

Agreement for free early years provision and childcare

September 2026

Provider Agreement for the delivery of free early years provision and childcare 2026-28



1. Definitions.....	3
2. Key local authority responsibilities.....	3
3. Key Provider responsibilities.....	4
4. Safeguarding	5
5. Special educational needs and disabilities	5
6. Supporting families who receive additional support.....	6
7. Quality.....	7
8. Eligibility.....	7
9. The Grace Period.....	8
10. Flexibility	9
11. Partnership working.....	10
12. Charging and transparency	10
13. Business planning.....	13
14. Funding	14
15. Compliance	14
16. Termination and withdrawal of funding.....	15
17. Appeals process	16
18. Complaints process.....	17
19. Force Majeure.....	17

Provider Agreement for the delivery of free early years provision and childcare 2026-28



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. Unless expressly provided otherwise in this agreement, a reference to legislation or a legislative provision is a reference to it as amended, extended or re-enacted and includes all subordinate legislation made under it, in each case from time to time.

This Agreement is made between the Local Authority and the Provider for the provision of free early education and childcare. The terms and responsibilities outlined in this document shall be binding upon both parties. If this Agreement is not signed and returned to the Local Authority, then there is no binding agreement that requires the local authority to fund the Provider for the provision of early education and childcare.

1. Definitions

For the purposes of this Agreement, the following terms shall have the meanings set out below:

Education Portal means the secure online system used by Providers to make funding claims. This can be accessed via the local authority's website currently at: [Portal Home](#).

Eligibility Checking System means the Department for Education's Eligibility Checking System and Eligibility Checking Engine which provides a mechanism for local authorities to verify whether children meet the eligibility criteria for: Early Learning for 2 Year Olds, Working Parent Entitlement and Free School Meals, based on parental receipt of benefits.

Trafford Council Directory means the online database maintained by the local authority's Family Information Service (FIS) which supports families to find local childcare, activities and family services.

Force Majeure Event means Acts of God, flood, drought, earthquake or other natural disaster; epidemic or pandemic; terrorist attack, civil war, civil commotion or riots, war, threat of or preparation for war, armed conflict, imposition of sanctions, embargo, or breaking off of diplomatic relations; nuclear, chemical or biological contamination or sonic boom; any law or action taken by a government or public authority, including imposing an export or import restriction, quota or prohibition; collapse of buildings, fire, explosion.

2. Key local authority responsibilities

2.1 The local authority must secure a free place for every eligible child in their area with no mandatory charges for parents / carers.

2.2 The local authority should work in partnership with Providers to agree how to deliver places.

2.3 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.

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

Provider Agreement for the delivery of free early years provision and childcare 2026-28



2.5 The Local Authority has the right to review the agreement to reflect changes in legislation and guidance from the Department for Education. If the Agreement changes to a substantial degree, the Provider will be given an opportunity to review the amended agreement before re-signing.

2.6 The local authority has an obligation to comply with all relevant legislation.

2.7. 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.

3. Key Provider responsibilities

3.1 The Provider must comply with all relevant legislation and insurance requirements as per the Early Years Foundation Stage Statutory Framework for group and school-based Providers or the Early Years Foundation Stage Statutory Framework for childminders. Providers must produce valid certificates of insurance if requested by the Council or its auditors.

3.2 The Provider must deliver the free entitlements consistently to all parents / carers, whether in receipt of 15 or 30 hours per child and regardless of whether they opt to pay for optional services or consumables. This means those children accessing the free entitlements should receive the same quality and access to provision as defined in A1.34 and A1.36 of the Early Education and Childcare Statutory Guidance for Local Authorities. The Provider should be clear and communicate to parents / carers details about the days and times that they offer free places, along with their optional services and charges.

3.3 The Provider must follow the Early Years Foundation Stage statutory framework (see clause 2.4) (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.

3.4 The Early Years statutory framework includes the Childcare Act 2006, Local Authority (Duty to Secure Early Years Provision Free of Charge) Regulations 2014, Children and Families Act 2014, Childcare (Early Years Provisions Free of Charge) (Extended Entitlement) Regulations 2016, Childcare (Free of Charge for Working Parents) Regulations 2022 Early Education and Childcare Statutory Guidance for Local Authorities.

3.5 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.

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

3.7 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.

