

## Guidance and FAQ for Providers on Parental Agreements

A parental agreement is an agreement between a North Yorkshire Council (NYC) funded early years childcare provider and parents whose children take up government funded hours. NYC provide a sample document that childcare providers can customise to reflect their individual offer.

**Purpose** - The purpose of the parental agreement is to ensure that parents can make informed decisions on their choice of childcare and get the parents permission to make the government funding claim on their behalf. Providers can include the parental agreement in their contract with parents and/or their terms and conditions.

The provider must ensure they see a form of identification and record this on the parental agreement, for example the child's birth certificate or passport to verify the child's full legal name and date of birth - it is not necessary to keep copies of any DOB evidence.

A parental agreement must be completed for all eligible funded children, signed by either the parent or the child's legal guardian, before a child starts accessing their funded place, and must be in place for the duration that a child is accessing their government funded hours.

The provider must keep a copy of the signed parental agreement for each child as proof of the number of funded entitlement hours that the parent has authorised you to claim on their behalf. The parental agreement will be used support the information submitted via the Provider Portal. Copies of parental agreements will be checked during any compliance check of early years funding carried out by the local authority or required as evidence in the event of a duplicate claim.

Copies should be retained and stored securely by the provider for 6 years.

A parental agreement can be in a paper, or electronic format, but must comply with General Data Protection Regulations and stored securely.

**Please make your offer clear for parents to understand and ensure that you comply with the Department for Education Statutory Guidance April 2024 paying particular attention to the Charging section as shown below.** The full document can be found here: [Early education and childcare \(applies from 1 April 2024\) - GOV.UK \(www.gov.uk\)](#)

- A1.31 Ensure that providers are aware that they can charge for meals and snacks as part of a free entitlement place and that they can also charge for consumables, such as nappies or sun cream, and for services such as trips and specialist tuition. Local authorities should ensure that providers are mindful of the impact of additional charges on parents, especially the most disadvantaged. Providers, who choose to offer the free entitlements, are responsible for setting their own policy on providing parents with options for alternatives to additional charges, including allowing parents to supply their own meals or nappies, or waiving or reducing the cost of meals and snacks.
- A1.32 Ensure that providers and parents are aware that the Early Years Pupil Premium (EYPP) provides additional funding to providers to support eligible children in early years settings and that the Disability Access Funding (DAF) supports eligible, disabled children's access to the entitlements. Subject to Parliament passing the relevant regulations, eligibility for EYPP and for DAF will be extended to all children accessing the free entitlements from April 2024.
- A1.33 Not intervene where parents choose to purchase additional hours of provision or additional services, provided that this is not a condition of accessing a free place.
- A1.34 Ensure that providers deliver the free entitlements consistently, so that all children within a setting accessing any of the free entitlements receive the same quality and access to provision, regardless of whether they choose to pay for optional hours, services, meals or consumables.

- A1.35 Ensure that providers are completely transparent about any additional charges when a parent first takes up their child's free place, for example, for those parents opting to purchase additional hours or additional services.
- A1.36 Work with providers and parents to ensure that all parents, including disadvantaged families, have fair access to a free place, which must be delivered completely free of charge. Ensure that providers do not:
  - charge parents "top-up" fees (any difference between a provider's normal charge to parents and the funding they receive from the local authority to deliver free places).
  - require parents to pay a registration fee as a condition of taking up their child's free place
- A1.37 Ensure that providers are aware that they can charge a refundable deposit to parents accessing the free entitlements but should also consider if this would prevent take up, especially for disadvantaged families. The purpose of the deposit is to give providers certainty that a parent will take up the place. Local authorities should work with providers to determine a reasonable timescale for refunding deposits in full to parents. However, local authorities and providers should make clear to parents any circumstances in which the provider would not be obliged to refund the deposit, for example if a parent fails to take up their place without sufficient notice.
- A1.38 Ensure that providers publish their admissions criteria and any fees for consumables, additional hours and services and make these easily available to parents to enable parents to make an informed choice of provider.
- A1.39 Ensure that providers work with parents so that parents understand which hours / sessions can be taken as free provision. Not all providers will be able to offer fully flexible places, but providers should work with parents to ensure that as far as possible the pattern of hours are convenient for parents' working hours.
- A1.40 Work with providers to ensure that their invoices and receipts are clear, transparent and itemised allowing parents to see that they have received their child's free entitlement completely free of charge and understand fees paid for additional hours or services. Invoices and receipts should include the provider's full details so that they can be identified as coming from a specific provider.

## Questions and Answers

### **Do parental agreements have to be in place for all our funded children?**

*Yes, parental agreements must be completed and signed by both parties (i.e., the parent and provider) prior to the start of the funded place. You should not claim funding for children whose parents have not signed an agreement. All claims made on a termly headcount should also reflect the number of funded hours per week the parent has signed, and confirmed they wish to access with you, per week.*

### **Do providers need to complete a new parental agreement every term?**

*No, the agreement has been designed so that only one agreement needs to be completed for each child while they attend your provision - unless significant changes are made to the funded hours the parent wishes to access and for you to claim.*

### **What should I do with the parental agreement?**

*You should keep the original and give the parents a copy. There is no need to send them to the Early Years Funding Team unless specifically requested to do so, which may happen in the event of an over claim or a disputed claim. The retention period for completed parental agreements is 6 years.*

### **What if the child is attending another provider?**

*The parent must declare the name of the other provider, the number of hours and if accessing universal or working family funded hours that the child is accessing at the other provider. This reduces the possibility of any overclaim of funding.*

### **I have a parent who has not signed a parental agreement.**

*You must make the parent aware that you will not be able to claim for the funded hours from the local authority until you have a signed agreement.*

### **I have a parent who claims they did not understand what they were signing when they signed the parental agreement and now want to change provider.**

*NYC allow parents the choice of where their child accesses their funded place. However, parents are responsible for reading the parental agreement before signing; if this is not possible due to sensory impairment or a language barrier the provider should ensure it is fully explained before asking the parent to sign.*

Early Years Funding Team April 2024