

Addendum to Kent Provider Agreement from 1 April 2025

In line with Early education and childcare, Statutory Guidance for local authorities February 2025

In accordance with the terms of the 'Kent Provider Agreement - With Effect from 1 April 2024' (KPA 24), KCC is exercising its unilateral right to vary the terms.

Relevant to new Statutory Guidance (SG) A1.35
The following replaces 13.8 and 13.9 of the KPA 24

Providers are to note that the new statutory guidance is effective from **1 April 2025** so any requests from parents for a breakdown of any costs being charged or evidence that children are receiving their free hours completely free must be promptly provided.

All providers are expected to publish their charges either on their own website or on the Kent CFIS directory **by 1 January 2026** so that parents can clearly see how many free hours they are getting per day and per week. This is to ensure parents understand exactly how many free hours they are receiving over the calendar year from when their child first becomes eligible.

From 1 April 2025, providers are required to publish their charges clearly in a transparent fee structure and they must ensure that parents are made aware of any charges for additional services, and what exactly constitutes additional services, before each child takes up its free place and on an ongoing basis thereafter. In respect of those additional hours, meals and optional activities outside the remit of the Free Early Education and Childcare provision, providers must have separate agreements with parents setting out in a clear, transparent manner for how long the parent has agreed to pay the additional charges, what the additional charges are, what the charges are for, the rates of those charges and details of the circumstances in which the parent can opt out of paying.

Relevant to SG A1.36
The following replaces 13.15 of the KPA 24

Invoices and receipts are to be itemised, to ensure they break down separately into:

- the free entitlement hours
- additional private paid hours
- food charges

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- non-food consumables charges
- activities charges

providing sufficient supporting detail to enable the charges to be easily understood and reconciled. These invoiced charges must relate back to those individual itemised services or charges that the parent has agreed to pay for prior to the child taking up its place and thereafter.

Providers must ensure that parents can see that they have received their child's free entitlement hours completely free of charge and can also understand that any fees paid are for additional hours or optional services. Invoices and receipts must include the provider's full details so that they can be identified as coming from a specific provider.

Relevant to SG, A1.33, A1.34, A1.37, A1.38, A1.39, A1.42

To the extent there is a conflict between the cited clauses **13.2, 13.6, 13.7, 13.9 and 13.14** in the KPA 24 and the updated text in this amendment relating to the aforementioned KPA 24 clauses, the updated text will prevail.

Providers are permitted to charge parents for the following extras in connection with the free hours, but these charges **must be voluntary** for the parent:

- consumables to be used by the child, such as nappies or sun cream
- meals and snacks consumed by the child
- extra optional activities such as events, celebrations, specialist tuition (for example music classes or foreign languages) or other activities that are not directly related or necessary for the effective delivery of the Early Years Foundation Stage (EYFS) statutory framework.

Beyond a child's entitlement to a Free Early Education and Childcare place, providers can also charge parents for any additional, privately paid for hours in accordance with their usual terms and conditions provided always accessing a Free Early Education and Childcare place is not made conditional on that child being required to attend any number of privately paid for hours.

Parents must always be able to opt out of being required to pay for chargeable extras, any associated consumables or activity for their child. For activities and extra services, providers must be aware that participation in any optional extra activity should be on the basis of parental choice and being willing to pay the charges incurred. Providers are to ensure that those children who do not participate in optional activities continue to receive provision that complies with the EYFS.

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Providers are to be mindful of the impact of charges on families, particularly the most disadvantaged. Providers who offer the free entitlements, are responsible for setting a policy on providing parents with viable options for alternatives to paying additional charges. This policy must offer reasonable alternatives that allow parents to access the entitlement for free, including allowing parents to supply their own, or waiving the cost of these items.

In all cases, these chargeable extras must not be a condition of taking up or otherwise utilising a free place. All parents, including disadvantaged families, must have fair access to a free place. KCC/TEP will intervene if a provider seeks to make additional hours, optional services or optional consumables a mandatory condition for a child to take up a free place and KCC/TEP will use their powers under Section 9(3) of the Childcare Act to ensure parents are refunded for any mandatory charges imposed.

