

# Provider Agreement

**For delivery of funded early years provision for nine-month, two, three and four year olds.**

*This agreement reflects the underpinning law governing the delivery of the early education and childcare entitlements, which has not changed.*

***April 2025***

***Children and young people in Croydon have the chance to thrive, learn and fulfil their potential.  
(Mayor's Business Plan 2022-26)***

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## Definitions

The following definitions are used in this agreement:

“Croydon Early Years Funding Portal”	mean a secure web-based electronic system for claiming early years funding.
“EYFS”	means the Early Years Foundation Stage.
“Provider”	<ul style="list-style-type: none"><li>▪ means ‘Early Years Providers’ and include:</li><li>▪ Early years providers and childminders registered on the Ofsted Early Years Register;</li><li>▪ Childminders registered with a childminder agency that is registered with Ofsted;</li><li>▪ Maintained schools, Independent Schools and Academies taking children age two and over and which are exempt from registration with Ofsted as an Early Years provider.</li></ul>
“ECS”	means Eligibility Checking Service.
“Local Authority”	means Croydon Local Authority.
“Ofsted”	means the Office for Standards in Education, Children’s Services and Skills.
“Ofsted Early Years Register”	means the register of all providers working with children aged from birth to five maintained by Ofsted.
“SENCO”	means Special Educational Needs Co-Ordinator.
“SEND”	means Special Educational Needs and/or Disabilities.
“Universal Entitlement”	means the ‘570 hour’ entitlement (most commonly delivered as 15 hours over 38 weeks) for all three and four-year-olds.
“2YO Disadvantaged Entitlement also known as Receiving Additional Support”	means the ‘570 hour’ entitlement (most commonly delivered as 15 hours over 38 weeks) for eligible parents of two-year-olds. This is also known as Receiving Additional Support (RAS).

“2YO Expanded Entitlement”	means the ‘570 hour’ entitlement (most commonly delivered as 15 hours over 38 weeks) for eligible working parents of two-year-olds.
“9-month-old Expanded Entitlement”	means the ‘570 hour’ entitlement (most commonly delivered as 15 hours over 38 weeks) for eligible parents of 9-month-olds from September 2024.
“30 hours Extended Entitlement”	means the 30 hours entitlement and is equivalent to a further 15 hours per week for 38 weeks or 570 hours for eligible working parents of three and four-year-olds, and eligible working parents of 9-month-olds, two-, three- and four-year-olds from September 2025.

## Section 1: Introduction

- 1.1** Children and young people in Croydon have the chance to thrive, learn and fulfil their potential (Mayor’s Business Plan 2022-26). This relates to local authorities duties under section 2 of the [Childcare Act 2016](#) and sections 6, 7, 7A, 9A, 12 and 13 of the [Childcare Act 2006](#). Croydon is committed to ensuring all young children have access to high quality early years’ provision. Early education and childcare, as determined by the Statutory Guidance: **Early education and childcare (effective from 1 April 2025)**, is commissioned through the Croydon Council’s Children, Young People and Education Department and is an integral part of Croydon Family Hub and the Start for Life offer.
- 1.2** This agreement applies to:
- the ‘15 hour’ Universal Entitlement for all 3 and 4 year olds
  - the ‘15 hour’ Disadvantaged Entitlement for eligible 2-year-olds. Also known as Receiving Additional Support (RAS) a term that will be used in the rest of this agreement.
  - the Expanded Entitlement for 9-month-olds, two, three and four-year-olds of eligible working parents
- 1.3** This agreement is based on the model agreement produced by the Department for Education<sup>1</sup> with additional local detail where relevant.

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<sup>1</sup> The original version can be found: <https://www.gov.uk/government/publications/free-early-years-provision-and-childcare-model-agreement>

- 1.4 This model agreement will be kept under review and updated as necessary.

## Overview of Changes

### Changes implemented 1 April 2025

- 1.5 The Department for Education (DfE) have made some changes to the statutory guidance around provider charges, following a recent high court judgement. The changes are made to provide clarity and transparency around charging. The headlines to note are listed below. The attached [FAQs document](#) provides the detail.
- 1.6 **Mandatory charges:** reaffirms that there **must** be no mandatory charges for parents. Providers can charge for specific categories of consumables, but these are voluntary for parents.
- 1.7 **Consumables:** clarifies what is not 'consumable', what providers cannot charge for. This includes learning resources such as paper, crayons, books, toys and business running costs such as rent, utility bills or staff wages.
- 1.8 **Flexibility:** clarifies that there should be no artificial break in how entitlement hours are offered to parents. E.g. not accepting funding 12-1pm, offering entitlement hours for 10am-12pm and 1-3pm with only private paid hours available in between creates an artificial break.

