

Agreement for Providers of Early Years Funded Places

April 2024 – August 2027

1. Key local authority responsibilities	3
2. Key provider responsibilities.....	3
3. Safeguarding	3
4. Eligibility	4
5. The Grace Period.....	5
6. Flexibility	5
7. Partnership working.....	5
8. Special educational needs and disabilities	5
9. Social mobility and disadvantage	6
10. Quality.....	6
11. Business planning.....	7
12. Charging	7
13. Funding.....	8
14. Compliance	8
15. Termination and withdrawal of funding.....	8
16. Appeals process	9
17. Complaints process.....	9
18. Force Majeure.....	9

This agreement covers the period up to and including 31 August 2027. It will be reviewed every three years or earlier if Government statutory guidance changes. If the Agreement changes to a substantial degree the provider will be given an opportunity to review the amended agreement before re-signing.

1. Key local authority responsibilities

1.1 Local authorities must secure a free entitlement place for every eligible child in their area.

1.2 The local authority should work in partnership with providers to agree how to deliver free entitlement places.

1.3 The local authority should be clear about their role and the support on offer locally to meet the needs of children with special educational needs and/or disabilities (SEND) as well as their expectations of providers.

1.4 The local authority must contribute to the safeguarding and promote the welfare of children and young people in their area.

2. Key provider responsibilities

2.1 The provider must comply with all relevant legislation and insurance requirements.

2.2 The provider should deliver the free entitlements consistently to all parent carers, whether in receipt of 15 or 30 hours and regardless of whether they opt to pay for optional services or consumables. This means that the provider should be clear and communicate to parent carers the details about the days and times that they offer free places, along with their services and charges. Those children accessing the free entitlements should receive the same quality and access to provision.

2.3 The provider must follow the EYFS and have clear safeguarding policies and procedures in place that link to the local authority's guidance for recognising, responding, reporting and recording suspected or actual abuse.

2.4 The provider 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. Providers should utilise the SEN inclusion fund and Disability Access Fund to deliver effective support, whilst making information available about their SEND offer to parent carers.

2.5 The provider must have robust Information Governance processes in place and be compliant with General Data Protection Regulation (GDPR) and related legislation.

2.6 The provider is responsible for ensuring appropriate access to the Education Portal and reporting any changes to the local authority in line with Information Governance legislation.

3. Safeguarding

3.1 The local authority has overarching responsibility for safeguarding and promoting the welfare of all children and young people in their area. They have a number of statutory functions under the 1989 and 2004 Children Acts which make this clear, and the ['Working Together to Safeguard Children' 2023 guidance](#) sets these out in detail.

3.2 The provider must follow the EYFS and have clear safeguarding policies and procedures in place that are in line with local guidance and procedures for responding to and reporting suspected or actual abuse and neglect. A lead practitioner must take responsibility for safeguarding and all staff must have training to identify signs of abuse and neglect. The provider must have regard to 'Working Together to Safeguard Children' guidance.

4. Eligibility

4.1 The provider should check original copies of documentation to confirm a child has reached the eligible age on initial registration for all free entitlements. The provider can retain paper or digital copies of documentation to enable the local authority to carry out audits and fraud investigations. Where a provider retains a copy of documentation this must be stored securely and deleted when there is no longer a good reason to keep the data. Please refer to the [privacy notice](#) for the local authority.

4.2 The provider should offer places to disadvantaged two year olds on the understanding that the child remains eligible until they become eligible for the universal entitlement for three- and four-year-olds.

4.3 The local authority must ensure that a child has a free entitlement place no later than the beginning of the term following the child and the parent carer meeting the eligibility criteria for the free entitlements.

4.4 Alongside the 30 hours eligibility code, which is the child's unique 11-digit number, and original copies of documentation (see 4.1), a provider must acquire written consent from, or on behalf of, the parent carer to be able to receive confirmation and future notifications from the local authority of the validity of the parent carers 30 hours eligibility code.

4.5 It is the provider's responsibility to verify the eligibility code on the Education Portal, on receipt of written consent from the parent carer.