3.8 The Provider shall assist and cooperate with the local authority (at the Provider's expense) to enable the local authority to comply with information disclosure requirements under the Freedom of Information Act 2000 and

Provider Agreement for the delivery of free early years provision and childcare 2026-28



the Environmental Information Regulations 2004 and in so doing will comply by providing the required information with any timescale notified to it by the local authority.

3.9 Providers must ensure all parents / carers complete the DfE issued Parent / Carer Declaration Form before a child first takes up a free place as per section A1.43 of the Early Education and Childcare Statutory Guidance for Local Authorities [see Funding and Compliance sections for further information about requirements relating to this form, including its update frequency].

4. Safeguarding

4.1 The local authority has overarching responsibility for safeguarding and promoting the welfare of all children and young people in their area. They have several statutory functions under the 1989 and 2004 Children Acts which make this clear, and the 'Working Together to Safeguard Children' 2023 guidance UK government publication sets these out in detail.

4.2 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.

4.3 The Provider is required to fully engage with local safeguarding partnerships.

4.4 Providers must work with the Local Safeguarding Children Partnership in line with ['Working Together to Safeguard Children' 2023 guidance](#). This includes:

- Making timely referrals to children's social care where there are safeguarding concerns.
- Cooperating with requests for information and attending multi-agency meetings (such as strategy meetings, child protection conferences or core groups) where appropriate.
- Contributing to safeguarding reviews or audits when requested.
- Sharing information appropriately and lawfully to safeguard children.

4.5 The Local Authority will support Providers to fulfil these responsibilities by:

- Providing access to current local safeguarding procedures and referral pathways.
- Offering safeguarding network meetings and training opportunities.
- Providing advice and guidance where safeguarding concerns arise.
- Acting as a link between Providers and safeguarding partners where appropriate.

5. Special educational needs and disabilities

5.1 The local authority must strategically plan support for children with SEND to meet the needs of all children in their local area as explained in the Special Educational Needs and Disability (SEND) code of practice: 0 to 25 years UK government publication and ensure that the entitlements are delivered to children with SEND free of charge with no mandatory additional costs attached to their entitlement hours.

5.2 The local authority must be clear and transparent about the support on offer in their area, through their local offer, so parents / carers and Providers can access that support.

5.3 Providers must be aware of the requirement on them to have regard to the SEND Code of Practice 0 to 25 years, and duties under the Equality Act 2010 and EYFS statutory framework to meet the needs of children with SEND. This includes removing barriers that prevent children accessing early education and childcare and working with parents / carers to give each child support to fulfil their potential.

5.4 Providers are not permitted to charge parents / carers of children with SEND for additional support costs as part of their entitlement hours or as a condition of accessing an entitlements place.

5.5 Providers may be eligible for additional funding to provide suitable support for children identified as needing adaptation or personalisation to the curriculum to make good progress, on a case-by-case basis. This includes SEN Inclusion Funding, Disability Access Fund and for children with an EHCP, funding from the High Needs block of the Dedicated Schools Grant. Providers will check eligibility and use this funding to help them deliver support to these children. Providers may be required to provide evidence of how this funding has been used to support children in their setting. Children in receipt of the early education and childcare entitlements will be eligible for Disability Access Funding if the child is eligible for Disability Living Allowance.

5.6 Providers can request support to enable children with SEND to access their entitlements and any additional funding they are eligible for, through the early years SEND services.

5.7 The Provider should be clear and transparent about the SEND support on offer at their setting and make information available about their offer to support parents / carers to choose the right setting for their child with SEND.

5.8 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.

5.9 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).

5.10 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.

5.11 Providers should engage with the SEN Advisory Service and TEDS (Trafford Early Development Service).

6. Supporting families who receive additional support

6.1 The local authority should promote equality and inclusion, particularly for those families who receive additional forms of support, including looked after children and children in need, by removing barriers of access to places and working with parents / carers to give each child support to fulfil their potential.

6.2 The Provider should ensure that they have identified the relevant children in their setting as part of the process for checking Early Years Pupil Premium (EYPP) eligibility. They will also use EYPP and any locally available funding streams or support to improve outcomes for this group.

6.3 Where households meet the eligibility criteria for both 2-year-old entitlements, they must be recorded as taking up 15 hours of the Early Learning for 2 Year Olds entitlement and then 15 hours of the Working Parent Entitlement. They will need to reconfirm eligibility every 3 months for the Working Parent Entitlement.

