### Annual Provider Agreement for the period of September 2019 to August 2020

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### Glossary note

In this document:

- ‘Providers’ refers to any funded providers of early years education and childcare.
- ‘NCC’ refers to Northamptonshire County Council (also called The Local Authority on statutory guidance).
Introduction

All providers in Northamptonshire, to qualify to offer and deliver funded places for 2, 3 and 4 year olds, must be registered with Northamptonshire County Council (NCC) to claim funding.

NCC retains the right, after giving a notice period of a full funding block to reduce or remove funding for any individual provider that fails to:

- meet the obligations set out in this Agreement either in part or in full
- keep any other agreement between NCC and the provider

NCC produces guidance on the delivery of funded places for 2, 3, and 4 year old children for Early Years Providers;

Please ensure that before completing this Agreement you have fully read and understood this guidance.

Provider Guide

Deadline

To be eligible to claim the funding for 2, 3 and 4 year olds incorporating the 30 hours extended entitlement, the Provider Agreement must be submitted and agreed by the published date.

Once the deadline for the form has been reached there will be no option to submit any late information and you will no longer be eligible to offer, deliver or be paid for funded places.
NCC responsibilities - overview

- to secure a funded place for every eligible child in the county
- to work in partnership with providers to agree how to deliver funded places
- to be clear about their role and the support available locally to meet the needs of children with special educational needs and/or disabilities (SEND) as well as their expectations of providers
- to contribute to the safeguarding and promote the welfare of children and young people in the county
- to secure sufficient childcare, so as far as is reasonably practicable, for working parents or carers

Provider responsibilities - overview

- to comply with all relevant legislation and insurance requirements
- to ensure that all parents or carers wishing to take up a funded place at your setting have fully understood and completed the Parental Contract
- to ensure that the Parental Contract is completed before the start of each Funding Block. A Parental Contract cannot be completed for a full year in advance.
- to understand that it is the responsibility of your setting to fully explain your charging and admissions policies to all parents or carers using your services. This includes any costs that may be charged to parents or carers during a child’s funded hours and for any additional hours a parent or carer may choose to take.
- to ensure that those children accessing solely funded places receive the same quality and access to provision
- to follow and fully meet the requirements of the Early Years Foundation Stage (EYFS).
- Safeguarding policies and procedures must link to NCC’s guidance for recognising, responding, reporting and recording suspected or actual abuse
- must have arrangements in place to support children with special educational needs and/or disabilities (SEND). These arrangements should include a clear approach to identifying and responding to SEND.
- should utilise the Disability Access Fund (DAF) to deliver effective support, whilst making information available about their SEND offer to parents
- keep all information held about their services accurate and up to date and inform NCC immediately with any changes to contact details
- be registered with Ofsted on the Early Years Register, or registered with a Childminder Agency, or be part of any school

Safeguarding

NCC has overarching responsibility for safeguarding and promoting the welfare of all children and young people in their county. They have a number of statutory functions under the 1989, 2004, 2015, Children Acts which make this clear, and the Working together to safeguard children guidance sets these out in detail.

Providers must;

- ensure the safeguarding of children attending the setting
- have at all times a ‘Designated Safeguarding Lead’ who is trained and will continue to access training regarding these matters. The lead practitioner must take responsibility for safeguarding and all staff must have training to identify signs of abuse and neglect
• follow the EYFS and have clear safeguarding policies and procedures in place. These must be in line with local guidance and include guidance for responding to and reporting suspected or actual abuse and neglect
• have regard to ‘Working together to safeguard Children’ 2018 guidance
• be committed to working within the thresholds and pathways framework or any safety planning framework that the they have in place, including identifying and completing an Early Help Assessment (EHA) when appropriate or MASH referral where the child appears to be at risk from significant harm
• be committed to their role as carer of children and will participate in Child Protection, Child in Need (CIN) meetings and Team Around the Family Meetings (TAF) where they or other providers are the lead professionals

Eligibility for funded places

NCC must ensure that a child has a funded place no later than the beginning of the funding block following the child being age eligible and the parent or carer meeting the eligibility criteria for that funded place.