4.6 The local authority will provide a validity checking service to providers to enable them to verify the eligibility codes for eligible children aged 9 months and above swiftly and efficiently. The Eligibility Checking Service (ECS) allows all local authorities to make instant checks for code validity. This can be accessed via the Education Portal.

4.7 Thereafter, the local authority will complete audit checks to review the validity of eligibility codes for children who qualify for 30 hours free childcare at 6 fixed points in the year, both at half-term and at the end of term across the year (in line with the dates as listed at table A below). It is the local authority's responsibility to notify a provider where a parent carer has fallen out of eligibility and inform them of the grace period end date.

The local authority via the Education Portal will carry out the above checks on the validity of eligibility codes. The Portal will identify codes which are due to expire or have expired. It is the provider responsibility to review the code checks on the Education Portal.

Table A

Date Parent Carer receives ineligible decision on reconfirmation	LA audit date	Grace Period End date
1 January – 10 February	11 February	31 March
11 February – 31 March	1 April	31 August
1 April – 26 May	27 May	31 August
27 May – 31 August	1 September	31 December
1 September – 21 October	22 October	31 December
22 October – 31 December	1 January	31 March

5. The Grace Period

5.1 A child will enter the grace period when the child's parent carer ceases to meet the eligibility criteria set out in the Childcare (Free of Charge for Working Parents) (England) Regulations 2022 as determined by HMRC (or where the child is in foster care, the responsible local authority) or a First Tier Tribunal in the case of an appeal.

5.2 Local authorities will be able to access information about whether a child has ceased to meet the eligibility criteria and entered the grace period via the Eligibility Checking Service. The grace period end date will automatically be applied to eligibility codes.

5.3 The local authority will continue to fund a place for a child who enters the grace period as set out in the Early Education and Childcare Statutory guidance for local authorities April 2024.

5.4 Providers will be informed of a child's grace period via the Education Portal and guides on how to do this are available [online](#).

6. Flexibility

6.1 Provision must be offered within the national parameters on flexibility as set out in Section A2 of [Early Education and Childcare Statutory guidance for local authorities](#).

6.2 The provider will work with the local authority and share information about the times and periods at which they are able to offer free entitlements to support the local authority to secure sufficient stretched and flexible places to meet parental demand in the local authority. The provider should also make information about their offer and admissions criteria available to parent carers at the point the child first accesses provision at their setting.

6.3 Children can receive their entitlement at two providers, but they can't exceed their maximum entitlement over the year.

7. Partnership working

7.1 Partnerships will be supported by local authorities on four levels between:

- i. Local authorities and providers
- ii. Providers working with other providers, including childminders, schools and organisations
- iii. Providers and parent carers
- iv. Local authorities and parent carers

7.2 The local authority will promote partnership working between different types of providers, including childminders, across all sectors and encourage more providers to offer flexible provision, alongside other providers.

7.3 The provider will work in partnership with parent carers and other providers to improve provision and outcomes for children in their setting. An [interactive toolkit](#) is available to help providers set up or join a partnership, maximise the benefits of working together and tackle the challenges joint working can bring.

7.4 The provider will discuss and work closely with parent carers to agree how a child's overall care will work in practice when their free entitlement is split across different providers, such as at a maintained setting and childminder, to ensure a smooth transition for the child.

8. Special educational needs and disabilities

8.1 The local authority must strategically plan support for children with special educational needs and/or disabilities (SEND) to meet the needs of all children in their local area as per the [Special Educational Needs and Disability code of practice: 0 to 25 years \(January 2015\)](#).

8.2 The provider must ensure owners and all staff members are aware of their duties in relation to the SEND Code of Practice and the Equality Act 2010.

8.3 The local authority has a duty to publish a [Local Offer](#). This must set out in one place information about what is available across education, health and social care for children and young people who have special educational needs or are disabled (SEND).