7. Quality

7.1 The EYFS statutory framework is mandatory for all schools that provide early years provision and early years Providers registered with Ofsted or with an Ofsted-registered Childminder Agency in England. The EYFS sets the standards that early years Providers must meet to ensure that children learn and develop well and are kept healthy and safe.

7.2 The local authority can only rely on the Ofsted (or an independent inspectorate where relevant) inspection outcome of the Provider or the childminder agency, or the childminder agency's reasonable opinion of the childminder, as the sole benchmarks of quality, as set out in paragraph A3.12 of the Early Education and Childcare Statutory Guidance for Local Authorities, when securing quality for the free entitlements.

7.3 The local authority has a legal duty to secure information, advice and training as set out in paragraph D.1 of the Early Education and Childcare Statutory Guidance for Local Authorities, for Providers that meet the criteria set out in paragraph D.2. However, the local authority can only require Providers to undertake training or quality improvement programme when the setting has received an inspection judgement as set out in paragraph A4.15.

7.4 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.

7.5 Providers should engage with the Early Years Quality team including Childcare Advisors and the EYFS Consultant.

7.6 The Local Authority will make information, advice and training available to Providers in line with statutory guidance. This may include but is not limited to:

- Quality Visits, support and advice relating to the EYFS, safeguarding and inclusion.
- Learning and Development offer to increase knowledge and understanding.
- Targeted support package for Providers judged less than "expected standard" by Ofsted.
- Updates on changes to statutory requirements or national guidance.

Providers may be required to engage with specific support or improvement activity when not achieving the benchmark or quality set out in the EYFS. And other statutory guidance.

8. Eligibility

8.1 The Provider must check original copies of documentation to confirm the parent / carer meets the eligibility criteria (where relevant) and that the child has reached the relevant age before the child starts their place for all free entitlements. The Provider must retain paper or digital copies of documentation to enable the local authority to carry out audits and fraud investigations, and to enable the Provider to support these processes more efficiently. See Compliance section for further details.

Provider Agreement for the delivery of free early years provision and childcare 2026-28



8.2 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. Personal and sensitive data should be used, stored and kept secure and confidential in compliance with the Data Protection Act 2018. For further guidance contact the Information Commissioners Office (ICO). www.ico.org.uk.

8.3 The Provider should offer Early Learning for 2 Year Olds entitlement places on the understanding that the child remains eligible and can remain in their place regardless of whether their family circumstances change, until they become eligible for the universal entitlement for 3- and 4- year-olds. Children who are eligible for both the Working Parent Entitlement and Early Learning for 2 Year Olds entitlement, must receive their first 15 hours of funding under the Early Learning for 2 Year Olds entitlement scheme.

8.4 Alongside the eligibility code, which is the child's unique 11-digit number, and original copies of documentation, 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's / carer's eligibility code.

8.5 The eligibility code for any foster children will be issued by the local authority, and so will not have an 11-digit code issued by HMRC. The local authority will manage the application and reconfirmation process for these children separately.

8.6 Once a Provider has received written consent from the parent, they should verify the eligibility code with the local authority. The local authority will confirm the validity of eligibility codes to allow Providers to offer free places for eligible children. The local authority will provide a validity checking service to Providers to enable them to verify the eligibility code.

8.7 The validity checking service is accessed via the Education Portal. It is the Provider's responsibility to verify the eligibility code, on receipt of written consent from the parent / carer, this should be done prior to the term a child takes up their free place.

8.8 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's responsibility to review the code checks on the Education Portal.

8.9 The Provider should validate eligibility codes as quickly as possible, to ensure that each child who takes up a place is eligible to do so, and to provide certainty to the parent and the Provider.

8.10 Thereafter, the local authority should complete audit checks to review the validity of eligibility codes for children who qualify for the Working Parent Entitlement at 6 fixed points in the year as set out in A1.24 of the Early Education and Childcare Statutory Guidance for Local Authorities. It is the local authority's responsibility to notify a Provider where a parent has fallen out of eligibility and inform them of the grace period end date. The Education Portal automatically audits codes that have been validated by Providers.

9. The Grace Period

9.1 A child will enter the grace period when the child's parents / carers cease 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).