### Changes to be implemented by January 2026

- 1.9 **Transparency and communication:** all additional charges associated with the entitlement should be clear, up-to-date and easily accessible for parents to access on the provider website or Croydon Family Information Service. A template is available from the DfE. Providers caring for 10 or fewer children are exempted.
- 1.10 **Transparency and invoices:** invoices should be broken down into free entitlement hours, additional private paid hours, food charges, non-food consumables and activities charges.
- 1.11 [CLICK HERE](#) for Early Education and Childcare Statutory Guidance - with effect from 1 April 2025.

## Who is the agreement for?

- 1.12 This agreement is for:
- Croydon local authority

- Early years providers who are referred to as ‘providers’ and include:
  - Early years providers and childminders registered on the Early Years Register;
  - Childminders registered with a childminder agency that is registered with Ofsted;
  - Independent Schools and Academies taking children age two and over which are exempt from registration with Ofsted as an early years provider.

**1.13** A parental agreement is included as Annex B and is for:

- Early years providers, as set out above
- Parents

**1.14** All settings **must** complete this with parents and retain the document as this authorises the provider to claim funding from the Local Authority and will need to be available during an early years audit.

## Legal Framework and Statutory Guidance

**1.15** In accordance with Section 7 of the Childcare Act 2006 the Council has agreed to make payment to the Provider to enable it to provide Early Education Entitlement for children between the ages of from 9 months old to four years old. The funding is provided under the framework of the Statutory Guidance for local authorities on the delivery of “early education and childcare for local authorities” (“the Statutory Guidance”) and any further guidance issued from time to time.

**1.16** The following frameworks and legislation (or subsequent revisions) underpin this model agreement:

- Early education and childcare, Statutory guidance for Local Authorities 2024
- Childcare Act 2006
- Childcare Act 2016
- Equality Act 2010
- School admissions code 2021
- Local Authority, (Duty to Secure Early Years Provision Free of Charge) Regulations 2014
- The Childcare (Early Years Provision Free of Charge) (Expanded or Extended Entitlement) Regulations 2016
- Special educational needs and disability code of practice: 0 to 25 years 2015

- Data Protection Act 2018 and the UK GDPR
- [Education inspection framework \(EIF\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/education-inspection-framework)
- [Statutory framework for the early years foundation stage \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/publications/statutory-framework-for-the-early-years-foundation-stage), Information Commissioner's Office (ICO)

## Section 2: Key Responsibilities

### Key local authority responsibilities

- 2.1 Local authorities **must** secure a free place for every eligible child in their area.
- 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.

### Key Provider Responsibilities

- 2.5 The provider **must** comply with all relevant legislation and insurance requirements.
- 2.6 The provider should deliver the free entitlements consistently to all parents, 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 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.
- 2.7 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.
- 2.8 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 parents.

## Safeguarding

- 2.9** 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’](#) guidance sets these out in detail.
- 2.10** 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.

## Eligibility

- 2.11** All three- and four-year-olds are entitled to up to 570 free (funded) hours of childcare per year (equivalent to up to 15 hours for 38 weeks) – this is known as the Universal Entitlement.
- 2.12** Eligible two-year-olds are entitled to up to 570 free (funded) hours of childcare per year (equivalent to up to 15 hours for 38 weeks) – this is known as the 2YO Receiving Additional Support (RAS) Entitlement.
- 2.13** Eligible three- and four-year-olds of working parents are entitled to up to 570 additional free (funded) hours of childcare per year (equivalent to up to 15 hours for 38 weeks) – this is known as the Extended Entitlement.
- 2.14** Eligible two-year-olds of working parents are entitled to up to 570 free (funded) hours of childcare per year (equivalent to up to 15 hours for 38 weeks) – this is known as the 2YO Expanded Entitlement. This increases to 30 hours from September 2025.
- 2.15** Eligible children from 9 months and above of working parents are entitled to 570 free (funded) hours of childcare per year (equivalent to up to 15 hours for 38 weeks) – this is known as the 9-month-old Expanded Entitlement. This increases to 30 hours from September 2025.
- 2.16** All funding begins at the start of the following term after a child becomes 9 months / 2 years / 3 years as shown below:
- Children who become 9 months, 2 years, or 3 years in the period 1 January to 31 March in any given calendar year become eligible at the start of term beginning on or following 1 April.
  - Children who become 9 months, 2 years, or 3 years in the period 1 April to 31 August in any given calendar year become eligible at the start of term beginning on or following 1 September.