8.4 The provider has a duty to publish their Local Offer. This must be clear and transparent about the SEND support on offer at their setting. It must include what support is available to help parent carers choose the right setting for their child with SEND. It is important this is kept up to date.

9. Supporting Disadvantaged Children

9.1 The local authority should promote equality and inclusion, particularly for disadvantaged families, looked after children and children in need by removing barriers of access to free places and working with parent carers to give each child support to fulfil their potential.

9.2 The provider should ensure that they have identified the disadvantaged children in their setting as part of the process for checking EYPP eligibility via the Education Portal.

9.3 Providers must use EYPP and any locally available funding streams or support to improve outcomes for this group.

9.4 From April 2024, there may be some circumstances where households meet the eligibility criteria for both the disadvantaged two-year-old entitlement and the working parent entitlement. In these circumstances, the childcare should be provided under the disadvantaged 2-year-old entitlement. The child will remain on the disadvantage entitlement until they become eligible for the universal entitlement for 3- and 4-year-olds or 30 hours free childcare for 3- and 4-year-olds if they meet the eligibility criteria. Therefore, households will not lose eligibility for their 15 hours free early education, as is currently the case for the disadvantage entitlement.

9.5 From September 2025, when the working parent entitlement increases to 30 hours, where households meet the eligibility criteria for both 2-year-old entitlements, they should be recorded as taking up 15 hours of the disadvantage entitlement and 15 hours of the working parent entitlement. They will need to reconfirm eligibility every 3 months for the working parent entitlement and from September 2025, they will not be defaulted automatically onto the disadvantage entitlement should they lose eligibility for the working parent entitlement.

10. Quality

10.1 [The Early Years Foundation Stage \(EYFS\) statutory framework](#) is mandatory for all schools that provide early years provision, Ofsted-registered early years providers and Ofsted-registered Childminder Agencies in England. The EYFS sets the standards that all early years providers must meet to ensure that children learn and develop well and are kept healthy and safe.

10.2 Ofsted are the sole arbiter of quality for all free entitlements 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. Childminder agencies (CMAs) are organisations that can register and quality assure childminders as an alternative to registering with Ofsted.

10.3 Local authorities have a legal duty to provide information, advice and training on meeting the requirements of the EYFS, meeting the needs of children with SEND and on effective safeguarding and child protection for providers who are rated less than 'Good' by Ofsted or newly registered providers.

10.4 Provision must be offered in accordance with the national parameters on quality as set out in Section A3 of Early Education and Childcare Statutory Guidance for Local authorities and the EYFS statutory framework. Providers should engage with the Early Years Quality team including Childcare Advisors and the EYFS Consultant.

11. Business planning

11.1 The local authority should clearly set out the documentation that they need to receive from providers to support payment and delivery of the free entitlements and the timetable which providers should follow when submitting their documentation, this includes setting out the importance of timely and accurate census returns. The timeline is available online: www.trafford.gov.uk/earlyeducationproviders.

11.2 The local authority should not charge providers disproportionate penalties for providing late or incomplete information leading to additional administration in the processing of free entitlements. Any charges should be reasonable and proportionate to the inconvenience or costs incurred to the local authority as a result of the lateness and local authorities will ensure charges are clearly communicated to providers.

11.3 The provider must submit timely and accurate information, including but not limited to, headcount, census and sufficiency data within the timescale specified by the local authority. Failure to do so may result in inaccurate or delayed funding and the local authority reserves the right to charge the fees below:

Late submissions will be charged at:

Headcount Data	£10 per child
Census Data	£50 per setting
Sufficiency Information	£50 per setting

11.4 The provider should maintain accurate financial and non-financial records relating to free entitlement places and should give the local authority access on reasonable notice to all financial and non-financial records relating to free entitlement places funded under the provider agreement, subject to confidentiality restrictions.

11.5 The local authority should not carry out audit regimes which are disproportionate or are unnecessarily burdensome to providers. The local authority will conduct audit checks on a termly basis. A minimum of 5% of settings will be audited per year and these will be selected at random.

