

Procedure for the Removal of an Early Years Setting off the Local Authority Directory of Providers

As stated in the Nursery Education Grant Funding Contract providers must adhere to the requirements of the contract and in the event of not doing so could be removed from the Directory of providers and prevented from claiming Nursery Education Grant on behalf of 3 and 4 year old children attending the setting.

This would mean that children would not be able to receive their free entitlement and would have to attend another setting on the Directory to receive it.

The following procedures have been designed to inform settings of the process by which they could be removed from the Directory.

Procedure

1. The LA is notified or becomes aware that the provider has not met the conditions within the Contract, for example following an Ofsted Inspection where the setting was deemed to be 'unsatisfactory' or that fraudulent practice has been identified.
2. The LA will meet with the setting and either further investigate or discuss the issues identified this will be followed by a formal written notification of intention.
 - a. In relation to issues involving funding – officers from the Council's Finance and / or Audit section may be involved and in turn they may involve the police.
 - b. In relation to issues of quality – for example the setting has received an Inadequate outcome from an Ofsted Inspection, officers from the Children and Young People's Services department, including the Advisory Teachers will work with the setting within the framework laid down in the Code of Practice for the Provision of Early Education, which states:-
 - i. *Local authorities may remove providers from the Directory if they cease to meet any conditions set or withhold reasonable cooperation from the local authority in delivering its statutory responsibilities. Local authorities may also remove a provider from the Directory if, on the advice of Ofsted, their provision is judged inadequate.*
 - ii. *In the event that Ofsted judge the provision as inadequate in one or more respects, Ofsted will notify the relevant local authority which may either:-*
 - *Confirm that the provider should be allowed time to improve their provision, with an Ofsted inspection to check on progress with the timescales set out in 12. 6 of the Code.*

Or

- *Remove the provider from their local Directory of providers, inform Ofsted and withdraw funding at the end of the term, or sooner if circumstances require.*

3. If the formal notification of intention outlines a work programme for improvement, then the setting is obliged to agree and cooperate with the requirements.
4. If at the end of the specified period the required improvements have not been met then further notification to cease the contract will be implemented. This will include:-
 - Written notification to the provider.
 - Written notification to parents of children currently attending the setting.
 - Written notification to prospective attendees (*the setting is required to co-operate with the local authority to provide this information so as to minimise the negative impact on children and their families*).
5. If the formal notification of intention is to cease the contract immediately for the provision of Early Education and removal of the setting from the Directory it will be done in line with the requirements of the Code of Practice. Written notification will be sent to
 - a. The provider.
 - b. Parents of children currently attending the setting.
 - c. Parents of prospective attendees (*the setting is required to co-operate with the local authority to provide this information so as to minimise the negative impact on children and their families*).

Appeals Procedure

In the event of a setting wanting to appeal about any part of the above process they will be required to follow the Councils' Complaints procedure which can be found on the Council's Web Site at the following link:-

<http://www.wigan.gov.uk/Services/CouncilDemocracy/CommentsComplaints/ComplaintsProcedure.htm>