- Children who become 9 months, 2 years, or 3 years in the period 1 September to 31 December in any given calendar year become eligible at the start of term beginning on or following 1 January.
- 2.17** The provider should check the child's original birth certificate or passport to confirm a child has reached the relevant 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. The provider is required to sign the parent declaration to note that they have seen and verified the original documentation provided. 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 data privacy guidance set out in: Parental agreement Annex B.
- 2.18** The provider should offer Receiving Additional Support 2-year-old places on the understanding that the child remains eligible until they become eligible for the universal entitlement for 3- and 4- year-olds.
- 2.19** The local authority will work with providers to ensure that a child has a free (funded) entitlement place no later than the beginning of the term following the child and the parent meeting the eligibility criteria for the free entitlement(s).
- 2.20** Alongside the eligibility code, which is the child's unique 11-digit number, or 6 digit voucher code for RAS 2-year-old places and original copy of the child's birth certificate or passport, a provider **must** acquire written consent from, or on behalf of, the parent to be able to receive confirmation and future notifications from the local authority of the validity of the parent's eligibility code.
- 2.21** Once a provider has received written consent from the parent, they should verify the eligibility code via the Croydon Early Years Funding Portal.
- 2.22** The local authority will confirm the validity of eligibility codes to allow providers to offer free (funded) entitlement places for eligible children aged 9 months and above. The local authority will provide a validity checking service to providers to enable them to verify the eligibility code. The Eligibility Checking Service (ECS) allows all local authorities to make instant checks for code validity.
- 2.23** Thereafter, the local authority will 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, 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 has fallen out of eligibility and inform them of the grace period end date.

## Table A: Audit and Grace Period Dates

Date Parent receives ineligible decision on reconfirmation	Local authority audit date	Grace Period End date
1 Jan – 10 Feb	11 February	31 March
11 Feb – 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

## The Grace Period

- 2.24** A child will enter the grace period when the child's parents 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) or a First Tier Tribunal in the case of an appeal.
- 2.25** 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 ECS. The grace period end date will automatically be applied to eligibility codes.
- 2.26** The local authority should 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.
- 2.27** There will be no extensions to the grace period.

## Flexibility

- 2.28** 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](#).
- 2.29** The provider should 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. Free (funded hours) should be provided in a single uninterrupted session. The provider should also make information about their offer and admissions criteria available to parents at the point the child first accesses provision at their setting.

- 2.30** Providers should offer flexible packages of free (funded) entitlements.
- 2.31** The maximum number of free (funded) hours in one day is 10 hours.
- 2.32** There is no minimum session length.
- 2.33** Free (funded) hours can only be claimed between 6 am and 8 pm.
- 2.34** Free (funded) hours can be split across two different settings.
- 2.35** There is a maximum of two sites in a single day.
- 2.36** **Term time offer** providers offer a specific number of hours a week (typically a maximum of 15 hours for the Receiving Additional Support, Expanded (until September 2025, then 30 hours thereafter) or Universal Entitlement and 30 hours for the Extended Entitlement over 38 weeks.  
  
**Term dates:** Summer - 13 weeks  
Autumn - 14 weeks  
Spring - 11 weeks.
- 2.37** **Stretched offer:** providers offer fewer hours over more weeks e.g. 11 or 22 hours over 51 weeks or 12 or 24 hours over 47 weeks.

## Partnership Working

- 2.38** Partnerships should 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 parents
  - iv. Local authorities and parents
- 2.39** The local authority supports and 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.
- 2.40** The provider should work in partnership with parents, carers and other providers to improve provision and outcomes for children in their setting. An [interactive 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.

- 2.41** The provider should discuss and work closely with parents 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.

## Equality and Diversity

- 2.42** The Local Authority believes in the dignity of all people and their right to respect and equality of opportunity. We value the strength that comes with difference and the positive contribution that diversity brings to our community. Our aspiration is for Croydon to be safe, welcoming, and inclusive. It is for this reason we will develop an Equality Pledge that commits signatory public, voluntary or private sector organisations to appreciate and value the benefits that different communities contribute to Croydon.

## Special Educational Needs and Disabilities

- 2.43** 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](#).
- 2.44** The provider **must** ensure owners and all staff members are aware of their duties in relation to the SEND Code of Practice 2014 and the Equality Act 2010.
- 2.45** The local authority **must** be clear and transparent about the support on offer in their area, through their local offer, so parents and providers can access that support.
- 2.46** 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 to choose the right setting for their child with SEND.