Providers must;
• ensure children are eligible for funding before offering a place
• check original copies of documentation to confirm a child has reached age eligibility on initial registration for all funding streams
• ensure that parents understand which hours or sessions can be taken as funded provision
• should work with parents to ensure that, as far as possible, the pattern of hours is convenient for parent’s working hours
• clearly set out their policy covering the position for a child whose family’s circumstances change and hours of attendance need to be renegotiated
• retain paper or digital copies of documentation to enable NCC to carry out audits and fraud investigations
• securely store all copies of documentation in accordance with General Data Protection Regulation (GDPR) and the Data Protection Act and delete this documentation 2 years after the child has left
• confirm the eligibility of any funded 2 year place using the Eligibility Checking Tool. This reference number must be retained by the provider as part of the Parental Contract

2 year olds who are eligible for funding will remain entitled until they become eligible for the universal funding for 3 and 4 year olds.

Funding Blocks are set out in the Early Education and Childcare Statutory guidance for Local Authorities and are as follows:

Summer Funding Block: 1st April to 31st August – to be age eligible for the Summer Block a child will need to be 3 years old on or before the 31st March to start a funded place on the 1st April

Autumn Block: 1st September to 31st December – to be age eligible for the Autumn Block a child will need to be 3 years old on or before the 31st August to start a funded place on the 1st September

Spring Block: 1st January to 31st March – to be age eligible for the Spring Block a child will need to be 3 years old on or before the 31st December to start a funded place on the 1st January

Alongside the 2 year funding, 30 hours eligibility code (the child’s unique 11-digit DERN reference number) and original copies of documentation, the provider must acquire written consent in the form of the NCC Parental Contract. The Parental Contract must be completed to enable providers to make a funding claim on behalf of the Parent or Carer.
Once the Parental Contract has been completed, the 30 hours eligibility code must be verified on the Provider Portal. Reference numbers for 2 year funding cannot be validated on the Provider Portal and will need to be validated on the Online Eligibility Checking Tool.

NCC will complete audit checks to review the validity of eligibility codes for children who qualify for 30 hours extended entitlement at six fixed points in the year, both at half-term and at the end of the funding block across the year in line with the dates as listed at table below.

<table>
<thead>
<tr>
<th>Date Parent receives eligible decision on reconfirmation:</th>
<th>LA audit date:</th>
<th>Grace Period End date:</th>
</tr>
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<tbody>
<tr>
<td>1 Jan – 10 Feb</td>
<td>11 February</td>
<td>31 March</td>
</tr>
<tr>
<td>11 Feb – 31 March</td>
<td>1 April</td>
<td>31 August</td>
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<tr>
<td>1 April – 26 May</td>
<td>27 May</td>
<td>31 August</td>
</tr>
<tr>
<td>27 May – 31 August</td>
<td>1 September</td>
<td>31 December</td>
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<tr>
<td>1 September – 21 October</td>
<td>22 October</td>
<td>31 December</td>
</tr>
<tr>
<td>22 October – 31 December</td>
<td>1 January</td>
<td>31 March</td>
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30 Hours Extended Entitlement

It is the responsibility of the parent or carer to check their eligibility for a 30 hours place using the HMRC Childcare Choices website. Eligibility must be reconfirmed every 3 months before the end date is reached. It is the responsibility of the provider to remind Parents or Carers to reconfirm their eligibility. Providers can use the ‘Expiration Dashboard’ on the Provider Portal to supply parents or carers with information regarding start and end dates of eligibility.

A 30 hours Extended Entitlement appeal can be done by parents or carers by completing an online form on the HMRC Childcare Services website Childcare Services – 30 Hours Appeal. Appeals cannot be made directly to NCC.

Providers must adhere to 3 key points when offering 30 hours funded places:

1) The Start Date: Start dates are issued by HMRC and are the date the parent or carer makes contact to reconfirm. Delaying the reconfirmation of a funded place does not increase the amount of time eligible.

