

Agreement for Providers of Early Years Funded Places

July 2025 – August 2028

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	6
9. Supporting Disadvantaged Children	6
10. Quality.....	6
11. Business planning.....	7
12. Charging	8
13. Publication of charges and invoices.....	9
14. Funding	10
15. Compliance	10
16. Termination and withdrawal of funding.....	10
17. Appeals process	11
18. Complaints process.....	11
19. Freedom of Information	11
20. Force Majeure.....	11

This agreement covers the period up to and including 31 August 2028. 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.

Parent / carer refers to the person with legal responsibility for the child.

1. Key local authority responsibilities

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

1.2 The local authority should work in partnership with providers to agree how to deliver 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 parents / 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 as privately paying children.

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 Working Parent Entitlement 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 parents / carers 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 Working Parent Entitlement 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 / carers) (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 2025.

5.4 The local authority will not fund a place for a child who starts or moves settings in the grace period as set out in the Early Education and Childcare Statutory guidance for local authorities 2025.

5.5 Providers will be informed of a child's grace period via the Education Portal, 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 parents / carers at the point the child first accesses provision at their setting.

6.3 Children can receive their entitlement at two providers, but they cannot 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 parents / 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 parents / 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 parents / 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 parents / 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 parents / 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 Early Years Pupil Premium (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, for Families Receiving Additional Support (FRAS) 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. As is currently the case, the child remains eligible for the disadvantaged 2-year-old entitlement even if the family's circumstances change.

9.5 From September 2025, when the Working Parent Entitlement increases to 30 hours, where families meet the eligibility criteria for both 2-year-old entitlements, they must be recorded as taking up 15 hours of the disadvantage entitlement and 15 hours of 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 year's 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. Ofsted and inspectorates of independent schools have regard to the EYFS in carrying out inspections and report on the quality and standards of provision.

10.3 Childminder agencies (CMAs) are organisations that can register, and quality assure childminders as an alternative to registering with Ofsted.

10.4 Ofsted inspection judgements (or the inspection judgement of an independent inspectorate approved by the Secretary of State for Education), and a CMA's reasonable opinion of quality at a childminder registered with it, are the sole benchmarks of quality that local authorities can consider when securing quality for the free entitlements.

10.5 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.

10.6 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 2025 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 because 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.

11.6 The provider should ensure they are aware of the total number of hours available to children and that funding is claimed in accordance with local guidelines. This includes when a child moves to the provider from another setting.

11.7 All providers have an entry on the Trafford Service Directory this must be regularly reviewed and updated, with up-to-date information at all times. Support is available via Trafford Family Information Service.

12. Charging

12.1 Provision must be offered within the national parameters on charging practices set out in section A1 of the Early Education and Childcare Statutory Guidance for Local Authorities 2025.

12.2 Government funding is intended to deliver 15 or 30 hours a week of free, high quality, flexible childcare. The 15 or 30 hours must be able to be accessed free of charge to parents / carers. There must not be any mandatory charges for parents / carers in relation to the free hours. Government funding is not intended to cover the costs of meals, other consumables, additional hours or additional services.

12.3 The provider can charge for the following in connection with the free hours, but these charges must be voluntary for the parent and not a condition of access to a child taking up their free place:

- consumables to be used by the child, such as nappies or sun cream
- meals and snacks consumed by the child
- extra optional activities such as events, celebrations, specialist tuition (for example music classes or foreign languages) or other activities that are not directly related or necessary for the effective delivery of the Early Years Foundation Stage (EYFS) statutory framework

Providers should be mindful of the impact of additional charges, especially on the most disadvantaged parents / carers.

12.4 Providers can charge for additional private paid hours according to their own terms and conditions. The take up of private hours must not be a condition of access to a free place.

12.5 Parents / carers must be able to opt out of paying for chargeable extras and associated consumables. Providers must obtain signed parental consent to pay for any additional charges attached to the free hours (refer to section 13 for a breakdown). This shows parental choice and willingness to pay. Additional written consent must be obtained from the parent / carer if there are any changes.

12.6 Providers who choose to offer the free entitlements, are responsible for setting a policy on providing parents / carers with options for alternatives to additional charges where they are unable or unwilling to pay. This policy must offer reasonable alternatives that allow parents / carers to access the entitlement for free, including allowing parents / carers to supply their own, or waiving the cost of these items.

12.7 The provider should deliver the free entitlements consistently so that eligible children accessing them will receive the same quality and access to provision that complies with the EYFS, regardless of whether they take up additional hours or chargeable extras.