## Supporting Disadvantaged Children

- 2.47** 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 places and working with parents to give each child support to fulfil their potential.
- 2.48** The provider should ensure that they have identified the disadvantaged children in their setting as part of the process for checking EYPP eligibility. They will also use

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

- 2.49** From April 2024, there may be some circumstances where households meet the eligibility criteria for both the Receiving Additional Support (RAS) two-year-old entitlement and the working parent entitlement. In these circumstances, the childcare should be provided under the RAS 2-year-old entitlement. The child will remain on the RAS entitlement until they become eligible for the universal entitlement for 3- and 4-year-olds or 30 hours free (funded) entitlement childcare for 3- and 4-year-olds if they meet the eligibility criteria. As is currently the case, the child remains eligible for the RAS 2-year-old entitlement even if the family's circumstances change.
- 2.50** From September 2025, when the working parent entitlement for children aged from 9 months to 2 years 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 RAS entitlement and 15 hours of the working parent entitlement. They will need to reconfirm eligibility every 3 months for the working parent entitlement.

## Quality

- 2.51** The [Early Years Foundation Stage \(EYFS\) 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.
- 2.52** Ofsted are the sole arbiter of quality for all free (funded) 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. Childminder agencies (CMAs) are organisations that can register and quality assure childminders as an alternative to registering with Ofsted. 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.
- 2.53** 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.
- 2.54** 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.

## Business Planning

- 2.55** In order to deliver funding on behalf of the Local Authority, providers **must** email [child.care@croydon.gov.uk](mailto:child.care@croydon.gov.uk) the following completed documents:
- Accreditation for funding application form (Annex C)
  - Signed Provider Declaration as part of the Provider Agreement
- 2.56** Assuming all the documentation is in order, providers will be asked to complete a form to provide bank details and will be provided with login details to the Croydon Early Years Funding Portal. All applications are reviewed on a termly basis and if unsuccessful providers cannot re-apply until the following term. Full details of the timetable of submission of funding information can be found in Annex C.
- 2.57** The Local Authority will not invoke administrative charges on providers for providing late or incomplete information leading to additional administration in the processing of free (funded) entitlements. However, the Local Authority reserves the right to suspend payments if information is not submitted in accordance with Annex C.
- 2.58** The local authority should not carry out audit regimes which are disproportionate or are unnecessarily burdensome to providers.
- 2.59** The provider should ensure they submit timely and accurate information, including, but not limited to, headcount data, census data, parental declarations and invoices, as per the financial guidelines of their local authority. **Failure to do so may result in inaccurate, delayed or suspended funding.**
- 2.60** 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.

## Charging

- 2.61** 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. Government funding does not cover consumables like meals, nappies or sun cream or additional activities, such as trips, so parents may be asked to pay for these things.
- 2.62** The statutory guidance does not stop providers from being able to charge for voluntary extras, which they can continue to do. Providers can charge parents for the following extras in connection with the free hours, but these extra charges **must** be voluntary for the parent:
- 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

**2.63** However, there **must** not be any mandatory charges for parents in relation to the free (funded) hours and any extra charges **must** be voluntary and **must** not be a condition of accessing a place.

**2.64** Providers are expected to publish their charges on their websites, or, where they do not have any website, on local council Family Information Services websites (by January 2026). Settings and childminders with less than 10 children on roll are exempt from this requirement.

**2.65** Providers are expected to break their invoices down into the free entitlement hours; additional private paid hours; food charges; non-food consumables charges and activities charges. The objective of this measure is that all costs should be clear to parents upfront (by January 2026).

Invoices and receipts should be itemised and break down separately into:

- the free entitlement hours
- additional private paid hours
- food charges
- non-food consumables charges
- activities charges

**2.66** The DfE will not encourage parents to opt out. Providers **must** offer reasonable alternatives to parents that enable them to access the entitlements for free if they wish. Children who do not participate in voluntary activities **must** continue to receive provision that complies with the EYFS.

**2.67** The DfE is updating the statutory guidance in line with the recent High Court judgment, to ensure it accurately reflects the underpinning legislation and to help support clarity and consistency for parents and providers around charging.

**2.68** The provider should deliver the free (funded) entitlements consistently so that all children accessing any of the free (funded) entitlements will receive the same quality and access to provision, regardless of whether they opt in to pay for optional hours, services, meals, or consumables.

**2.69** The Local Authority will not intervene where parents choose to purchase additional hours of provision or additional services, providing that this does not affect the parent's ability to take up their child's free (funded) place. The provider should be completely transparent about any additional charges.

