

Delegated Conditions for the Free Entitlement

These conditions describe the *minimum legal requirements* of private, voluntary and independent sector providers who wish to be included on the Kent County Council Directory of Providers and offer the free entitlement described below. These conditions should be read in conjunction with the statutory *DfES Code of Practice on the Provision of Free Nursery Education Places for Three and Four Year Olds* which sets down more detailed requirements. Save for where these conditions are required to be interpreted to ensure consistency of interpretation with new statutory provisions or government guidance these Conditions will not be changed without consultation with providers.

The Free Entitlement ⇒ DfES Code of Practice 5.4, 5.9, 6.1, 10.3, Annex B2, B6, B15
<http://www.surestart.gov.uk/improvingquality/guidance/freenurseryeducation/>

- The 'Free Entitlement' for 3 and 4 year olds under the *DfES Code of Practice on the Provision of Free Nursery Education Places for Three and Four Year Olds* is for 12.5 hours per week for up to 38 weeks per year for a maximum of 2 sessions per day.
- Parents/carers can access as little or as much of the free entitlement as they wish, and may take up the entitlement at more than one PVI provider.
- PVI providers are encouraged to explain to parents/carers how the free entitlement works. Parents must be informed if the setting cannot offer them the full entitlement of 12.5 hours per week/38 weeks per year and that under the scheme there is no guaranteed right to a place at a particular provider of their choice where there are no vacancies. KCC will provide information and guidance to assist Providers.
- PVI providers are encouraged to open for the full 38 weeks, although the DCSF (Dept. for Children, Schools and Families, formerly DfES) and KCC recognise that not all PVI providers will be able to open for the full 38 weeks per year.
- The Entitlement *must* be free at the point of delivery. Detailed requirements are set down in the DfES Code of Practice.

Other requirements of PVI providers

- The DfES Code of Practice *requires* PVI providers delivering the free entitlement to provide planned learning activities to help children progress towards achieving the early learning goals, in line with the principles and practices set out in the Qualification and Curriculum Authority document "*Curriculum Guidance for the Foundation Stage*". From September 2008, PVI providers must be ready to deliver the new Early Years Foundation Stage Curriculum.
⇒ DfES Code of Practice 2.1, 6.1 & QCA: Curriculum Guidance for the Foundation Stage
- PVI providers *must* hold a copy of the setting's registration certificate with OfSTED under the *Children Act 1989*, or, for independent schools, a copy of the Nursery Education Report and written confirmation of final registration with the DCSF. PVI providers must also be registered on the Local Authority (LA) Directory of Providers. ⇒ Children Act 1989 & DfES Code of Practice Annex A – Directory of Providers
- PVI providers *must* maintain appropriate record keeping systems covering curriculum planning, and noting children's progress and development. Observation *must* be part of the daily routine and used to inform future activities and children's development. Information from observation *should* be shared with parents/carers and fed into a record of transfer, which, only with the permission of parents/carers, should be used to supply information to a child's next setting. This transfer may be via the parent/carer or directly with the child's next setting.
⇒ DfES Code of Practice 12 & QCA: Curriculum Guidance for the Foundation Stage
- PVI providers *must* ensure staff are appropriately qualified and have access to suitable training and development which will help them to develop their understanding and awareness of diversity, and the ability to respond to the particular needs and backgrounds of all children. There *must* be a designated person for child protection and that person *must* undertake child

protection training approved by Kent Safeguarding Children's Board (KSCB) every 2 years, and all other staff must undertake approved child protection training every 3 years. Suitable records of training *should* be maintained at the setting. KCC will facilitate training and support. ⇒ DfES Code of Practice 12, QCA: Curriculum Guidance for the Foundation Stage & Children Act 1989

- PVI providers *should* co-operate with visits from KCC in line with KCC's statutory duties to provide support and advice in relation to standards and monitoring.
⇒ DfES Code of Practice 12
- PVI providers *must* comply with requirements for Criminal Records Bureau (CRB) checks and maintain appropriate records available for inspection by KCC at the setting. KCC will facilitate training and support. ⇒ Police Act 1997 & CRB Code of Practice
- PVI providers *must* explain their admissions arrangements to parents/carers, and these procedures *must* be clear, transparent, inclusive and equitable. ⇒ DfES Code of Practice 10.6
- PVI providers *must* promote equality of opportunity and ensure there is no discrimination. This will include enabling and supporting the inclusion of children with special educational needs and/or a disability in accordance with the requirements of the Disability Discrimination Act 1995 and the Special Educational Needs and Disability Act 2001. PVI providers *must* have regard to the SEN Code of Practice, must have an SEN policy which promotes inclusion and covers admissions, and must appoint a settings-based SEN Co-ordinator (SENCO).
⇒ DfES Code of Practice 4 & 6.1, Disability Discrimination Act 1995, SEN and Disability Act 2001 & SEN Code of Practice
- PVI providers *must* have the appropriate public liability insurance with a recommended minimum indemnity limit of £5m for each and every claim, which must be prominently displayed at all times in the setting.
- PVI providers *must* comply with the requirements of the Data Protection Act 1988.
⇒ Data Protection Act 1988
- PVI providers *must* comply with KCC/statutory requirements for information/data returns in relation to the DCFS Early Years census, and in relation to arrangements and procedures for: Registration on Kent's Directory of Providers, accounting periods, audit requirements and appeals. ⇒ DfES Code of Practice Annexes A & B & Sec. of State Regulations

Information

- Information supplied by PVI providers will be held in an electronic format by Kent County Council and may be compared to data from other settings and be used for statistical purposes.
⇒ Sec. of State Regulations

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