

Removal of provider from Oxfordshire's Early Years Provider Register Policy and Appeal process

Updated July 2010



Background

Oxfordshire County Council has a duty to comply with the national Code of Practice on the provision of Free Nursery Education Places for 3 and 4 year olds.

All Providers of the free entitlement are required to be registered and inspected by Ofsted and meet minimum satisfactory standards and working towards good or outstanding outcomes.

Additional Local Authority requirements are set out in the **Provider Agreement**, which is updated annually and signed by all Providers in receipt of Nursery Education funding.

Oxfordshire's **Early Years Quality Improvement Scheme (QIPS)** sets out the advice and support that providers can expect from the Local Authority. When the Local Authority is notified of an inadequate Ofsted inspection outcome the setting will be categorized as needing 'high' support. This will include an immediate support visit from a senior member of the advisory team to help develop a post-Ofsted action plan and address the issues identified as requiring improvement. More than one inadequate Ofsted inspection within 3 years may lead to the Provider being removed from the Register and funding withdrawn

Notification of decision to withdraw funding and appeals procedure

1. Non-compliance with the terms of the Provider Agreement or an inadequate Ofsted inspection (care or education) will be referred to the relevant Head of Service or senior officer with delegated responsibility who will consider if the Provider has capacity to improve.
 - a) If the Provider has the capacity to improve they will be notified in writing and an action plan will be agreed with a senior member of the advisory team. If improvements are met within an agreed timeframe (max. 3 months), providers will remain on the register.
 - b) If the improvements are not met when the action plan is renewed, the Head of Service or senior officer will notify the Provider that it will be removed from the register. Funding will normally be withdrawn from the term following the notification. The dates for the beginning of term for the purposes of this policy are:
 - 1st September
 - 1st January
 - 1st April
2. The Provider will have 10 working days - unless otherwise stated - to appeal in writing against the decision. The appeal should be sent together with any supporting documents by recorded delivery to:

CMDCY4

Head of Service
Early Years
Oxfordshire County Council
County Hall
New Road
Oxford
OX1 1ND

3. If an appeal is received within the stated timescale, the Head of Service or a senior representative of the local authority will confirm in writing the date, time and location of the independent appeal hearing. This hearing will be held within a maximum of 10 working days of receiving the notification of intention to appeal.
4. The Panel will be Chaired by the Head of Service and will also include a senior member of the Early Years advisory staff (or delegated representative) and an independent representative with early years expertise. None of the panel members will have been directly involved in making the original decision to withdraw funding. A member of the Oxfordshire County Council Legal Team may attend the hearing to give advice to the Panel.
5. The provider will be invited to attend the appeal hearing to make representations, and will be entitled to bring appropriate representatives agreed in advance by the Chair. Any written evidence or supporting documentation must be sent to the Chair no later than 1 full working day before the hearing, otherwise it will not be considered.
6. The appeal hearing will be an opportunity to review the basis of the decision, review any further evidence and discuss any representations made by the provider in relation to the decision to withdraw funding.
7. The provider will be notified in writing of the outcome of the appeal within 7 working days of the hearing. The notification will either:
 - a) Uphold the original decision to withdraw funding and require the provider to notify parents of this decision, or
 - b) Agree further actions to be undertaken, with a given timescale for the provider to meet the conditions of the grant and ensure that it meets the required standards of provision.
8. If, after having gone through the formal appeals process, the provider is not satisfied with the process, they can ask the Local Government Ombudsman to investigate. The Local Government Ombudsman is independent of the Council and investigates allegations of maladministration causing injustice to the person who has complained. The Ombudsman investigates complaints about most council matters including housing, planning, education, social services, and council tax.

Appeals Procedure Flowchart

