreement e.g. Looked After Children (LAC), Child in Need (CIN) or a child with Special Educational Needs and or disabilities (SEND)

Providers must help support the identification of children eligible for Early Years Pupil Premium (EYPP) and Disability Access Fund (DAF) and promote the benefits of the additional funding to parents.

Children must be able to take up their Early Education place with a provider that actively promotes fundamental British values.

Providers must not promote views or theories as facts that are contrary to established scientific or historical evidence and explanations.

An annual SEND and Inclusion practice review will take place for all funded providers who are in receipt of EYPP funding, two-year funding, DAF and those children in particular cohorts, for example, children with EAL to ensure that funding is being used to support the individual learning outcomes of children. For full details of the audit please refer to appendices 2, 3 and 4 – Annual Reviews and Audits.

## 4.8 Safeguarding

Providers must follow the Early Years Foundation Stage framework and have clear safeguarding policies and procedures in place that are in line with local guidance issued by London Borough of Merton as to how to respond to and report suspected or actual abuse or neglect. A lead practitioner must take responsibility for safeguarding and all staff must have training to enable them to identify signs of abuse and neglect. The provider must have regard to 'Working Together to Safeguard Children' 2018 guidance.

Providers will receive an annual Safeguarding Practice Review to ensure effective safeguarding and promotion of welfare of the children for whom funded Early Education is provided. For full details of the review please refer to Appendix 3.

## 5. Flexibility - how the entitlement is delivered

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**Outcome:** *Children are able to take up their free place at times that best support their learning and development, and at times which fit with the needs of parents to enable them to work or increase their hours of work if they wish to do so.*

Providers are encouraged to offer flexible packages of free hours, subject to the following standards which will enable children to access regular, high quality provision in keeping with the evidence of the benefits of doing so, whilst maximising flexibility for parents and ensuring a degree of stability in the market. Delivery should be in line with the following standards:

- No session longer than 10 hours
- No minimum session length
- Not before 6.00am or after 8.00pm
- At a maximum of two sites in a single day

Children should be able to take up their entitlements as continuous provision as this is the best interests of the child. This should be, as far as is reasonably practicable, in a continuous block and without artificial breaks (for example, a child having to leave after their Universal Entitlement and having to return later to take up their Extended Entitlement).

Free entitlements can be delivered over 52 weeks of the year, outside of maintained school terms and at weekends.

A child can take up their funded Early Education place with a provider that does not open for 38 weeks or for 15 hours a week where this suits a parent. It is at the discretion of the Local Authority as to whether to contract with providers that are delivering fewer than 38 weeks a year and so cannot offer children their full entitlement of 570 hours. The reduced offer must be published for parents.

Providers can 'stretch' Early Education places. This allows a parent to take up fewer hours over more weeks of the year up to the maximum of 570 hours. For example, 50.2 weeks means parents receive 11.35 hours per week.

Providers cannot compress hours offered, for example, allowing the take-up of more than 15 (or 30) hour per week.

If a child is moving between providers, it is the responsibility of both parties to ensure effective transitional arrangements are in place to support the child's learning and well-being.

London Borough of Merton is required to publish its local flexible offer of funded Early Education for parents, therefore providers will be required to confirm the particular

pattern they use to deliver funded Early Education as part of their annual Early Education Funding Agreement

It is possible for parents to defer their child's school entry for one or two terms, depending on when the child turns five. If the child attends a PVI provider, can continue to claim their funded entitlements up to and including the school term in which they turn 5, after which they must start school.

## 6. Quality

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**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.*

The Local Authority requires all providers delivering funded Early Education places to be delivering the Early Years Foundation Stage (EYFS) Framework in full and to be registered with Ofsted on the Early Years Register as an Early Years provider, childminder, a childminder registered with an agency or a school and inspected as part of the school Ofsted inspection (known as "providers" below).

### 6.1 Quality conditions

Quality will be determined in the following way:

1. All providers who are inspected and judged to be Good or Outstanding by Ofsted are eligible to deliver funded Early Education places for 2 and / or 3 and 4-year-olds.
2. A provider inspected and judged as Satisfactory/Requires Improvement by Ofsted is eligible to deliver Early Education places to children aged 3 and 4 only.
3. A provider inspected as Satisfactory/Requires Improvement by Ofsted will not be funded for Early Education for children aged 2 unless the Local Authority is unable to secure sufficient places to meet parental demand with providers judged to be Good or Outstanding.
4. A provider with no children on roll which receives an Ofsted judgement of Met is eligible to deliver Early Education places for 2 and/or 3 and 4-year-olds. The published outcome of next full inspection will determine whether they can continue to receive funding as detailed above.
5. A provider with an Ofsted judgement of Not Met will not be funded to deliver Early Education, but those with Met judgements will be funded.
6. Providers judged to be Inadequate will not be funded to deliver Early Education.