Provider Agreement for the delivery of free early years provision and childcare 2026-28



9.2 It is the local authority's responsibility to notify a Provider where a parent has fallen out of eligibility and inform them of the grace period end date (dates set out in A1.24 of the Early Education and Childcare Statutory Guidance for Local Authorities).

9.3 The local authority should continue to fund a place for a child who enters the grace period.

9.4 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 System. The grace period end date will automatically be applied to eligibility codes. The local authority will not fund a place for a child where their grace period end date has passed as set out in the Early Education and Childcare Statutory Guidance for Local Authorities (sections A1.22-A1.30).

9.5 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 (sections A1.22-A1.30).

9.6 Providers will be informed of a child's grace period via the Education Portal, it is the Provider responsibility to review the status of codes on the Education Portal.

10. Flexibility

10.1 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.

10.2 The Provider should work with the local authority to support them to secure sufficient stretched and flexible places to meet parental demand in the local authority and share information about the times and days / periods at which they are able to offer free entitlements.

10.3 The local authority will support individual parents through the brokerage of places, to find a childcare place that best meets their needs.

10.4 Children can receive their entitlement at two Providers, but they cannot exceed the maximum entitlement of 570 or 1,140 hours over the eligibility year.

10.5 Children must be able to take up their free hours in continuous blocks if they wish to, and there should be no artificial breaks in the entitlement hours as set out in the Early Education and Childcare Statutory Guidance for Local Authorities (sections A2.5). For example, over the lunch period, a Provider should not offer 10am to 12pm and 1pm to 3pm as entitlement hours and offer only private paid hours in between.

10.6 The entitlements are claimed via the Education Portal based on a termly headcount day and funding is allocated for the term. The Local Authority does not administer mid-term funding changes. However, Providers can make private arrangements to allow for the transfer of funds where children move settings after headcount day.

10.7 To support government priorities, some children can be claimed for in the second half of a term. This is known as a Mid-Term Joiner and is only available for children new to funding. This is at the discretion of the Local Authority.

10.8 As funding is allocated on a termly basis, to the end of each term, notice periods that fall outside of the term are a private arrangement between the Provider and the parent / carer. If parents / carers may be liable to pay the Provider as per their private contract for the child for any termination notice period, Providers must give Parents / carers notice of this prior to the child taking up their free place, bringing to their attention, and explaining clearly, that they may be liable to pay the Provider for any termination notice period as per their private contract for the child.

10.9 The Provider should work with the local authority to ensure their record on the Family Information Service / their website includes information on their offer so that parents can make an informed choice of Provider, including the Provider's admissions criteria, as set out in paragraphs A1.39 and A1.40 of the Early Education and Childcare Statutory Guidance for Local Authorities. Information about their offer should be made available to parents upon enquiring about provision in their setting and before the point parents commit to accessing provision at their setting.

11. Partnership working

11.1 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

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

11.3 The Provider should work in partnership with parents / carers and other Providers to improve provision and outcomes for children in their setting. The Early Years Toolkit has been developed to help Providers set up or join a partnership, maximise the benefits of working together and tackle the challenges joint working can bring.

11.4 The Provider should 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.

12. Charging and transparency

Charging

12.1 Provision must be offered within the national criteria on charging practices set out in paragraphs A1.31 to A1.44 of the Early Education and Childcare Statutory Guidance for Local Authorities.

12.2 Government funding is intended to deliver 15 or 30 hours a week of free, high quality, flexible childcare per child. The 15 or 30 hours must be accessible free of charge to all 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.

Provider Agreement for the delivery of free early years provision and childcare 2026-28



12.3 The Provider **can** charge parents for the items and services listed in A1.32 of the Early Education and Childcare Statutory Guidance for Local Authorities, provided that these charges are optional and are not a condition of accessing a free place.

12.4 Providers **must not** charge for the items and services listed in paragraph A1.38 of the Early Education and Childcare Statutory Guidance for Local Authorities. This includes nonrefundable registration or retainer fees for any child only accessing their free childcare entitlement.

12.5 Providers are responsible for setting their own policy on providing parents / carers with options for alternatives to additional charges. 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.

12.6 Providers are permitted to charge a reasonable refundable deposit, but this must be returned in full by the end of the first half term of a child taking up their entitlement place.