- 2.70** The provider should publish their admissions criteria and ensure parents understand which hours/sessions can be taken as free (funded) 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.
- 2.71** The provider **cannot** charge parents a deposit, registration, or similar fee in order to access only their free (funded) entitlement at the setting. The provider **cannot** charge parents fees in advance for the free (funded) entitlement and then refund such payments at a later date. However, there are no such restrictions on any additional hours a parent may wish to purchase.
- 2.72** The provider **cannot** charge parents "top-up" fees (the difference between a provider's usual fee and the funding they receive from the Local Authority to deliver free (funded) places) or require parents to pay a registration fee as a condition of taking up their child's free (funded) place.
- 2.73** The provider should ensure their invoices and receipts are clear, transparent, and itemised, allowing parents to see that they have received their free (funded) entitlement completely free of charge and understand fees paid for additional hours or services. The provider will also ensure that receipts contain their full details so that they can be identified as coming from a specific provider.
- 2.74** We require that providers use the Parental Agreement which can be found in Annex B .

## Food Safety

- 2.75** Providers remain able to charge parents for a meal provided to a child. However, in line with the legislation and court judgment, any charges **must not** be mandatory, and alternatives **must** be available.
- 2.76** There is a requirement within the EYFS that states: 'Before a child is admitted to the setting the providers **must** obtain information about any special dietary requirement, preferences, and food allergies that the child has'. There is a requirement that paediatric First Aid training must cover how to help a child who is suffering from anaphylactic shock. The DfE encourages settings to refer to the NHS advice on food allergies to support these arrangements.
- 2.77** There is a requirement in the EYFS that children **must** always be within sight and hearing of a member of staff whilst eating. Where possible, a member of staff should sit facing children whilst they eat so they can make sure children are eating in a way to prevent choking and so they can prevent food sharing and be aware of any unexpected allergic reactions.



- 2.78** Providers are free to set their own packed lunch policy, but this **must** comply with equality legislation.
- 2.79** For full information and requirements settings should refer to the EYFS, including the strengthened requirements which are expected to come into force from September 2025 and can be found in the Early Years Foundation Stage safeguarding reforms - consultation response.

## Funding

- 2.80** The Local Authority pays providers via three instalments a term. The providers should accurately complete and submit headcount and other necessary data returns by the agreed date to support the Local Authority to make payments, please see timetable in Annex D.
- 2.81** The local authority reviews annually how they pay providers with consultation from the Early Years Working Group and Schools Forum to meet the needs of all providers in their area.

## Compliance

- 2.82** The local authority can carry out checks and/or audits on providers to ensure compliance with the requirements of delivering the free entitlements.
- 2.83** Every term a small cross-section of providers will be selected by the Local Authority for an early years audit. Individual settings will be notified by email of the audit date. During the visit, documentation for six children will be requested e.g., Parent Declaration. The setting will receive a copy of the findings along with any recommendations; a follow up audit may be undertaken if any of the conditions of funding are not being met.

## Termination and withdrawal of funding

- 2.84** 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.
- 2.85** This agreement will also be terminated and funding withdrawn immediately where a resolution is passed or an order is made for the winding up of a provider, or the provider becomes subject to an administration order or a receiver or administrative receiver is appointed or any encumbrancer takes possession of any of the provider's property or

equipment, or if the provider ceases or threatens to cease to carry on business in the United Kingdom.

- 2.86** The statutory guidance requires the Local Authority to fund all newly registered providers until their first full Ofsted inspection provided, they are willing to accept the funding rates and conditions herein.
- 2.87** The Local Authority is instructed to “Rely solely on the Ofsted inspection judgement of the provider or the childminder as the benchmark of quality”<sup>2</sup> and, funding will remain in place if the setting is graded ‘Outstanding’, ‘Good’ or ‘Met’. If an inspection results in a ‘Requires Improvement’ judgement, then the provider can no longer offer Receiving Additional Support 2-year-old funding to new children, but the Local Authority will continue to fund any children already accessing their entitlement or attending the provision. If an inspection results in an ‘Inadequate’ judgement, then the provider can no longer offer any funding to new children, but the Local Authority will continue to fund any existing children already attending the provision, or accessing their entitlement until such time as the parent or carer finds alternative provision.
- 2.88** In addition to the above, payments may be suspended if any of the following conditions apply and will remain suspended until the provider can evidence that the required steps have been taken to rectify the issue:
- The provider fails to produce the required documents during a routine audit.
  - The Local Authority has grounds to suspect financial irregularities.
  - The provider has not returned a signed copy of this agreement signed by both the Ofsted named registered person and the setting manager within 90 days of issue. If this isn’t received, then the services will be suspended and no further funding will be provided.