7. A new provider registered with Ofsted and which holds a valid Ofsted registration certificate is eligible to deliver funded Early Education places for 2 and/or 3 and 4-year-olds. The published outcome of their first full inspection will determine whether they can continue to receive funding as detailed above
8. It is at Local Authority discretion to fund providers who have exemptions from the Early Years Foundation Stage (EYFS) Learning and Development requirements. The decision will be made based on whether this provider meets the needs of individual parents, or if not funding these providers would mean that the Local Authority is unable to secure sufficient places to meet parental demand. In order for an exempt provider to be considered to join the Directory of Providers they must have already followed the procedures for seeking exemption. Guidance can be found by following the link below.

<https://www.gov.uk/government/publications/the-early-years-foundation-stage-eyfs-learning-and-development-requirements-guidance-on-exemptions-for-early-years-providers>

9. An individual child with an exemption from the EYFS will be funded.

The Local Authority will follow the procedure as laid out in section 10.3 of this document when a provider fails to meet the required quality conditions to deliver funded a funded Early Education entitlement. There are a number of other limiting requirements which may result in Early Education funding being ceased for a provider - please refer section 10.4

## 7. Inclusive practice

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All providers delivering funded Early Education places are required to meet the needs of disabled children and those with Special Educational Needs and or disabilities (SEND). It is a requirement that those providers that deliver funded Early Education have regard to the Special Educational Needs and Disability Code of Practice 0-25 years (Jan 2015).

The SEND Code of Practice describes the principles that should be observed by all professionals working with children and young people who have SEN or disabilities. These include:

- taking into account the views of children, young people and their families
- enabling children, young people and their parents to participate in decision-making
- collaborating with partners in education, health and social care to provide support
- identifying the needs of children and young people
- making high quality provision to meet the needs of children and young people
- focusing on inclusive practices and removing barriers to learning
- helping children and young people to prepare for adulthood

Providers are expected to identify a Special Educational Needs Co-ordinator and make arrangements to support the special educational needs and disability of any child that is funded, and they must maintain copies of the range of support documents relating to meeting a child's individual needs e.g. Education, Health and Care Plan (EHCP), SEN Support Plan or Behavioural plans.

Some children who have SEN may also have a disability under the Equality Act 2010. For these children reasonable adjustments and access arrangements should be considered as part of SEN planning and review.

Families can also benefit from published information about the services and support available to them in Merton's SEND Local Offer. It sets out in one place provision available across education, health and social care for children in the Merton area who have SEN or are disabled.

In addition to the above, providers can access inclusion support and funding to help them in their inclusive practice, and a range of training courses for both the SENCo and other staff who support children with SEN.

- Disability Access Funding (DAF) – to support a child's access to funded Early Education and can be used by a provider to make reasonable adjustments to their setting and/or help with building capacity, be that for the child in question or for the benefit of all children attending the setting. Providers are responsible for identifying eligible 3 and 4-year-old children who are in receipt of Disability Living Allowance (DLA). Parents/carers must complete the DAF section of the Parent Early Education Agreement Form and share the child's DLA confirmation letter for the provider to copy and retain with the form for audit purposes. Providers can claim DAF as part of their funding claim for the child on the EYP Hub Headcount submission and must submit a copy of the DLA evidence with their headcount claim
- Early Years Pupil Premium (EYPP) – funding to improve the education provision for disadvantaged cohorts of 3 and 4-year-old children who are eligible through one of the following criteria:
  - Economic: Providers can request an eligibility check for children they believe may be eligible for EYPP when submitting their funding claim as part of the termly Headcount on the EYP Hub. Parents of these children must complete the EYPP section of the Parent Early Education Agreement Form to give their permission for the check to be performed.
  - A child who is looked after by a Local Authority: If the child is looked after by the London Borough of Merton, Merton's Virtual School will liaise directly with you regarding the funding. If the child is NOT looked after by the London Borough of Merton, you will need to liaise with the virtual school of the child's Local Authority.

- A child who has left care through adoption order, a special guardianship order or a child arrangement order. Parents/carers should share the child's adoption certificate or statement/letter from the Local Authority stating that they have an adoption order, residence order or special guardianship for the child. Providers should retain a copy of this evidence with the Parent Early Education Agreement Form for audit purposes.
- Providers can claim EYPP as part of their funding claim for the child on the EYP Hub Headcount submission. Providers should email [ey.funding@merton.gov.uk](mailto:ey.funding@merton.gov.uk) when prompted to inform the Local Authority of any children on their claim who meet the adoption/special guardianship criteria.
- SEND Advisory Support. Providers can request support and advice around effective interventions, or support to guide settings through requesting an EHCP assessment. Please refer to the Early Years SEND Advisory Support and SEND Inclusion Fund (SENDIF) Handbook and Guidance.