Start dates for 30 hours now fall in line with Funding Blocks and are as follows:

- 1st April to 31st August – a 30 hours code will need to be obtained on or before the 31st March to be entitled to funding starting on the 1st April
- 1st September to 31st December – a 30 hours code will need to be obtained on or before the 31st August to be entitled to funding starting on the 1st September
- 1st January to 31st March – a 30 hours code will need to be obtained on or before the 31st December to be entitled to funding starting on the 1st January

A parent or carer must have completed the eligibility check or re-confirmation of eligibility before the above dates. Any check made after this time will not be eligible until the next funding block.
NCC cannot offer discretionary places for the 30 hours funded places under any circumstances

2) The End Date: End dates are issued by HMRC and are the date approximately 3 months after the parent or carer makes contact to reconfirm. The end date is the date the eligibility for a 30 hours funded place ends and reconfirmation of eligibility must be completed before this date.

3) The Grace period: A child will enter the grace period when the parent or carer ceases to meet the eligibility criteria set out in the Childcare Regulations 2016, as determined by HMRC or a First Tier Tribunal in the case of an appeal.

Providers will be able to access information about whether a child has ceased to meet the eligibility criteria and entered the grace period via 30 Hours page on the Provider Portal. The grace period end date will automatically be applied to eligibility codes.

Once the grace period has been entered, the child is no longer able to move to a new setting and continue to receive funding.

NCC will continue to fund a place for a child who enters the grace period at their original setting as set out in the Early Education and Childcare Statutory guidance for Local Authorities.

Flexibility

Provision must be offered within the national parameters on flexibility as set out in the Early Education and Childcare Statutory guidance for Local Authorities.

Providers;

- must work with NCC and share information about times and periods funded places are offered. This will support NCC to secure sufficient, stretched and flexible places to meet parental demand in the county.

Partnership working

Partnerships should be supported by NCC on four levels between:

1. NCC and providers
2. Providers working with other providers, including Childminders, schools and organisations
3. Providers and parents or carers
4. NCC and parents or carers

Providers should;

- work in partnership with parents or carers and other providers to improve provision and outcomes for children in their setting(s).
- discuss and work closely with parents or carers to agree how a child’s overall care will work in practice when their funded place is split across different providers, such as at a maintained setting and Childminder, to ensure a smooth transition for the child
- be committed to working in partnership with its local Children’s Centre services to ensure that children and families receive the support they need to achieve the best possible outcomes for children
Special educational needs and disabilities (SEND)

NCC must strategically plan support for children with special educational needs and/or disabilities (SEND) to meet the needs of all children in their county as per the Special Educational Needs and Disability Code of Practice: 0 to 25 years.

NCC must be clear and transparent about the support on offer in their county through their Local Offer, so parents or carers and providers can access that support.

DAF funding is a one off annual payment for children in receipt of the Universal 3 and 4 year old funding.

Providers must:

- ensure all staff members are aware of their duties in relation to the SEND Code of Practice and the Equality Act 2010
- be clear and transparent about the SEND support on offer at their setting and make information available about their offer to support parents to choose the right setting for their child with SEND
- be committed to high quality inclusive practice as set out in the Special Educational Needs and Disability Code of Practice, Equality Act, Northamptonshire’s Special Educational Needs Descriptors, Safeguarding and other Local and National Frameworks
- implement an Inclusion Policy to support children who have additional support needs and have specific written plans or targets to reflect these needs and refer to outside professionals as appropriate
- agree to work with NCC to complete an ePersonal Education Plan (ePEP) for any child that is in the care of NCC and registered to access a funded place with the provider.
- identify children who are eligible for the Disability Access Fund (DAF) and are encouraged to promote this to any parent or carer whose children may be eligible. Providers should obtain up to date evidence that the child is in receipt of Disability Living Allowance (DLA) before submitting the information via email to the Early Years Funding Team at earlyyears@childrenfirstnorthamptonshire.co.uk

If the child accesses funding at two providers, the parent or carer will need to choose which provider the DAF funding is to be paid to.

Social mobility and disadvantage

NCC should promote equality and inclusion, particularly for disadvantaged families, children in care and children in need by removing barriers of access to funded places and working with parents or carers to give each child support to fulfil their potential.

Providers should ensure that they have identified disadvantaged children in their setting as part of the funding process for checking Early Years Pupil Premium (EYPP). Eligibility for EYPP is completed as part of the monthly funding task on the Provider Portal (via an online form for the Maintained Sector) and any locally available funding streams or support to improve outcomes for this group.