12.7 Provision must continue to meet the standards of the EYFS regardless of if the parent pays for optional extras as set out in paragraph A1.34 of the Early Education and Childcare Statutory Guidance for Local Authorities.

12.8 Providers should be mindful of the impact of additional charges, especially on the most disadvantaged families.

12.9 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 the entitlements.

12.10 Providers must ensure all parents / carers complete the DfE issued Parent / Carer Declaration Form which obtains signed parental consent to pay for any additional charges. Parents / Carers must be given the opportunity to review the form before signing. Signing the form confirms consent to pay for any additional charges until a new form is completed. Parent / Carer Declaration Forms should be reviewed with parents on a termly basis to ensure the information is accurate and the planned hours align with the actual number of hours taken up by the child. If there are any changes to the number of free hours taken a new form must be completed. Should the Provider pattern of delivery or fee structure change, a new form must be completed. The form is available on The Trafford Council [website](#).

Transparency

12.11 Providers must publish their admissions criteria and any fees for consumables, additional hours and services and make these easily available to parents to enable parents to understand the entitlements hours are available free of charge and to make an informed choice of Provider.

12.12 Providers should make parents aware of what types of alternative arrangements are available for those parents who do not wish to purchase these chargeable extras as outlined in sections A1.39 and A1.35 of the Early Education and Childcare Statutory Guidance for Local Authorities.

12.13 The Provider and the local authority should work together to ensure that the Family Information Service and/or the Provider's website provides information for parents / carers and prospective parents / carers on the provision of childcare in their area.

12.14 The Provider must ensure that a parental declaration form is completed and signed by the parent / carer and the Provider before the child first takes up their free place, which sets out clearly the days and times when the child will take up their free hours. This will include any use of a stretched entitlement, as well as any charges for meals and consumables that the parent has opted to pay for. It will also include the number of additional privately paid hours and the fees for those private hours. This is to ensure that both parties have full clarity about the number of entitlements hours being used, and what additional extras and subsequent charges have been agreed [see Funding and Compliance sections for further information about requirements relating to the form, including its update frequency].

12.15 The Provider must ensure their invoices and receipts are clear, transparent and itemised, allowing Parents / carers to see that they have received their place completely free of charge (at £0.00 cost) and understand any charges they have paid for additional hours and consumables. 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

12.16 The Provider will also ensure that receipts contain the Provider's name, address, and contact details so that they can be identified as coming from a specific Provider for the purposes of audits and any payments made in relation to Universal Credit.

12.17 Providers delivering the free entitlements must have an appropriate published policy which includes the following as a minimum, as outlined in sections A1.31 -A1.44 of the Early Education and Childcare Statutory Guidance for Local Authorities:

- Which hours and sessions can be taken as free provision.
- Pattern of delivery of early years entitlement hours (term time only, all year round).
- Where applicable, refundable deposits attached to early years entitlement hours.
- Where applicable, additional optional costs attached to the early year's entitlements broken down into; food charges; non-food consumables / extras charges and activities charges.
- Where applicable, Alternatives to optional extra charges, which must offer reasonable alternatives that allow parents / carers to access their entitlement for free.

12.18 The Provider must publish the cost of private fees and chargeable extras on their own website **or** where they do not have any website on The Trafford Directory, which is managed by Trafford's Family Information Service. All Providers have access to this. Childminders and Providers caring for ten or fewer children at any one time are exempt from this requirement.

12.19 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.

12.20 The published costs must set out the amounts charged for the chargeable extras listed, as well as the pattern of hours that parents can take the entitlements. Chargeable extras should be broken down as follows:

- Food
- Non-food consumables
- Additional voluntary services

Provider Agreement for the delivery of free early years provision and childcare 2026-28



A template [is available](#) from The Department for Education (DfE) to support with this.

13. Business planning

13.1 The local authority should clearly set out the documentation required 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. This information is available on the council website: [Early education businesses and Providers | Trafford Council](#)

13.2 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.

13.3 The Provider must submit timely and accurate information within the timescale specified by the local authority. Failure to do so may result in suspended, inaccurate or delayed funding. This includes but is not limited to, estimates, headcount, census, sufficiency data, information on SEND children and information required for audit.