The Send Advisory Support Application Form can be downloaded from the Merton [Universal offer of support for childcare providers](#) website page

Providers can find out about training on offer at [www.merton.gov.uk/training](http://www.merton.gov.uk/training) for early years and childcare workforce

## 7.1 Special Educational Needs and Disabilities Inclusion Fund

Providers in Merton who are offering funded Early Education places can apply for additional funding from the SENDIF. Please refer to the Early Years SEND Advisory Support and SEND Inclusion Fund (SENDIF) Handbook and Guidance for further information and links to the relevant forms. These documents are found on the Merton website on the following page: [Universal Offer of Support for Early Years and Childcare Providers](#)

SENDIF payments are calculated and processed outside of the EYP Hub. The Early Years Funding team will identify any children who have been granted SENDIF and who have been submitted onto a termly Providers' headcount claim. Providers will receive an email confirming the value of the SENDIF payment amount for each child at Phases 4 and/or 6 of the Funding Cycle, as appropriate (refer to section 9.2).

Funded providers will receive an annual SEND Inclusion Practice Review (Appendix 4) to ensure that they are meeting the unique needs of children with differing learning needs. For full details please refer to Appendix 2 – Annual Reviews and Audit Process

A child cannot be in receipt of SENDIF and have an EHCP at the same time. When an EHCP becomes effective for a child, any SEND Inclusion Funding will cease at the end of the funding period. Providers must invoice the SEN team every term to claim EHCP funding.

## 8. Funding for the entitlements

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The Local Authority will base its decision on whether to fund a provider to deliver Early Education on the standards set out in the Merton Early Education Funding Agreement.

### 8.1 Early Years Single Funding Formula (2022-23)

Funding for Early Education places is a locally-determined formula agreed in consultation with the Early Years sector through the Schools' Forum of the Local Authority. This is London Borough of Merton's Early Years Single Funding Formula (EYSFF).

#### Base Rate

- 3 and 4-year-olds £5.16
- 2-year-olds £5.95

#### Deprivation Rate

Providers will be funded for 3 and 4-year-olds accessing the Universal and Extended entitlements based on the number of children on the Headcount who meet the eligibility criteria for Early Years Pupil Premium.

- Deprivation £1.90

#### Sparsity/Small Setting Rate (childminders only)

This rate is applied to both 3 & 4-year-old Universal and Extended entitlements equally.

- Sparsity Rate £0.60

### 8.2 Disability Access Fund (DAF)

- All providers who have eligible 3 or 4-year-olds will be entitled to receive DAF payment. The DAF is paid as a lump sum as soon as possible from when the child takes up their entitlement within the funding processes as laid section 9. The DAF payment is based on a 12-month rolling year, and will be paid again if the child is eligible on the anniversary of the first payment.

In the case of children whose funded hours are split between more than one provider, the DAF will go to the one provider nominated by the parent.

- DAF Rate (one-off payment) £800 per year

## 8.3 SEND Inclusion Fund

Providers will be funded for all 2, 3 and 4-year-olds who qualify

2 year olds

- SEND Support (Level 1a) Low level £0.00
- SEND Support (Level 1b) Medium level £2.55
- SEND Support (Level 1c) – Higher level £7.80
- 

3 and 4 year olds

- SEND Support (Level 1a) Low level £0.00
- SEND Support (Level 1b) Medium level £2.80
- SEND Support (Level 1c) Higher level £10.50

The SENDIF payment process is laid out in the Early Years SEND Advisory Support and [SEND Inclusion Fund \(SENDIF\) Handbook and Guidance](#).

## 8.4 Early Years Pupil Premium

The Early Years Pupil Premium (EYPP) provides additional funding to Early Years settings to improve the education they provide for disadvantaged 3 and 4-year-olds who are taking up the universal entitlement.

- EYPP Rate £0.60

For Looked-After Children, the EYPP will be processed in accordance with national guidance.

# 9. Funding Process

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## 9.1 Funding process overview

The Funding Year runs from 1 April to 31 March and is split into three Funding Periods. (See Table 4 overleaf). Providers will be paid for the total number of hours assigned to each funding period. There are 6 phases in the funding cycle (see section 9.2) and the deadline dates for each phase can be seen in table 5 below. Providers will receive emails from [ey.funding@merton.gov.uk](mailto:ey.funding@merton.gov.uk) at each phase and will be required to take the appropriate action in the timescales indicated overleaf.