EYPP can be used creatively but it must link to the core needs of the child and be easily evidenced to NCC and Ofsted.

Quality

The Early Years Foundation Stage (EYFS) statutory framework is mandatory for all schools that provide early year’s provision in England. The EYFS sets the standards that all providers must meet to ensure that children learn and develop well and are kept healthy and safe.
Ofsted are the sole arbiter of quality and Ofsted and inspectorates of independent schools have regard to the EYFS in carrying out inspections and report on the quality and standards of provision.

NCC has a legal duty to provide information, advice and training for providers who are rated less than ‘Good’ by Ofsted or newly registered providers, in regards to:

- supporting settings to meet the requirements of the EYFS
- meeting the needs of children with SEND
- ensuring effective safeguarding and child protection

Providers who are registered for inspection by

- Ofsted,
- A childminding agency or
- Independent Schools Inspectorate

and are expecting a ‘Requires Improvement’ or ‘Inadequate’ outcome, agree to advise NCC Early Years Improvement Team immediately.

Providers with a ‘Requires Improvement’ or ‘Inadequate’ judgement must agree to work with the Early Years Improvement Team to develop a strategy for Provider Improvement. This includes engaging with Provider Improvement Procedures, including developing appropriate action plans and attending any available training.

Providers are committed to working with NCC and accept the guidance laid out in Early Education and Childcare Statutory Guidance for Local Authorities.

Failure to comply with statutory guidance will result in removal of funding.

Business planning

NCC should clearly set out the documentation that they need to receive from providers to support payment and delivery of funded places and the timetable which providers should follow when submitting their tasks on the Provider Portal.

Funding is reliant on accurate and timely Census returns.

If a provider;

- fails to submit the annual Census return when requested,
- does not provide full or accurate details for a child

this will result in immediate withdrawal of funding from that setting.

NCC should not carry out audit regimes which are disproportionate or are unnecessarily burdensome to providers.

Providers must

- maintain accurate financial and non-financial records relating to funded places and should give NCC access on reasonable notice to all financial and non-financial records relating to all places in the setting funded under the Provider Agreement, subject to confidentiality restrictions
- agree to ensure that they hold a fully completed Parental Contract in respect of every child accessing funded places
- ensure they submit timely and accurate information, including, but not limited to, Headcount Data, Census Data, Parental Contracts and invoices, as per the financial guidelines of NCC. Failure to do so may result in inaccurate, delayed or suspended funding.
Admissions Policy

All providers must have a clear Admission’s Policy. This must clearly state that admissions arrangements are fair and do not unfairly disadvantage a child, either directly or indirectly, from a particular social or racial group or a child with a disability or special educational need.

Providers can prioritise in some circumstances when determining the allocation of places. For example a provider might give priority to families wishing to access full day care on a regular basis. If this is the case the Admissions policy should clearly reflect these instances so that there should be no subsequent misunderstandings.

The policy should also clearly identify the point in time at which applications for the funded places will be accepted, any priority factors that will be taken into account in dealing with applications and the time at which families will be advised of the outcome of their application.

The policy should include details of formal appeals processes and procedures with regard to admissions.

Charging

Providers must have a clear and transparent charging policy. This must explain all charges that will apply whether or not a child is in receipt of a funded place.

This is so that a parent or carer can understand what their charges are likely to be if they opt to purchase additional hours or services or if their child who is fee paying then qualifies for a funded place.

**There can be no conditions applied to an offer of a 2, 3, 4 year old funded place or the 30 hours extended entitlement funding.**

Government funding is intended to cover the cost to deliver 15 or 30 hours a week of funded, high quality, flexible childcare. It is not intended to cover the cost of meals, consumables, additional hours or additional services.

Providers can charge for:

- meals and snacks as part of a funded place
- consumables such as nappies or sun cream
- services such as trips

A provider cannot charge parents or carers any additional fees specifically for the funded hours delivered over and above that funding received from NCC.