## Appeals Process

- 2.89** A provider may be denied approval to offer the free entitlements or have their funding withdrawn as set out above. The provider can appeal against that decision.
- 2.90** A provider whose registration is rejected, or has their funding withdrawn as set out above, has the right to appeal against that decision. An appeal from the provider **must** be received in writing no later than 14 calendar days after the provider has received written notification from the Local Authority that their setting has been removed from the directory. The provider should complete the following process:
- In the first instance, the provider should submit their appeal in writing for the attention of the Early Years Strategic Lead at [child.care@croydon.gov.uk](mailto:child.care@croydon.gov.uk) clearly

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<sup>2</sup> <https://www.gov.uk/government/publications/early-education-and-childcare--2/early-education-and-childcare-effective-from-1-april-2025>

identifying the grounds on which the provider is appealing. This appeal will be reviewed and responded to within 21 days.

- If the provider is not satisfied with the manner in which their appeal has been dealt with or the outcome of the appeal, they can escalate the matter to the Early Years Head of Service.

**2.91** If an appeal is made by the provider, the setting will not be removed from the directory until the appeal has been heard and a final decision is made. The provider will be notified of the final decision in writing.

**2.92** If the provider is not satisfied with the manner in which their appeal has been dealt with or the outcome of the appeal, they can escalate the matter to the Local Authority, and invoke the Local Authority's complaints procedure and follow the complaints process below.

## Complaints Process

**2.93** The Provider should ensure they have a complaints procedure in place that is published and accessible for parents 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.

**2.94** If a parent feels that they have not received their entitlement to free (funded) childcare provision, they should raise this issue with their childcare setting. The provider should ensure they have a complaints procedure in place that is published and accessible. This procedure **must** signpost parents who are not satisfied with the delivery of the free (funded) offer to [child.care@croydon.gov.uk](mailto:child.care@croydon.gov.uk). The Early Learning Team will consider the complaint as objectively as possible, contacting the parent and the childcare setting as appropriate to see a resolution to this issue.

**2.95** If, after having contacted the above, the parent is not satisfied with the manner in which their complaint has been dealt with or the outcome of the complaint review, they can escalate the matter to the Local Authority, and invoke the Local Authority's complaints procedure.

**2.96** If a parent 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.

## Revisions to this agreement

**2.97** This agreement will remain in force until there is a significant and material change in legislation, or the agreement is terminated by the Local Authority by giving written notice, or the provider ceases to deliver funded early years places.

## General

- 2.98** The provider is responsible for taking out any insurance at its own cost, and shall follow the guidance set by DfE, Ofsted and employment law in relation to the insurance which they should hold.
- 2.99** A person who is not a party to this agreement shall have no rights under the Contracts (Rights of Third Parties) Act 1999 or otherwise to enforce any term of this agreement without the express prior agreement in writing of the parties.
- 2.100** The agreement may be executed in any number of counterparts, each of which when executed and delivered shall constitute an original of the agreement, but all the counterparts shall together constitute the same agreement.

## Annex A

### Provider Declaration

<b>Name of Provider:</b>	
<b>Name of Setting:</b>	
<b>Ofsted/ Childminder Agency URN:</b>	

I confirm that this setting will meet the terms and conditions set out in this agreement, which includes, but is not limited to all the associated frameworks and legislation detailed in this agreement.

#### Ofsted named registered company/person

Signed: ..... Date: .....

Name: ..... Role: .....

#### Manager

Signed: ..... Date: .....

Name: ..... Role: .....

#### Local authority

Signed by the Early Learning Team Member for and on behalf of the Local Authority

Signed ..... Date: .....  
an authorised signatory

Name ..... Role: .....

## Annex B

### Free (funded) entitlements parent/carers agreement

#### Parent/Carer Declaration Form for 9 months 2-, 3- & 4-year-old children

There are 4 types of early years funding, all funding begins at the start of the following term after a child becomes 9 months, 2 years or 3 years or 4 years.

Criteria information: <https://www.gov.uk/help-with-childcare-costs/free-childcare-and-education-for-2-to-4-year-olds>

Age	Annual amount	Eligibility	Code	Staff signature & date
9 months & 2YO eligible working parents	570 hours 1140 hours from 1/9/2025	Criteria based	e.g. 5000 123 4567	
2YO RAS	570 hours	Criteria based	e.g. AF123456	
3YO & 4YO universal	570 hours	Available to all	n/a	
3YO & 4YO eligible working parents	Additional 570 hours	Criteria based NI no.:	e.g. 5000 123 4567	

This agreement is between the parent and provider listed below:

Parent/carers:	
Address:	
Post Code:	
NI Number:	Parent Date of Birth:
Name of child:	Date of birth:
Name by which the child is known (if different above):	
Sex	
Address (If different to above):	
Post Code:	

Name of provider:
Address
Post Code:

Please indicate whether you are claiming your funded hours as either a:

☐ Stretched offer of \_\_\_\_\_ hours over \_\_\_\_\_ weeks

**OR**

☐ Term time offer with term lengths as shown:  
Summer 13 weeks, Autumn 14 weeks & Spring 11 weeks

Please indicate how you are claiming your funded hours:

☐ I confirm that my child does not access funding with another Croydon private provider, maintained nursery class, school or with any provider in another Local Authority

**OR**

☐ My child will access \_\_\_\_\_ hours per week of their entitlement with the provider named above.  
My child is also accessing \_\_\_\_\_ hours per week of their entitlement with the provider named below.

Name of provider:
Address:
Post Code:
Local authority if not Croydon:

**Please tick to show that you agree to the following conditions: ☐ (tick here)**

- I understand the provider will not charge me for the funded hours.
- If I **ask** my provider to supply additional services and/or provide extra hours beyond the funded hours detailed above, I agree to pay any applicable fees for these additional services and/or extra hours.
- I acknowledge that if I move my child to another provider without giving **4 weeks'** notice in writing I will not be able to claim Free (funded) entitlement in the new setting until the end of the 4-week period as the original setting claims this in lieu of notice.
- I agree that if 2 or more providers try to claim funding for the same period, I will be responsible for any fees that the provider cannot claim if my child has been attending the setting.

### **Newly registered organisations**

- If the setting you are accessing is new and has not yet been graded by Ofsted, Croydon Council will fund the child until advised of the Ofsted inspection grade.
- All children will continue to be funded if the setting is graded 'Outstanding', 'Good' or 'Met'.
- If the setting is graded 'Requires Improvement' then Croydon Council reserves the right to cease Receiving Additional Support (RAS) 2 Year Old Funding Entitlement at the setting but will continue to fund your child as long as you choose to stay. However, the setting will not be able to offer funding to new children who are entitled to RAS 2 Year Old Funding Entitlement
- If the setting is graded 'Inadequate' then we will continue to fund your child there as long as you choose to stay but the setting will not be able to offer funding to new children.

## **Your Child's Eligibility: parents/carers to complete**

To be completed with assistance from your chosen provider(s). Please tick which entitlement you will be using. If your child is two years old and eligible for both entitlements, you should use the entitlement for children from 2 years old receiving some additional forms of support first.

- ☐ Entitlement for children from 2 years old in families Receiving Additional Support (RAS):
  - If parents/carers live in England and are in receipt of certain benefits,
  - If a child is looked after by a local authority, has an EHC plan, gets Disability Living Allowance or has left care under an adoption order, special guardianship order or a child arrangements order.
- ☐ Working parent entitlement for children from 9 months old.
- ☐ Universal entitlement for 3- and 4-year-olds.

**Your provider could receive extra funding for your child if certain criteria are met, please opt in by ticking the below boxes if they apply to you or your child:**

The Disability Access Fund (DAF) is used to help providers to make reasonable adjustments in their settings, either to support an individual child, or for the benefit of all children attending the setting.

Is your child entitled to the Disability Living Allowance (DLA)? Ticking yes will enable your chosen provider to receive the DAF. If you tick yes you must provide the setting with a copy of the DLA award letter for your child.

☐ Yes ☐ No



Early Years Pupil Premium (EYPP) is paid to childcare providers to provide extra support for your child. EYPP can be used to improve teaching and learning facilities and resources to impact positively on your child's progress and development. Ticking yes to the questions may enable your chosen provider to receive the EYPP.

Are you in receipt of Universal Credit?

☐ Yes ☐ No

Is your child currently looked after by a local authority/have they ever been looked after by a local authority in England or Wales?

☐ Yes ☐ No

Are you an asylum seeker receiving support under Part Six of the Immigration and Asylum Act 1999?

☐ Yes ☐ No

## Your details: parents/carers to complete

	Parent/Guardian 1										Parent/Guardian 2									
Last name																				
First name																				
Date of birth																				
National Insurance Number																				
National Asylum Support Service (NASS) Number				/			/							/			/			

## Setting and Attendance Details: parents/carers to complete

You need to agree and complete this declaration form with each setting your child attends for their funded entitlement in order to ensure that funding is paid fairly to each of them. Your provider should help you to complete this section.

Your child can attend a maximum of two settings in a single day and if your child attends more than one setting the local authority will distribute the funding appropriately between the settings.

