

Please read this guidance before completing the application form.

This guidance is for parent/carers & supporting professionals, of non-UK & non-EEA citizens, who cannot claim benefits (no recourse to public funds) applying for a funded early years place for a 2-year-old, in Kent.

Eligibility

2-year-olds **can** get up to 15 hours free childcare if you are getting support under the Immigration and Asylum Act 1999 and have either:

- claimed asylum in the UK and are waiting for a decision (I&AA 1999 'Part 6')
- been refused asylum in the UK (I&AA 1999 'Section 4')

2-year-olds **may** also get up to 15 hours free childcare if the household income is £15,400 a year or less after tax, **and** any of the following apply:

- leave to remain with 'no recourse to public funds' on family or private life grounds
- the right to live in the UK because you're the main carer of a British citizen (known as a 'Zambrano Carer')
- support from your local council because you have 'a child in need', for example they have a disability or a child protection plan
- arrival from Hong Kong with 'no recourse to public funds' on a British National (Overseas) Visa.

Detailed government guidance for the extension of 2-year-old free childcare eligibility to NRPF groups can be found on the [GOV.UK website](https://www.gov.uk).

About the funding:

Funding is available to eligible families for up to 570 hours per year. It can be taken as 15 hours per week over 38 weeks or for fewer hours per week up to 48 weeks (as a stretched offer), in accordance with the date of birth range shown below.

Child's 2nd birthday	When they can claim from
1 January to 31 March	the beginning of term on or after 1 April
1 April to 31 August	the beginning of term on or after 1 September
1 September to 31 December	the beginning of term on or after 1 January

- childcare providers must be registered with KCC to offer free early education for 2-year-olds.
- if you haven't chosen a childcare provider, Kent Children and Families Information Service (CFIS) will be able to help.
- call 03000 41 23 23 or email KentCFIS@theeducationpeople.org
- you can also get help and advice from a Children's Centre.

Being eligible for a free place does not offer a guarantee of a place at any one provider or a particular pattern of delivery.

You do not have to take the full 15 hours if you feel it is too long for your child.

A childcare provider can deliver the offer sessionally or flexibly. There is no minimum session length, but the maximum session length is 10 hours per day. Places can be taken between the hours of 6.00am and 8.00pm.

You have the option to split your hours between multiple KCC registered childcare providers, but no more than two sites in a single day.

You cannot be charged if you only want to take-up the free 2-year-old funding. If you want your child to attend for more hours per week than they are entitled to, charges can be made. In these cases, to avoid any misunderstanding, your childcare provider must explain their charging policy before you sign a Parental Declaration Form.

The free hours can only be taken from the start of the week during which eligibility has been confirmed. A childcare provider cannot claim for any hours attended prior to the application being approved.

You must attach copies of your evidence and documentation with this application to prove that you meet the eligibility criteria to obtain a funded early years place for your 2-year-old in Kent.

Evidence to confirm *your* identity: (Q1)

- Identity Card
- Visa
- Passport

Evidence to support carers relationship to child: (Q1)

Carers details: Carers relationship to the child

- Evidence that the person meets the definition of 'direct relative' or 'legal guardian' according to the Home Office guidance (see appendix 1)

Carers details: The person has primary responsibility for care of the child
The questions below may be useful in assessing whether the person has primary responsibility for care of the child. It should be noted that two relatives can exercise joint primary care

Carers details: If there are no other family members who could care for the child (this does not include where the child is being cared for by two joint primary carers)

- Parent / carer declaration
- Information from social services

Evidence to support child's details: (Q3)

Childs details: If the carer is not a British citizen or exempt person

- Passport
- Birth certificate

Childs details: If the child is a British citizen

- Current British citizen passport
- UK birth certificate showing birth in the UK on or after 1 January 1983 and evidence that either parent was either a British citizen or settled in the UK at the time of the birth

Evidence to support immigration status: (Q4 – 8)

Families supported under s4 of the Immigration and Asylum Act 1999 (Q4)

- Evidence of support under s4 of the Immigration and Asylum Act 1999
- Letter from the Home Office confirming s4 support
- Valid ASPEN card

Zambrano Carers (Q5)

Although Zambrano Carers have no recourse to public funds, they are allowed to work to facilitate the primary care of the child or dependent. The children or dependent of Zambrano Carers will be eligible for a free place if their parents or carers (as defined in Home Office guidance) meet similar low-level income requirements to others eligible to the scheme (e.g., a net income threshold of £15,400).