These charges must be voluntary for the parent or carer. Where parents or carers are unable or unwilling to pay for meals and consumables, providers who choose to offer the funded places are responsible for setting their own policy on how to respond, with options including waiving or reducing the cost of meals and snacks or allowing parents or carers to supply their own meals/snacks.

Children within a setting accessing any of the funded places must receive the same quality and access to provision regardless of whether or not they opt to pay for additional hours, services, meals or consumables. Providers must be clear and transparent and explain fully to parents or carers about the days and times that they offer funded places, along with their services and all other charges.

NCC should not intervene where parents or carers choose to purchase additional hours of provision or additional services, providing that this does not affect the parents or carers ability to take up their
child’s funded place. Providers should be completely transparent about any additional charges and explain these in full to parents or carers.

Providers can ask parents or carers for a voluntary deposit to secure their child’s place but should refund any deposit in full to parents or carers within 2 weeks of a child starting a funded place. Parents or carers who do not wish to pay a voluntary deposit must not be discriminated against.

Providers cannot charge parents or carers any form of “top-up” fees (the difference between a provider’s usual fee and the funding they receive from NCC to deliver funded places) or require parents or carers to pay a registration fee or deposit as a condition of taking up their child’s funded place.

There must not be any conditions in taking up a funded place. Providers cannot insist extra hours, services, lunch clubs are taken up in order to receive a funded place.

Providers must ensure their invoices and receipts;

- are clear, transparent and itemised, allowing parents or carers to see that they have received their funded place and understand fees paid for additional hours
- contain their full details so that they can be identified as coming from a specific provider

**Funding**

NCC make funding payments based on the information supplied by Providers. Any inaccurate or incomplete submissions of data will result in inaccurate or incomplete payment.

**Funding Information received after the deadline impacts on funding payments for all providers. NCC cannot guarantee that late information will be processed and paid in line with usual payment dates.**

Providers agree to:

- accurately complete and submit mandatory Headcount Tasks and other necessary data returns by the agreed date to ensure NCC are able to make payment.
- reimburse NCC for any overpayment of funding in respect of funded places and any additional funding such as Deprivation, Disability Access Fund (DAF), EYPP and High Needs funding no matter how the overpayment may have occurred;
- to supply NCC with information requested to allow them to make payments to the Provider for the provision of funded places and the (EYPP).

Providers will offer all eligible funded children up to 570 funded hours per child’s year or 1140 hours specifically for the 30 hours funding per child’s year split into 3 Funding Blocks as follows:

**Summer Funding Block:** 1st April to 31st August – to be age eligible for the Summer Block a child will need to be 3 years old on or before the 31st March to start a funded place on the 1st April

**Autumn Block:** 1st September to 31st December – to be age eligible for the Autumn Block a child will need to be 3 years old on or before the 31st August to start a funded place on the 1st September

**Spring Block:** 1st January to 31st March – to be age eligible for the Spring Block a child will need to be 3 years old on or before the 31st December to start a funded place on the 1st January

A child’s funding year starts the first full funding block following their 2nd Birthday for 2 year funding or their 3rd Birthday for Universal and 30 hours extended funding.

In each funding block, NCC set the amount of hours available

**Summer Funding Block:** 242 hours MAXIMUM
Autumn Funding Block: 222 hours MAXIMUM
Spring Funding Block: 180 hours MAXIMUM

It is the responsibility of providers to determine the amount of weeks they are open for and hours they will be claiming for in each Funding Block that does not exceed the maximum amount of hours given.

**Key Point:** The maximum amount of hours cannot be claimed in every block. If a claim for the maximum amount of hours is made for the first two funding blocks of a child’s eligibility, the third Funding Block will have a significantly reduced amount of hours available.

For Financial year 2019/2020 the following guide must be used when offering and claiming funding. Any claims over these amounts may be rejected by the system and could cause a delay in payments.