KCC has a duty to ensure that Free Early Education and Childcare places are delivered completely free, and providers are required to provide such places completely free of charge. Providers will be responsible for reimbursing any excess charges to the parents under advice if there is any overcharging. Providers will also be responsible for reimbursing any excess charges to the parents under advice to KCC if a complaint is made either to KCC or the Local Government and Social Care Ombudsman. KCC/TEP reserves the right to set or deduct from any amount payable to the provider by KCC/TEP such sums found to be due and repayable to the parent of any affected child.

Non-compliance by a provider may, at KCC's sole discretion, lead to the relevant provider being suspended or removed from the Kent Directory. Providers will be aware that the affected overcharged party may also seek their own form of redress, which could lead to a complaint to the Ombudsman or separate legal action.

Relevant to SG A1.41

To the extent there is a conflict between the cited clauses **13.10 and 13.11** in the KPA 24 and the updated text in this amendment relating to the aforementioned KPA 24 clauses, the updated text will prevail.

Providers can charge a deposit to parents for both The Universal Entitlement and The Working Parent Entitlement to secure their child's free place but must refund the deposit in full to parents by the end of half-term or within six weeks, whichever is sooner. These deposits can only be retained if the child does not take up the place without providing no less than one month's advance notice. The Education People will not allow providers to charge deposits for FF2 Children who do not also qualify for the Working Parent Entitlement.

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Providers must ensure that the free entitlements are available free of charge, so providers do not charge parents for the following in connection with the entitlement hours:

- 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)
- the supply of or use of any materials, including, but not limited to, craft materials, crayons, paper, books, instruments, toys, or other equipment, gardening activities or learning resources that are necessary for the effective delivery of childcare, online journaling and progress tracker tools
- business running costs, including, but not limited to, rent, council tax, staff wages and emoluments, staff training, first aid supplies, cleaning materials, insurance, or utility bills such as energy, gas or water
- registration fees as a condition of taking up a child's free entitlement place
- general charges, including but not limited to, non-itemised enrichment charges, sustainability charges, flexibility charges, business continuity charges, additional charges, enhanced ratios, hourly rates, or any other supplementary charges on top of the free hours
- any additional fees that are not specifically identified and itemised as being for chargeable extras as described in Paragraph A1.33 of the Statutory Guidance.

Relevant to SG A1.43 and A2.12

To the extent there is a conflict between the cited clauses **13.3, 7.1, 7.6, 7.7, 7.8, 7.9 and 7.10** in the KPA 24 and the updated text in this amendment relating to the aforementioned KPA 24 clauses, the updated text will prevail.

To be included on the Directory of Providers in order to offer the free entitlements, providers are expected to offer the full number of hours required for each entitlement. However, providers may choose to opt out of offering one or all of the free entitlements but should consider the impact on their business in doing so. Providers must not limit the number of totally free places they offer to parents. The DfE is clear that offering free places to only *some* eligible children does not meet the statutory duty. Providers are required to work with parents so parents can understand which hours or sessions can be taken as free provision. It is acknowledged that not all providers will be able to offer fully flexible places, but providers are to work with parents in order to ensure that as far as possible the pattern of the entitlement hours are convenient for parents' working hours. Providers will ensure that children are able to take up their free hours in continuous blocks if the parent wishes, with no artificial breaks in the entitlement hours and this will be monitored by KCC/TEP. For example, a provider should not offer 10am to midday and 1pm to 3pm as entitlement hours and offer only private paid hours in between.

Free Early Education and Childcare can be offered over 38 weeks or up to 52 weeks as a 'stretched' offer whereby fewer weekly hours are spread over more weeks to produce the same annualised total entitlement for Free Early Education and Childcare hours. Free Early Education and Childcare can be offered at weekends. Bank holidays can form part of the Free Early Education and Childcare hours if the provider is open for business, and children can

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access their Free Early Education and Childcare hours at this time. Providers cannot include inset/training days in their funded pattern. If a funded day falls on a bank holiday and the provider is closed, an alternative session must be offered in lieu. Evidence of those sessions offered are to be kept for compliance purposes.

A new Kent Provider Agreement will be written and issued in readiness for January 2026. Further details on that will follow in due course.

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