**Table 4: Funding Periods**

| Funding Period  | Number of weeks | Total number of hours |
|-----------------|-----------------|-----------------------|
| Period 1 Summer | 12              | 180                   |
| Period 2 Autumn | 14              | 210                   |
| Period 3 Spring | 12              | 180                   |

**Table 5: Funding Payment Dates**

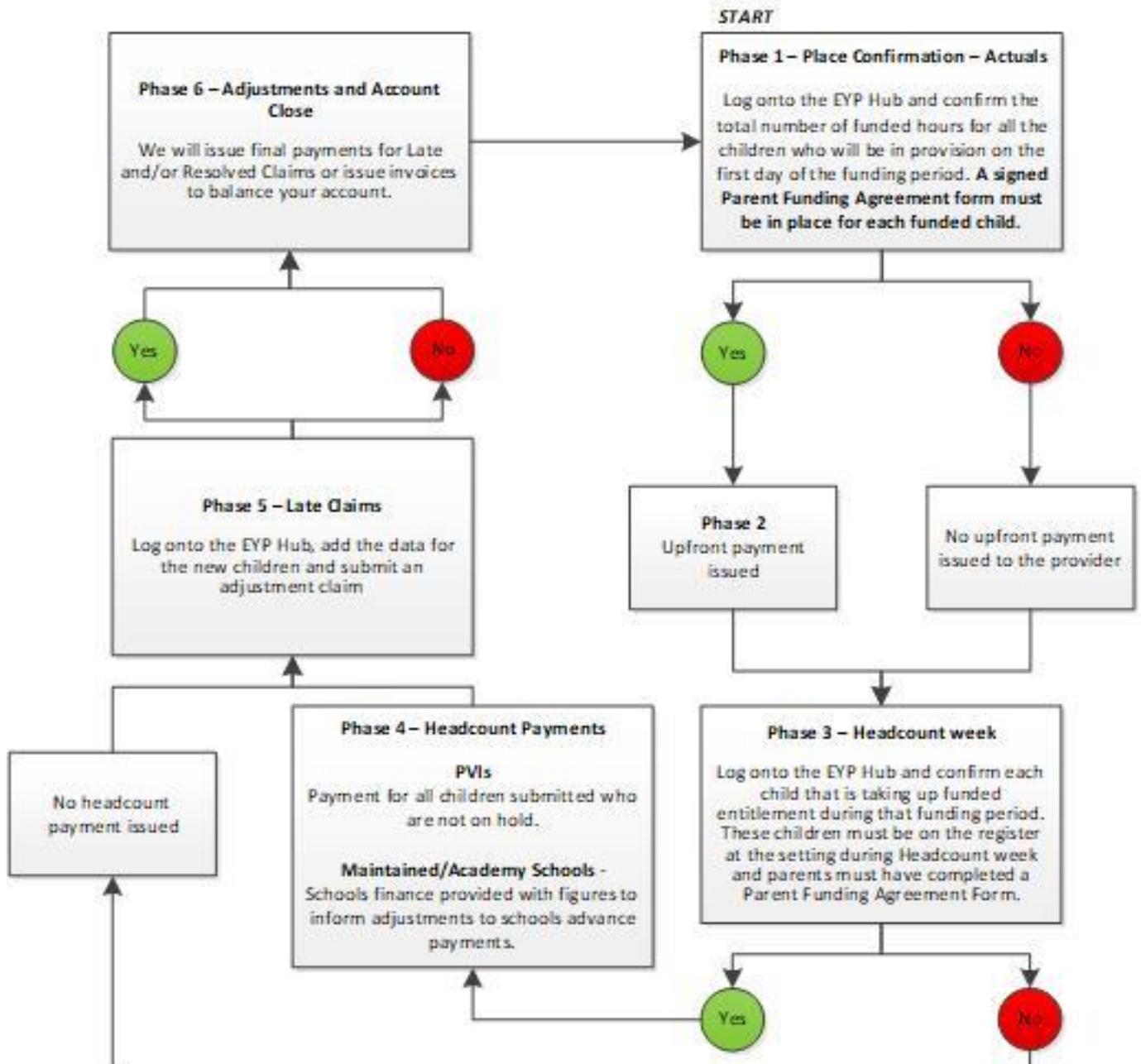
| Funding Period   | Period 1- Summer<br><i>01/04/2022 - 31/08/2022</i> | Period 2 - Autumn<br><i>01/09/2022 - 31/12/2022</i> | Period 3 - Spring<br><i>01/01/2023 - 31/03/2023</i> |
|--|--|---|---|
| <b>Phase 1<br/>Estimates</b>   | 14 Mar to 20 Mar 2022                              | 15 Aug to 21 Aug 2022                               | 12 Dec to 18 Dec 2022                               |
| <b>Phase 2<br/>Upfront Payment*</b>                                      | 11 April 2022                                      | 12 Sept 2022  | 16 Jan 2023   |
| <b>Phase 3<br/>Headcount Actuals</b>                                     | 16 May to 22 May 2022                              | 3 Oct to 9 Oct 2022                                 | 16 Jan to 22 Jan 2022                               |
| <b>Phase 4<br/>Headcount Payment*</b>                                    | 4 July 2022  | 21 Nov 2022   | 6 Mar 2023  |
| <b>Phase 5<br/>Late Starter Adjustments</b>                              | 23 May to 31 July 2022                             | 10 Oct to 4 Dec 2022                                | 23 Jan to 5 Mar 2023                                |
| <b>Phase 6<br/>Late Starter Adjustments<br/>Payment / Account Close*</b> | 12 Sept 2022                                       | 9 Jan 2023  | 10 April 2023                                       |

\* Published payment dates – providers will receive any payments due by the date published. If providers do not receive an expected payment by that date, they should email [ey.funding@merton.gov.uk](mailto:ey.funding@merton.gov.uk).