<table>
<thead>
<tr>
<th>Summer Block 2019 (April to August)</th>
<th>Hours per week</th>
<th>Approx weeks in the Funding Block</th>
<th>Approx Hours available for the Funding Block</th>
</tr>
</thead>
<tbody>
<tr>
<td>38 Weeks</td>
<td>15 hours a week</td>
<td>13 weeks</td>
<td>205 hours</td>
</tr>
<tr>
<td>48 Weeks</td>
<td>Approx 12 hours</td>
<td>17 weeks</td>
<td>210 hours</td>
</tr>
<tr>
<td>51 Weeks</td>
<td>Approx 11 hours</td>
<td>22 weeks</td>
<td>242 hours</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Autumn Block 2019 (Sept to December)</th>
<th>Hours per week</th>
<th>Approx weeks in the Funding Block</th>
<th>Approx Hours available for the Funding Block</th>
</tr>
</thead>
<tbody>
<tr>
<td>38 Weeks</td>
<td>15 hours a week</td>
<td>13 weeks</td>
<td>205 hours</td>
</tr>
<tr>
<td>48 Weeks</td>
<td>Approx 12 hours</td>
<td>16 weeks</td>
<td>200 hours</td>
</tr>
<tr>
<td>51 Weeks</td>
<td>Approx 11 hours</td>
<td>16 weeks</td>
<td>185 hours</td>
</tr>
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<table>
<thead>
<tr>
<th>Spring Block 2020 (January to March)</th>
<th>Hours per week</th>
<th>Approx weeks in the Funding Block</th>
<th>Approx Hours available for the Funding Block</th>
</tr>
</thead>
<tbody>
<tr>
<td>38 Weeks</td>
<td>15 hours a week</td>
<td>12 weeks</td>
<td>160 hours</td>
</tr>
<tr>
<td>48 Weeks</td>
<td>Approx 12 hours</td>
<td>12 weeks</td>
<td>160 hours</td>
</tr>
<tr>
<td>51 Weeks</td>
<td>Approx 11 hours</td>
<td>13 weeks</td>
<td>143 hours</td>
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</table>
Any provider operating and registered as a Childminder understands that in accordance with section 20 of the 2006 Childcare Act, Childminders are not permitted to claim funding for their own children, step-children or any related children.

If a child attends two eligible Early Years providers each week both providers must share information and agree the claims to be made. If a duplicate claim is made NCC will apportion the claim in the fairest way possible.

**Compliance**

NCC can carry out checks and/or audits on providers to ensure compliance with the requirements of delivering the Funded Places.

**Termination and withdrawal of funding**

Suspension of registration by Ofsted or a Childminding Agency or a breach of statutory requirements or safeguarding issues may result in the termination of the arrangement and withdrawal of funding.

Should a provider receive an ‘Inadequate’ OFSTED grade, on the 1st of the month after the notification from Ofsted has been received, any quality supplement added to the hourly rate will cease. The full Main Funding Block following the notification, all funded childcare and Education for 2 year olds, the Funded Entitlement for 3 and 4 year olds and the 30 hours extended entitlement, will cease completely.

**Compliments and Complaints Process**

Providers should ensure they have a compliments and complaints procedure in place that is published and accessible for parents or carers to comment on the care their child has received in their funded place in the correct way, as set out in this agreement and in Early Education and Childcare Statutory guidance for Local Authorities.

If a parent or carer or provider is not satisfied with the way in which their complaint has been dealt with by NCC or believes NCC has acted unreasonably, they can make a complaint to the Local Authority Ombudsman.

**30 hours complaints and compliments**

30 hours Extended Entitlement is operated solely by HMRC and any compliments or complaints should be directed to HMRC. An appeals can be made by parents or carers on completion of an online form on the HMRC Childcare Services website Childcare Services – 30 Hours Appeal.

30 hours funding appeals cannot be made directly to Northamptonshire County Council.

**Abusive or Aggressive Behaviour - Zero Tolerance**

NCC staff come to work to assist the people of Northamptonshire and it is important for all staff to be treated with courtesy and respect. Any aggressive or violent behaviour towards NCC staff either via email, over the telephone or face to face will not be tolerated under any
circumstances. Proper behaviour is absolutely necessary and will result in details of any incidents reported to OFSTED or Childminding Agency.

Data protection and GDPR

Please ensure you have read our privacy notice.

The information you provide to us is covered by relevant Data Protection Legislation disclosure. Your information will be stored on a secure database and may be shared by relevant services within Northamptonshire County Council and their identified partners.