13.4 The Provider must ensure they follow the process for claiming and delivering the free entitlements. The process is available on the council website: [Early education businesses and Providers | Trafford Council](#). This includes but is not limited to; Checking eligibility codes prior to a child taking up their place and ensuring live registers are updated prior to the termly headcount day.

13.5 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.

13.6 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. Complaints into the local authority about the delivery of free entitlements at a Provider will automatically result in an audit as part of the investigation process [see Compliance section for further information about audit requirements].

13.7 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.

13.8 All Providers have an entry on the Trafford Council Directory which must be regularly reviewed and updated, to ensure it always contains up-to-date information. Support is available via Trafford Family Information Service.

13.9 The local authority will provide business support and training to all Providers who can request this at any time by contacting The Early Education Team. The local authority reserves the right to stipulate a Provider attends a business support or training session.

14. Funding

14.1 The Provider should accurately complete and submit Estimate, Headcount, Census and other necessary data returns by the agreed date to support the local authority to make payment. Information on payment dates and how payments are made is available: [Early education businesses and Providers | Trafford Council](#).

14.2 The local authority will pay all Providers on a monthly basis, where payment is due.

14.3 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: [Early education businesses and Providers | Trafford Council](#)

14.4 The Provider must review the parental declaration form on a termly basis, to ensure the information is accurate and the planned hours align with the actual number of hours taken up by the child. Should there be any change in circumstance, a new form must be completed. The form is available on the council website. Providers must use the form provided; no other versions of the form will be accepted.

14.5 The free hours cannot be moved between Providers mid-term. Providers should work together to support children's learning and well-being when children change Providers. Providers can make private arrangements to transfer funding.

14.6 The local authority will work with Providers where children move into the local authority during the term after headcount day.

14.7 The local authority will complete termly internal and cross border checks to ensure there are no duplicate claims for children's funded hours. Where duplicate claims are identified, the local authority will contact the Provider to investigate.

14.8 As set out in paragraph A4.32 of the Early Education and Childcare Statutory Guidance for Local Authorities, Providers will not be penalised for short term absences of children, for example due to sickness, family emergencies, arriving late or leaving early.

15. Compliance

15.1 Providers must deliver the free entitlements to all eligible children in accordance with the requirements set out in this agreement, and other statutory requirements.

15.2 The local authority will carry out audits on Providers to ensure compliance with the requirements of delivering the free entitlements. The audits will be conducted as per section 13.6 of this agreement.

15.3 The audit will select a sample of children from a specified term (or terms). Documents will be requested for the audit. These will include but are not limited to:

- Completed, signed, and dated parental declaration forms to ensure the planned hours agreed with parents align with the actual number of hours taken up by the child.

Provider Agreement for the delivery of free early years provision and childcare 2026-28



- Attendance Registers, to ensure sample children were in attendance or registered to attend on the termly headcount day.
- Funding Policy (including delivery model), to ensure compliance with section 12 of this agreement.
- Admissions Policy, to ensure compliance with section 12 of this agreement.
- Fee Structure, to ensure compliance with section 12 of this agreement.
- Invoices, to ensure compliance with section 12 of this agreement.
- Any other documents the Local Authority deems relevant for the provision of entitlements.

15.4 If the audit is complaint driven, further investigation may be required based on individual circumstance to enable the local authority to respond accordingly.

15.5 The local authority will investigate any discrepancies and review each case on the individual circumstance.

15.6 Providers will be sent the outcome of any audit in writing. This may include the following:

- Actions stipulated by the local authority which are a requirement for compliance. Actions will be reviewed within a specified timeframe.
- Recommendations from the local authority. These are recommended actions for the Provider for best practice.

15.7 Where it comes to the attention of the local authority that the Provider is delivering education and childcare in a way which is not compliant with the terms of this Provider Agreement and statutory guidance, it will notify the Provider of remedial actions that need to be taken to achieve compliance. The local authority will follow its responsibilities and withhold further funding, until satisfied the relevant changes have been made, upon which funding will then be re-instated. Where it has been identified that the Provider has been incorrectly delivering the free entitlements (either by a local authority audit or self-evaluation) and changes to their fee structure or the delivery of entitlements are implemented, negotiations about previous charges and the delivery of hours are a private matter between the Provider and parents / carers and it is acknowledged that the local authority has no liability to the Provider or parent / carers for such incorrect charges or delivery.