In order to receive funding payments a provider must have:

- A signed 2022/23 Early Education Funding Agreement with the Local Authority
- Completed and returned a bank details form
- Registered with the Early Years Provider Hub

## 9.2 Funding Cycle



## **Annual Estimated Budget**

- Prior to 31 March, the Local Authority will calculate and issue your estimated annual budget. This is calculated using claims data from the previous calendar year. This is only an estimated budget to aid providers' business planning on expected income but does not reflect the actual payments you will receive as this will be based on the actual numbers confirmed by you, the provider at Headcount.

## **Phase 1: Estimates**

- Providers are required to log onto the EYP Hub and confirm the total number of weekly funded hours for all children who will be in provision on the first day of the funding period. They must have a signed Parent Early Education Agreement Form for each funded child. Section 2 of the form must be signed and agreed by the parent prior to the start of the new funding period. The submission window and deadline for entering estimates on the EYP Hub is shown in Table 5. Guidance for estimates can be found on the [Early Education Funding page](#) on the Merton website.

## **Phase 2: Upfront Payment**

- Only providers who have submitted estimated hours on the EYP Hub during the submission dates in Table 5 will be issued an upfront payment of 80% of the base rate for the total number of hours/children submitted.
  - E.g. confirmed 12 (12 x base rate x total number of hours term time only hours to be used)
- If the provider has outstanding arrears due to overpayment in a previous funding period then the arrears will be deducted from the upfront payment.

## **Phase 3: Headcount Actuals**

- During Headcount week (see Table 5) providers must log onto the EYP Hub and enter / amend and submit data for each child taking up a funded place during that funding period. These children must be on the register (on roll) at the setting during Headcount week.
- Only children whose parents have completed a Parent Early Education Agreement Form (Appendix 1) fully can be submitted onto the claim. If there is no Parent Early Education Agreement in place, this funding will be recouped.

## **Phase 4: Headcount Payment**

- Providers will receive payment for all children claimed for who are not on hold for the following reasons:
  - 30 hours eligibility code is not valid
  - Duplicate claim
  - Eligibility code for 2-year-old funding is not valid
  - Incorrect Date of Birth (DOB)
  - Missing data

- Providers will be paid the monetary value of the claim (other than the entries on hold). If the total value of the claim is less than the 80% already paid, then the arrears will be taken forward and deducted from any final payment of the funding period. (Phase 7).
- SENDIF payments are calculated outside of the EYP Hub and will be paid separately and shortly after the Headcount payment.

### **Phase 5 – Late Starter Adjustments**

- Children starting in a funded place after the Headcount, who have not taken up their funded entitlement at another provider during that funding period, can be added to the providers' claim as a Late Starter adjustment. Providers should add the data for these children to the EYP Hub and submit an adjustment claim. See the [Early education Funding Support website page](#) for guidance
- Late Starter claims can be submitted between the dates set out in Table 5.

### **Phase 6 – Late Starter Adjustments Payment and Account Close**

- Providers will receive a final funding period payment for the following children:
  - Claims for eligible children submitted through Late Starter adjustments
  - Claims on hold where resolutions have been determined
  - A claim for a child who has gone through SENDIF panel after the Headcount
  - A claim for a child which was a duplicate and resolution has been determined.
- If the provider's claim is greater than the funding that has already been issued, a final payment will be credited to them for the additional children claimed for
- If at the end of the funding period the provider is in arrears the following actions will be taken:
  - If the value of arrears is less than 20% (or less than 5K) the arrears will be taken of the upfront payment for the next funding period, apart from funding period 3 when an invoice for overpayment will be issued.
  - If the value of the arrears is more than 20% (or more than 5K) of a usual claim value for the provider an invoice will raise for the overpayment. .
- Failure to pay invoices that have been raised with 7 working days of issue will result in the provider being removed from the Directory of Providers (refer to section 10.4)

After the Funding Period has ended, the provider cannot request any further amendments to their account.

## 9.3 Duplicate Claims

The Local Authority and Department for Education run checks to ensure that no child has claimed more than their maximum entitlement at multiple settings. The Local Authority will work with the providers to resolve the dispute in one of two ways

- One or more of the parties withdraw their claim
- One or more of the parties reduce the number of hours claimed

If neither party wishes to amend their claim, the Local Authority will audit each provider and determine the outcome based on compliance with the terms and conditions of funding in this Guidance and the Parent Early Education Agreement Form.

It is the responsibility of the provider to liaise with and recoup payment from parents for rejected claims.

## 9.4 Late submission, claims on hold and fees

### **Claims on hold**

It is sometimes necessary to put an individual child-level Claim 'on hold'. When a Claim is on hold, it will not be processed and funding will not be released until outstanding issues are resolved.