Evidence of support for Zambrano Carers:

- Derivative Residence Card

There are several forms of derivative right to reside and being a Zambrano Carer is only one of them. A derivative residence card confirms the existence of a derivative right of residence but does not specifically state that the person is a Zambrano Carer. As such, the derivative residence card may need to be considered alongside other forms of evidence (set out below) to ensure the derivative right is based on Zambrano and to assist in assessing eligibility of the child for a free place.

A derivative residence card as confirmation of a derivative right of residence to prove, for example:

- right to reside in the UK
- right to re-enter the UK
- entitlement to take up employment in the UK
- right to rent in the UK

Families granted immigration leave on the basis of Article 8 and subject to a condition that they have no recourse to public funds (Q6)

Children whose families have a right to be in the UK on grounds of private and family life under Article 8 ECHR with no recourse to public funds. These families are entitled to work and so to be eligible for a free place the parents or carers must also

meet the low-level income requirements of the scheme. (e.g., a net income threshold of £15,400).

Evidence of right to remain in the UK under Article 8:

- Letter from Home Office granting leave to remain in the UK together with a biometric residence permit (BRP)

Children with special educational needs (SEN) and children who have left care (Q7)

This applies to all two-year olds regardless of which of the groups set out in paragraph 4 of this guidance the child falls in. A child is eligible for a free 2-year-old early education entitlement place if they have an Education, Health and Care plan or have left care through an adoption order, special guardianship order or a child arrangement order which specifies with whom the child is to live.

Evidence:

- Education, Health and Care plan
- an adoption order,
- special guardianship order
- or a child arrangement order which specifies with whom the child is to live.

Hong Kong British National (Overseas) (Q8)

This applies to adults and dependants who have been granted leave on the new Hong Kong British National (Overseas) visa.

- Biometric residence permit (BRP)
- Passport with proof of BN(O) status (vignette sticker)
- letter from the Home Office
- 'Share code' from your UK Visas and Immigration account.

Evidence to support income: (Q9)

Assessing income to be eligible for a free place
(Applies to Zambrano Carers, Article 8 families and BNO visa families only)

Although Zambrano Carers, Hong Kong British Nationals (Overseas) and families granted leave to remain under Article 8 (Immigration Act) are allowed to work, they have no recourse to public funds. In these cases, the parent or carer (and their partner if they have one) must meet the income threshold (£15,400) to be eligible for a free place for their two-year-old.

Evidence of Income:

- P60
- Pay slip
- Letter from employer or bank

Appendix 1:

Definition of Terms

This section tells you how to assess whether a person who is asserting a derivative right of residence is the direct relative or legal guardian of the relevant person in line with regulation 16(8)(a) of the Immigration (European Economic Area) Regulations 2016 (the 2016 regulations).

The applicant must provide evidence to confirm such a relationship. For example, a wife who is the primary carer of her British citizen husband who is applying in line with the Zambrano judgment must submit a valid marriage certificate as evidence of the relationship. A parent applying as the primary carer of a European Economic Area (EEA) self-sufficient child in line with the Chen judgment must submit a birth certificate showing them as the parent of the EEA national child

Direct relatives

There is no definition of 'direct relative' within the regulations. However, for the purposes of assessing a direct relative for derivative rights, this includes the following:

- Parents
- Grandparents
- Spouse or civil partner (for example, in the case of adult British citizens)
- Children
- Grandchildren
- Siblings

Adoption orders

Where a recognised adoption has taken place, an adoption order is acceptable as evidence of a child's relationship to the parent.

Stepchildren are not considered to come within the definition of 'direct relative' for the purposes of assessing whether the relevant person is a primary carer with a derivative right unless there is also an adoption order or legal guardianship order in place.

Legal guardians

To demonstrate a person is a legal guardian, a legal guardianship order or special guardianship order must be submitted which names the applicant and child.

A guardianship order is a court appointment which authorises a person to take action or make decisions on behalf of an adult with incapacity. A special guardianship is a formal court order which allows parental control over a child by individuals other than the parent.

You should also accept that an applicant comes within scope of being a primary carer where they submit, with their application, a court order granting them parental responsibility. Similar orders from the court must be considered on a case-by-case basis.