15.8 The local authority reserves the right to remove the Provider from The Directory of Early Education Providers if the actions stipulated in the audit outcome to ensure compliance are not completed.

15.9 As set out in paragraph A4.32 of the Early Education and Childcare Statutory Guidance for Local Authorities, Providers will not be penalised for short term absences of children, for example due to sickness, family emergencies, or arriving late or leaving early.

15.10 Providers will also not be penalised for short term closures beyond the Provider's control, for example due to elections, damage to the premises, or strike action.

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 Trafford Council may at its discretion withdraw funding and terminate this agreement if:

Provider Agreement for the delivery of free early years provision and childcare 2026-28



- A Provider does not comply with the requirements of the Early Education and Childcare Statutory Guidance and the Trafford Provider Agreement [see Compliance section for details of audit process].
- A Provider is suspended by Ofsted or childminder agency.
- A Provider breaches any other statutory requirements or statutory safeguarding requirements.
- A Provider does not meet the required Ofsted grade to deliver funded places.
- A Provider ceases to meet the requirements for overall effectiveness 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 46 (arrangements to provide for termination) of the Childcare (Free of Charge for Working Parents / carers) (England) Regulations 2022.

16.2 Suspension of registration by Ofsted or childminder agency or a breach of statutory requirements or safeguarding issues may result in the immediate termination of the arrangement and withdrawal of funding.

16.3 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 46 (arrangements to provide for termination) of the Childcare (Free of Charge for Working Parents / carers) (England) Regulations 2022.

16.4 Any other circumstances regarding the withdrawal of funding would be agreed by a panel. The panel will be made up of at least 3 members of staff from The Early Years Service. The panel will take into account relevant information including but not limited to; Ofsted report(s), circumstance of children affected, reasons for withdrawal. The panel will agree a date for withdrawal and Providers will receive a letter to confirm this.

16.5 This agreement is signed by completing an online declaration form which issues a receipt to the Provider's email address. Where the Provider fails to complete this declaration confirming compliance with the Agreement by the date specified by the Local Authority, the Local Authority reserves the right to suspend payment of any further entitlements to funding and reject future claims for entitlements funding by the Provider until it is in receipt of a declaration form correctly completed by the Provider.

16.6 Where a Provider takes the decision to withdraw from delivering any or all the free entitlements, this should be done at the end of a term with a minimum of 6 weeks' notice to ensure that children receive their full entitlements in that term and enabling parents / carers to make alternative arrangements.

16.7 Where a Provider is closing, they should support families to find alternative provision. For example, signposting to Trafford Family Information Service.

17. Appeals process

17.1 A Provider may be denied approval to offer the free entitlements or have their funding withdrawn as set out in section 16 of this agreement. The local authority appeals process is:

- The Provider must notify Trafford Early Years Service of their intention to appeal, giving grounds for objecting. This must be done via email to early.education@trafford.gov.uk within 10 working days of the notice being given.
- Trafford Early Years Service will acknowledge receipt within 10 working days and arrange an appeal panel meeting. In the acknowledgement letter, Trafford Early Years Service will give the Provider a date, time and location for the panel.

Provider Agreement for the delivery of free early years provision and childcare 2026-28



- The appeal panel will meet within one month of receiving the Provider's objection and supporting evidence. The panel will consist of 3 different members of staff from The Early Years Service. One of the panel members will act as Chair. There will also be an officer present to record the meeting.
- The panel's decision will be final.

18. Complaints process

18.1 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.

18.2 Where parents / carers are not satisfied that their child has received their free entitlement in accordance with the legislation or as set out in this agreement and in the Early Education and Childcare Statutory Guidance for Local Authorities, they should discuss concerns directly with their Provider in the first instance.

18.3 Where the issue has not been resolved Providers will refer parent / carers to Trafford Family Information Service.

18.4 The local authority also has a complaints procedure which is available on the Trafford Council website (www.trafford.gov.uk) and searching 'complaints'.

18.5 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. Force Majeure

19.1 Neither party shall be liable for any delay or failure in the performance of its obligations for so long as and to the extent that such delay or failure results from a Force Majeure Event. If the period of delay or non-performance continues for 45 days, the party not affected by the Force Majeure Event may terminate this agreement by giving not less than 14 days' written notice to the affected party.

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: September 2026