Any claim that was on hold and subsequently resolved will be paid at Account Close at the end of Funding Period, if not already paid. It is the provider's responsibility to provide the requested information to resolve the claim before Account Close; if the provider fails to do so, the claim will be rejected.

### **Late submissions and excessive errors**

Providers who fail to submit required data in line with the dates published in Table 5 will not receive payments as per that table. It may be possible to run separate processes at some parts of the year, but any additional administrative time required will incur a one-off £120 administration fee. Claim submissions with excessive errors (over 50% inaccurate) that affect census submissions or other Government returns will be rejected and the provider will be charged a fee of £120 for any administrative time required from the Early Years Funding Team.

## 9.6 Purpose of Funded Early Education

Early Education funding issued to providers is for the sole purpose of delivering a funded early education place for an eligible 2, 3 or 4-year-old. Any provider who, at short notice, is unable to deliver a funded education place (for example, having been suspended with immediate effect from the Early Years register by Ofsted) will be issued an invoice for any funding that has been paid for the weeks that they are closed. Where possible, any displaced children will be provided places and funded at other providers.

## 10. Merton's Directory of Providers

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London Borough of Merton maintains an up-to-date Directory of Providers that includes all the providers approved to deliver funded Early Education places for 2, 3 and 4-year-olds. This Directory is marketed to parents seeking a childcare place for their child and enables parents to find further details about the provider on the [Merton Family Services Directory](#).

To be included in the Directory, the provider must demonstrate that they can meet the conditions laid out in the Early Education Funding Agreement and confirm which entitlements they will be delivering.

### 10.1 Providers new to the funded Early Education programme

There is no automatic inclusion in the Directory of Providers. A decision will be made as to the provider's ability to comply with the conditions as stated in the Agreement for Funded Education. The Local Authority has the right to reject any application on the grounds of:

- Information published by Ofsted or known by the LA about the provider/childminder including any recent history about the childcare provision that relates to a particular address.
- Local information related to the provider's ability to keep children safe.
- Evidence that the setting is unable to deliver on the terms and conditions set out in the Early Education Funding Agreement and this document.

A rejected provider can appeal using the procedure set out in section 11.4.

**New providers are** required to complete an Account Authorisation Appointment where they will be given a detailed overview of the Merton Early Education Funding Process and will be evaluated for the IT competencies required to administrate their funding claims.

If you are an **existing funded provider** and want to start offering one of the entitlements that is not part of your current Agreement, email a request to [providers@merton.gov.uk](mailto:providers@merton.gov.uk) and a member of the team will get back to you.

### 10.2 Change of ownership

Where a registered provider in Merton changes owner the current contract with the provider ceases meaning that for the **new owner** there is no automatic inclusion in Merton's Directory of Providers. New owners will need to follow the process as laid out in section 10.1.

### 10.3 Voluntary withdrawal from the Directory

Any provider who no longer wishes to offer funded Early Education places can withdraw from the Directory of Providers. Providers must to inform the Local Authority, in writing, at least two months before the end of any funding period, and also notify parents of children currently accessing funded Early Education places of the decision to withdraw.

This letter must clearly include the contact details / website address for the Merton Family Services Directory to make sure parents are directed to where they can find alternative provision.

### **Merton's Family Services Directory**

Website: [www.merton.gov.uk/fsd](http://www.merton.gov.uk/fsd)

Email: [fsd@merton.gov.uk](mailto:fsd@merton.gov.uk)

## **10.4 Removal from the Directory of Providers**

### **Meeting the quality conditions as defined by Ofsted**

A provider can be withdrawn from the Directory of Providers if they fail to meet the quality conditions as defined by Ofsted

- Refer to section 6.1

The Local Authority receives notification from Ofsted of all inspection outcomes via a daily data feed directly into its database systems.

#### **Inadequate outcomes**

Providers receiving an Inadequate outcome who are delivering funded Early Education will be contacted by the LA upon receipt of the daily data feed, reminding them of the processes that will commence once the outcome is published by Ofsted. Once the outcome is published, the provider will be sent a formal notification by the LA within 5 working days of the date of publication stating:

1. The date from which they will be removed from the published Directory of Providers. Providers will not be able to start a child in a funded place at the setting from that date. This will be the date Ofsted publishes the outcome.
2. The termination date of their Early Education Funding Agreement. Providers will not receive any funding for children for taking up their Early Education entitlements from the confirmed termination date. This will usually be the end of the current funding period.

When determining these dates the Local Authority will take into consideration:

- The sufficiency of alternative funded Early Education provision
- The continuity of care for the children in provision, especially for those children with Special Educational Needs and disabilities

The provider must notify parents of their removal from the Directory when the Ofsted outcome is published.