12. Charging

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

12.2 The provider can charge for meals and snacks as part of a free entitlement place and they can also charge for consumables such as nappies or sun cream and for services such as trips and musical tuition. Providers should be mindful of the impact of additional charges, especially on the most disadvantaged parents.

12.3 Where parents are unable to pay for meals and consumables, providers who choose to offer the free entitlements are responsible for setting their own policy on providing parents with options for alternatives to additional charges, including waiving or reducing the cost of meals and snacks or allowing parents to supply their own meals.

12.4 The provider should deliver the free entitlements consistently so that eligible children accessing them will receive the same quality and access to provision, regardless of whether they opt to pay for optional hours, services, meals or consumables.

12.5 The local authority should not intervene where parents choose to purchase additional hours of provision or additional services, provided that this is not a condition of accessing the free entitlement. The provider should be completed transparent about any additional charges.

12.6 The provider should publish their admissions criteria and ensure parents understand which hours/sessions can be taken as free provision. Not all providers will be able to offer fully flexible places, but providers should work with parents to ensure that as far as possible the pattern of hours are convenient for parents' working hours.

12.7 The provider can charge parents a deposit to secure their child's free place but should refund the deposit in full to parents within a reasonable time scale. Providers should be mindful of the impact of deposit charges on the most disadvantaged parents.

12.8 The provider cannot charge parents "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) or require parents to pay a registration fee as a condition of taking up their child's free place.

12.9 The provider should ensure their invoices and receipts are clear, transparent and itemised, allowing parents to see that they have received their free entitlement completely free of charge and understand fees paid for additional hours. The provider will also ensure that receipts contain their full details so that they can be identified as coming from a specific provider.

13. Funding

13.1 The provider should accurately complete and submit headcount and other necessary data returns by the agreed date to support the local authority to make payment.

13.2 Providers must use the Education Portal in accordance with the local authority processes, unless advised otherwise by the local authority.

14. Compliance

14.1 The local authority will carry out audits on providers to ensure compliance with the requirements of delivering the free entitlements.

14.2 Compliance audits are carried out alongside financial audits. Compliance audits can also be triggered by a parent/ carer complaint.

15. Termination and withdrawal of funding

Section 15 does not apply to maintained schools as the funding arrangements between a local authority and a maintained school are governed by the Schools Standards & Framework Act 1998 and the finance regulations made under that Act.

15.1 Suspension of registration by Ofsted or childminder agency or a breach of statutory requirements or safeguarding issues may result in the termination of the arrangement and withdrawal of funding. This does not apply to maintained schools.

15.2 The local authority process for termination of funding is in accordance with regulation 7 (Termination of the arrangements) of the Local Authority, (Duty to Secure Early Years Provision Free of Charge) Regulations 2014 and regulation 37 (Arrangements between local authorities and early years providers: termination) of The Childcare (Early Years Provision Free of Charge) (Extended Entitlement) Regulations 2016.

16. Appeals process

16.1 A provider may be denied approval to offer the free entitlements or have their funding withdrawn as set out above. The local authority has an appeals process.

17. Complaints process

17.1 Parent carers who are not able to resolve their concerns directly with their provider, can contact Trafford Family Information Service. The local authority also has a [complaints procedure](#).

17.2 The provider should ensure they have a complaints procedure in place that is published and accessible for parent carers who are not satisfied their child has received their free entitlement in the correct way, as set out in this agreement and in Early Education and Childcare Statutory guidance for local authorities.

17.3 If a parent carer or provider is not satisfied with the way in which their complaint has been dealt with by the local authority or believes the local authority has acted unreasonably, they can make a complaint to the local authority Ombudsman. Such complaints will only be considered when the local complaints procedures have been exhausted.

18. Force Majeure


18.1 Both parties are exempt from liability in the case of some unforeseen event beyond the control of that party preventing it from performing, i.e. natural disaster or "Act of God".

Signed on behalf of Trafford Council

Full Name (print): Zoe Sweeney

Position: Head of Early Years and Family Help

Signature:



Date: 12 March 2024