12.8 Providers must not charge for any of the following in connection with the free hours:

- Top-up fees (any difference between a provider's normal charge to parents / carers and the funding they receive from the local authority to deliver free places)
- The supply of or use of any materials, including, but not limited to, craft materials, crayons, paper, books, instruments, toys, or other equipment or learning resources that are necessary for the effective delivery of childcare
- Business running costs, including, but not limited to, rent, staff wages, cleaning materials, insurance, or utility bills such as energy, gas or water
- Registration fees as a condition of taking up a child's free entitlement place
- Non-refundable deposits as a condition of taking up a child's entitlement place
- General charges, including but not limited to, non-itemised enrichment charges, sustainability charges, business continuity charges, additional charges, enhanced ratios, hourly rates, or any other supplementary charges on top of the free hours
- Any additional fees that are not specifically identified and itemised as being for chargeable extras as stated in 12.2.

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

12.10 The provider must ensure that a parent declaration form is completed for all children receiving any early education funded hours. Providers can use their own document; this must contain all the information in the model agreement. A model declaration form is available: [Model Parent Declaration](#).

13. Publication of charges and invoices

13.1 The provider must publish their admissions criteria and ensure parents / carers 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 / carers to ensure that as far as possible the pattern of hours are convenient for parents / carers working hours.

13.2 Children must be able to take up their free hours in continuous blocks, with no artificial breaks in the entitlement hours.

13.3 Where providers have additional charges connected to the free hours, they must have an appropriate published policy which includes the following as a minimum:

- Refundable deposits attached to early years entitlement hours.
- Additional optional costs attached to the early year's entitlements broken down into; food charges; non-food consumables / extras charges and activities charges as outlined in 12.2.
- Alternatives to optional extra charges, which must offer reasonable alternatives that allow parents / carers to access their entitlement for free.
- Pattern of delivery of early years entitlement hours.

13.4 The provider must publish the cost of chargeable extras on their own website **or** where they do not have any website on The Trafford Service Directory, which all providers have access to. This is in addition to the cost of private hours.

13.5 The published costs must be clear, kept up-to-date and easily accessible to parents / carers so that an informed choice of provider can be made.

13.6 The published costs should include the amounts charged for all chargeable extras broken down as follows:

- Food
- Non-food consumables
- Additional voluntary services

From January 2026 the publication of charges is a statutory requirement. Childminders and providers caring for ten or fewer children at any one time are exempt from this requirement.

13.7 The provider should ensure their invoices and receipts are clear, transparent, and itemised. Invoices must be broken down separately into the following categories:

- The Free entitlement hours (showing a £0.00 cost)
- Additional private paid hours
- Food charges
- Non-food consumables charges
- Activities charges

This allows parents / carers to see that they have received their free entitlement hours completely free of charge and understand fees paid for additional hours or services. The provider must also ensure that receipts contain their full details so that they can be identified as coming from a specific provider.

13.8 Itemised invoices must be implemented for all providers by January 2026 at the latest.

14. Funding

14.1 The provider should accurately complete and submit Estimate, Headcount, and other necessary data returns by the agreed date to support the local authority to make payment.

14.2 Providers must use the Education Portal in accordance with the local authority processes, unless advised otherwise by the local authority. Information on the funding process is available:

www.trafford.gov.uk/earlyeducationproviders.

15. Compliance

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

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

16. Termination and withdrawal of funding

Section 16 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.

16.1 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.

16.2 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.

17. Appeals process

17.1 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.

18. Complaints process

18.1 Parents / 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](#).

18.2 The provider should ensure they have a complaints procedure in place that is published and accessible for parents / 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.

18.3 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.

19. Freedom of Information

19.1 The local authority is subject to the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 (“the Acts”). As part of the local authority’s duties under the Acts, it may be required to disclose information forming part of the Contract to anyone who makes a reasonable request. The local authority has absolute discretion to apply or not to apply any exemptions under the Acts.

19.2 The provider shall assist and cooperate with the local authority (at the provider’s expense) to enable the local authority to comply with the information disclosure requirements under the Acts and in so doing will comply with any timescale notified to it by the local authority.

20. Force Majeure

20.1 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”.

Agreement for Providers of Early Years Funded Places July 2025 – August 2028



Signed on behalf of Trafford Council

Full Name (print): Zoe Sweeney

Position: Head of Early Years and Family Help

Signature:

A handwritten signature in black ink that reads "Z Sweeney".

Date: July 2025