Alterations to funding will be made based on the dates of removal from the directory / termination and over / underpayment of funding will be dealt with on a case-by-case basis. This will include evaluation of any upfront payments for a funding period and any hours of delivery in that funding period, and any necessary debt recovery. Working with providers on a case-by-case basis aims to ensure swift resolution around possible

overpayments and how these may be managed across different funding periods, where it makes sense to do this.

### **Requires Improvement outcomes**

If the Ofsted outcome is Requires Improvement and the provider delivers funded Early Education for 3 and 4-year-olds, the provider will be:

- Invited to meet with the Local Authority to review the outcome of the Ofsted inspection and confirm how the setting will address the areas weakness highlighted by Ofsted. Actions and timescales will be agreed and failure to make the appropriate improvements will result in a notice to remove the provider from Merton's Directory of Providers.

A provider who delivers funded places for 2-year-olds who receive a Requires Improvement outcome will be contacted by the LA upon receipt of the daily data feed, reminding them of the processes that will commence once the outcome is published by Ofsted. Once the outcome is published, the provider will be sent a formal notification by the LA within 5 working days of the date of publication

1. The date on which they will be removed from the published Directory of Providers and from which they will no longer be able to start a child in a funded place at the setting. This will be the date Ofsted publishes the outcome
2. The termination date of funding for eligible two-year-olds. Providers will not receive any funding for children taking up their Early Education from the confirmed termination date. This will usually be the end of the current funding period.

When determining these dates the Local Authority will take into consideration:

- The securing of alternative provision for the children in receipt of funded Early Education
- The continuity of care for the children in provision, especially for those children with Special Educational Needs (SEN) and disabilities

Alterations to funding will be made based on the dates of removal from the directory / termination and over / underpayment of funding will be dealt with on a case-by-case basis. This will include evaluation of any upfront payments for a funding period and any hours of delivery in that funding period, and any necessary debt recovery. Working with providers on a case-by-case basis aims to ensure swift resolution around possible overpayments and how these may be managed across different funding periods, where it makes sense to do this.

- **Suspension by Ofsted**

In the event of a suspension of a provider's registration by Ofsted, the Local Authority will be notified by Ofsted. Within 5 working days of this notification, the provider will be sent written notice of their removal from the Directory from the date of suspension. The provider will remain removed from the Directory until the date Ofsted lifts the suspension, as notified to the Local Authority.

Alterations to funding will be made based on the dates of suspension / lifting of suspension and over / underpayment of funding will be dealt with on a case-by-case basis. This will include evaluation of any upfront payments for a funding period and any hours of delivery in that funding period, and any necessary debt recovery. Working with providers on a case-by-case basis aims to ensure swift resolution around possible overpayments and how these may be managed across different funding periods, where it makes sense to do this.

## **Effective use of the Early Education funding**

A provider can be removed from the directory if they fail to ensure effective use of the Early Education funding

The Local Authority is required to ensure that Early Education funds are used properly to deliver high quality Early Education and meet the conditions of delivery laid out in the Early education and childcare statutory guidance

Providers are required to ensure that any funding issued is used for the sole purpose of funding Early Education places for eligible children in accordance with the terms of the Merton Early Education Funding Agreement.

The Local Authority can refuse to fund providers who meet the quality criteria set out at A3.2 and A3.3 of the Early education and childcare statutory guidance if the Local Authority has reasonable grounds to believe that the provider is unable to meet any of the Local Authority terms of funding as set out in A4.18 and A4.19 or the provider falls into one of the categories set out in A4.28 of the Early education and childcare statutory guidance.

## **Funding Audits**

Throughout the year, providers will be randomly selected for Funding Audits or may be identified for a Funding Audit because of a parental complaint. The detail of what is audited can be found in Appendix 2. The provider will be given two weeks' notice of an Audit and will receive a written report within two weeks of the visit. The report will highlight any strengths, recommendations or actions required. Failure to comply with the required actions may result in the provider receiving a notice of removal from the Directory.

Providers who are in arrears by more than 20% of the value of funding in the current or most recent funding period (or more than £5,000) and who have been issued an invoice and failed to repay or have not made Formal arrangements with the Merton Debt Recovery team within 14 days working days may be removed from the Directory.

If a provider is to be removed from the Directory for failure to ensure effective use of the Early Education funding, they will receive a letter stating the reasons and steps will be taken to address these with the provider in accordance with Appendix 5

## **Re-admission onto to the directory**

A provider who has been removed from the Directory may be re-admitted if the grounds for removal are demonstrably no longer applicable, such as publication of an improved judgement by Ofsted, a suspension being lifted by Ofsted, or an outstanding debt has

been paid. The provider will be required to request submission back onto the Directory via an email sent to [providers@merton.gov.uk](mailto:providers@merton.gov.uk)

## 10.5 Appeals process

A Provider whose registration is rejected or who has been notified that they are to be removed from the Directory can appeal against the decision using the following process:

- Notify the Local Authority in writing within fourteen days from the date of the notification of removal letter of their intention to appeal. The letter must clearly identify the grounds on which the provider is appealing. This should be sent or mailed to:

