

THE EARLY YEARS AND CHILDCARE LOCAL PROVIDER AGREEMENT

Introduction

1. In April 2010 the Government published a revised Code of Practice for Local Authorities on Delivery of Free Early Years Provision for 3 & 4 year olds for implementation from 1 September 2010.
2. Local authorities must have regard to this guidance when fulfilling their duty under Section 7 of the Childcare Act 2006. Local authorities should not depart from the guidance in this Code unless they have good reason to do so.
3. The revised Code of Practice sets out changes in three key areas:

Flexibility

National Minimum Standards of flexibility and a published *Local Core Offer* for parents in each local authority. The Standards comprise:

- a guarantee for parents that they can expect at least 3x5 hour or 5x3 hour sessions over a week
- a clear role for local authorities to assess parental demand for other patterns of flexibility - and continue to be responsive to changing demand in the future - and secure these wherever possible, in negotiation with providers and within a national framework.

Quality

An expectation that local authorities will, wherever possible, concentrate free entitlement funding on the highest quality providers (funding others where necessary to uphold sufficiency and accessibility) and prioritise support to those of lower quality which are delivering the free entitlement.

A transparent, consistent process for identifying the highest quality providers across all sectors through the national Early Years Quality Improvement and Support Programme (EYQISP) tools.

An expectation that all local authorities will establish childminder networks to enable childminders to deliver the free entitlement.

Partnership working

An expectation that local authorities will establish Provider Agreements with providers in all parts of the sector, through negotiation, to secure mutual commitments on flexibility, quality and working together.

An expectation that local authorities will encourage providers to use Parental Declarations with parents, which will build stability into the flexible offer for parents and providers.

4. The Code of Practice confirms and clarifies a number of requirements relating to the provision of the free entitlement by stating:
 - what is a legal duty required by legislation (must)
 - what local authorities should as a matter of course do to fulfill their statutory responsibilities and ensure effective delivery in accordance with the key principles
 - what further actions local authorities might want to consider in order to respond to particular issues.
5. Local authorities should consider setting out the terms of the Code of Practice, including their expectations on how providers will work together in partnership, in local Provider Agreements.

Early Years and Childcare Local Provider Agreement

6. Wiltshire has maintained a Local Provider Agreement which is reviewed, and suppliers required to sign to agree to its provisions, each year.
7. The 2009 -10 Local Provider Agreement was revised in draft form to reflect the requirements of the Code of Practice and the authority's expectations of best practice in May, 2010 following a series of briefing sessions with childcare providers.
8. The Draft Agreement was circulated to all providers for consultation in June and in the light of the response to the consultation a number of amendments to the authority's expectations were agreed with the Early Years Reference Group.
9. A large number of comments reflected providers' dissatisfaction with the national Code of Practice, in particular the requirement that Free Entitlement must be available completely free at the point of delivery with 'top-up fees' and any compulsory charges being prohibited. As the Free Entitlement is extended to 15 hours per week (if taken over 38 weeks) and made more flexible these restrictions may challenge the business models of some settings. However, the local authority does not have the power to relax these statutory requirements.
10. The Early Years Reference Group resolved to recommend that the Local Provider Agreement be adopted as amended from its original draft. A copy is attached as the appendix to this report.

Recommendation

11. Schools Forum is recommended to adopt the Wiltshire Early Years and Childcare Local Provider Agreement.

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Unpublished documents relied upon in the preparation of this report: None