Children of Zambrano Carers

There are 5 non-economic criteria that must be met for a two-year-old to be eligible for a free early education place when a person is claiming Zambrano Carer status:

- The carer must not be a British citizen or an exempt person
- The child must be a British citizen
- The carer must be a direct relative or legal guardian of the child (as defined in the Home Office guidance)
- They must have primary responsibility for the care of the child (primary care can be shared between two relatives)
- There are no other members of the carer's family in the UK or EEA who could look after the child

It is possible that the parent or carer [of the two-year-old] has acquired Zambrano Carer status because of their primary caring responsibilities for a dependent British citizen who is not the two-year-old. If you have any difficulty in assessing eligibility in such cases, please contact us via the email address at the end of this guidance in the first instance.

No other types of relationship to child will be accepted.

Data privacy

You need to complete this Application Form with each provider your child attends for their Free Early Education Entitlement of 15 hours per week to ensure the Provider can claim the funding from Kent County Council (KCC). The Early Years Registered Provider has responsibilities under the General Data Protection Regulation (GDPR) and must provide you with a copy of the provider's Privacy Notice before you read and sign this declaration, so that you understand how your information will be used.

The information provided will be shared with the local authority, the Department for Education and with other government departments for the purposes of assessing the eligibility for a free early education place.

This Declaration **will** be made available to The Education People and any person authorised by KCC for audit purposes.

The Data Protection Act 2018 (the Act) puts in place certain safeguards regarding the use of personal data by organisations, including the Department for Education, local authorities, schools, and other early education providers. The Act gives rights to those about whom data is held (known as data subjects), such as pupils, their parents, and teachers. This includes:

- The right to know the types of data being held
- Why it is being held; and
- To whom it may be disclosed
- How long the data will be held for

Should you have any concerns relating to how your information or the information relating to your child/ren is being or will be used, please contact Kent County Council.

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Application for a funded early years place for 2-year-olds (non-UK & non-EEA citizens)

Important: All sections must be filled in clearly in BLOCK CAPITALS.
 If you have any questions about this form, please call the EY Team on 03000 421612

1. Parent/Carers Details				
Legal Surname	Legal Forename	Title	Date of Birth	Nationality
Relationship to child <i>*see guidance & appendix 1</i>				
2. Your Address				
Home Address:				
Post Code:				
Telephone Number(s):Daytime:				
Telephone Number(s):Mobile				
Email address:				
Child(ren)'s Address: (if different)				
Postcode:				
3. Details of each dependent child that you wish to claim for				
Legal Surname	Legal Forename	Gender	Date of Birth	Nationality

4. Support from the Home Office under the Immigration and Asylum Act 1999	
Do you receive support from the Home Office under the Immigration and Asylum Act 1999?	Yes / No
Have you claimed asylum in the UK and are waiting for a decision (known as part 6)?	Yes / No
Have you been refused asylum in the UK (known as section 4)?	Yes / No

If yes, please go to part 10 (Declaration)

5. Zambrano Carers	
Do you meet the relevant criteria to have acquired Zambrano Carer status?	Yes / No

If yes, please go to part 9 (Income)

6. Right to remain in the UK under Article 8 of the European Convention on Human Rights

Do you have a right to remain in the UK on grounds of private and family life under Article 8 of the ECHR with no recourse to public funds?	Yes / No
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If yes, please go to part 9 (Income)

7. Support under Section 17 of the Children Act 1989 (Children in Need)

Are you receiving support from the local council under Section 17 of the Children Act 1989 AND are subject to a no recourse to public funds condition?	Yes / No
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If yes, please go to part 9 (Income)

8. Granted a Hong Kong British Nationals (Overseas) visa

Have you been granted the Hong Kong British National (Overseas) visa?	Yes / No
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If yes, please go to part 9 (Income)

9. Income

Do you work?	Yes / No
Do you have a partner?	Yes / No
Does your partner work?	Yes / No
Do you expect your household annual net income to be less than £15,400 a year?	Yes / No

Please go to part 10 (Declaration)

10. Declaration

- I confirm I have legal responsibility for the child named above and that the information I have given is correct.
- I will tell you immediately if my details (for example address) change.
- I agree for the outcome of my application to be emailed to me at the email address I have given.
- I agree for Kent County Council to be able to share this information with the Department for Education as appropriate and to confirm eligibility with an early years setting.

Your signature:

Date:

You MUST provide the local authority with evidence and documentation to prove that you meet the eligibility criteria to obtain a funded early years place for your 2-year-old in Kent.

The Local Authority is responsible for deciding whether the child is eligible for a free place.