Head of Service  
Early Years, Family Wellbeing and Early Help Service  
Children, Schools and Families Department  
London Borough of Merton  
Civic Centre, London Road  
Morden SM4 5DX

Or

Email: [providers@merton.gov.uk](mailto:providers@merton.gov.uk)

- The Provider will be invited to attend an appeal panel. This will be within 21 days of the appeal letter having arrived at the Local Authority.
- The appeal will then be heard by two senior officers within the Children, Schools and Families department who will be independent of the decision to reject or withdraw the Provider from the Directory.
- The Provider will then be given an opportunity to make their case submitting any evidence. Minutes will be taken at this panel meeting and a final decision will then be made by the panel members.
- The Provider will then be notified of the outcome in writing within 5 days of the appeal panel meeting.

## 11. Working with parents and parental support

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All providers delivering funded Early Education places have a responsibility to ensure that children receive any additional support through the appropriate referral routes.

The Local Authority is committed to providing outreach and family support services for each identified family to ensure that the best outcomes are achieved from the child's attendance in their Early Education place.

If you have concerns about a child who is attending you should visit the web page below for details of how to proceed:

[www.merton.gov.uk/worriedaboutachild.htm](http://www.merton.gov.uk/worriedaboutachild.htm)

## 11.1 Attendance

There is a vast range of evidence that confirms that children who access high quality Early Years settings succeed beyond their peers, especially for those children from vulnerable backgrounds. There is also evidence that erratic attendance can be a key indicator that other factors are impacting on the family. It may mean that additional support services would be of benefit. For all children who are being funded for Early Education, there is an expectation that attendance across a funding period is no less than 95%.

In order to claim for a child on the Headcount they must be in attendance for the total number of hours agreed on the Parent Early Education Agreement Form (Appendix 1), unless there is a valid reason. During an Audit you may incur losses if you cannot demonstrate a viable reason for why a child you have submitted on a Headcount was absent.

Providers should promote good attendance and Ofsted's Welfare Requirements state that you must record children's attendance on a daily basis. Attendance by children must be recorded on a daily register with start and end times. If the child is absent, the register should record the reason.

If a child has not attended for two or more days without their parent informing the provider, the provider must contact the parent or legal guardian and check the reason for the non-attendance. If the child has a named lead professional, the provider must contact the lead professional informing them of the absence and any reasons that the parent has given you.

If the child's attendance under either of the above scenarios does not improve, you are required to send a formal letter to the parent explaining that if they do not regularly attend, their place will be withdrawn. Please ensure that you maintain any correspondence that you have with parents; this may well be required as part of any Audits by the Local Authority.

If a child's attendance is a cause of concern then please follow your child protection procedures.

## 11.2 Parental concerns/complaints

If a parent has a concern regarding how a provider is delivering the Early Education place, Stage One requires them to first seek to resolve their concern directly with the provider. If their concern is not resolved to their satisfaction the parent can choose to escalate to a Stage Two complaint.

An investigating officer will be appointed and will request to see the provider to view any relevant information or paperwork related to the parent's complaint. If the review concludes that there has been a breach of the terms and conditions then the provider will be notified in writing of the breach and given a clear action plan with timescales in which to comply. Parents will be notified of the outcome.

If the provider fails to comply with the required actions within the timescale given they will be formally notified of their removal from the Directory of Providers.

Providers can appeal against the decision to remove them from the Directory of Providers using the appeals procedure.

For details of the complaints procedure, please go to:

[www.merton.gov.uk/early\\_years\\_fund.htm](http://www.merton.gov.uk/early_years_fund.htm)

### 11.3 Exceptional circumstances during a funding period

Once a parent has completed the Parent Early Education Agreement Form (Appendix 1), they will know that the provider cannot Claim funding if they move their child before the Headcount date. However, it is recognised that there may be exceptional circumstances which are underpinned by national guidance and will need to be agreed by the Early Years, Family Wellbeing and Early Help Service

The following circumstances will be considered:

- Safeguarding or where there is evidence that a child's well-being is significantly impaired.
- Permanent closure of a provider resulting in a parent needing to find alternative childcare.
- Removal from the Ofsted Early Years register or by childminder agency
- New guidance from statutory agencies in response to local and/or exceptional circumstances

If you meet either of the above, please email London Borough of Merton at [providers@merton.gov.uk](mailto:providers@merton.gov.uk)

## Appendices

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Appendix 1 – Parent Early Education Agreement Form

Appendix 2 - Annual Review and Audits for Early Years Providers Delivering Funded Early Education Places

Appendix 3 – Safeguarding Practice Review

Appendix 4 – Inclusion Practice Review

Appendix 5 – Failure to ensure effective use of the Early Education funding

Appendices are available to download from the Merton website at

[www.merton.gov.uk/early\\_years\\_funding\\_providers\\_guide](http://www.merton.gov.uk/early_years_funding_providers_guide)