<b>Setting name:</b>	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thurs</b>	<b>Fri</b>	<b>Total no. of hours per week</b>	<b>Total weekly charge</b>	<b>No. of weeks per year (e.g. 38,45,51)</b>
<b>Total funded entitlement hours attended per day</b>							n/a	
<b>Total extra (chargeable) hours per day</b>								
<b>Total daily hours attended</b>								

To fill in if your child attends more than one setting:

**Total funded entitlement hours attended per day**

	<b>Mon</b>	<b>Tues</b>	<b>Wed</b>	<b>Thurs</b>	<b>Fri</b>	<b>Total no. of hours per week</b>
<b>Setting name:</b>						
<b>Setting name:</b>						

To note: the maximum number of funded hours your child can receive is:

- 1) for 2-year-olds in families Receiving Additional Support (RAS)
- 2) : 15 hours a week for 38 weeks of the year

2) for children aged from 9 months of eligible working parents: 15 hours a week for 38 weeks of the year (this will increase to 30 hours from September 2025). For 3 and 4 years old this can be combined with the below entitlement to a maximum of 30 hours.

3) for all 3 and 4YOs: 15 hours a week for 38 weeks of the year

If your child is splitting their funded entitlement across more than one setting, please nominate their main setting:

## Provider to complete:

Additional charges: Government funding is intended to deliver 15 or 30 hours a week of free, high quality, flexible early education and care. The 15 or 30 hours **must** be able to be accessed free of charge to parents; that is, there **must** not be any mandatory charges for parents in relation to the free hours.

Government funding is not intended to cover the costs of meals, other consumables, additional hours or additional services. Providers can charge for consumables, meals and snacks, extra activities and additional hours provided they are not mandatory charges or a condition of accessing a place.

The costs of chargeable extras should be published on provider websites or, where they do not have any website, on local authority Family Information Services. These should be clear, up-to-date and easily accessible to parents, to enable parents to make an informed choice of provider.

	Mon	Tues	Wed	Thurs	Fri	Total weekly charge
<b>Additional charges for consumables or additional charges per day</b>						

Provide details of the charges made for consumables and additional services and itemised details of what these charges relate to:

## Parent/Carer/Guardian with Legal Responsibility Declaration

Declaration: I (name) .....  
 of (address) .....

confirm that the information I have provided above is accurate and true. I understand and agree to the conditions set out in this document and I authorise (Name of Provider/s)

.....

to claim free entitlement funding as agreed above on behalf of my child. I understand that the data collected in this form will be shared with my chosen provider and local authority.

I understand that if I have given any false or inaccurate information on this form, I may be asked to reimburse the funding to the provider.

I understand that Croydon Council may perform background checks on the system and that I am required to present the provider with:

- evidence of my address
- a copy of my child's birth certificate or passport as proof of his/her date of birth
- evidence of eligibility for funding entitlements is recorded and subsequently verified by the provider.

Parent/Carer/Guardian with legal responsibility	Childcare provider
Signed:	Signed:
Print name:	Print name:
Date:	Date:

Croydon Council is collecting your data for the purposes of checking your eligibility for the free entitlements, Early Years Pupil Premium (EYPP) or Disability Access Fund (DAF), in accordance with its statutory functions under the Childcare Acts 2006 and 2016, and the School Standards and Framework Act 1998.

Please note that from April 2024 2-year-olds will qualify for DAF and EYPP, and under 2's will qualify from September 2024.

## **Data Protection**

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

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

Should you have any concerns relating to how your information or the information relating to your child/ren is being or will be used, please contact your provider or Croydon Council. Please note that information about whether a child is in receipt of Disability Living Allowance is, under the Act, Special Category Data which should be handled appropriately. Providers are asked to pay particular note to advice from the Information Commissioner's Office on holding personal data including sensitive personal data available at: <https://ico.org.uk/for-organisations/uk-gdpr-guidance-and-resources/training-videos/handling-more-sensitive-information/>

## **Data Protection Statement**

For the purposes of Data Protection Act 2018 (the 'Act'), Croydon Council is the data controller in relation to all personal information you provide on this form. We are committed to protecting your privacy when you use our services. Please click here to view the full privacy notice. [Croydon Council Education Privacy Notice](#)

## Annex C

### Early Years Funding Application

Name of Childminder/Setting				
Address:				
Email:				
Main contact number:				
Ofsted or Agency number & registration date:				
Ofsted or Agency inspection dates and grades:				
Any complaints to Ofsted/ Agency?				
Name of SENCO: Date of SENCO training attended:				
Date of Safeguarding training attended:				
Number of qualified staff and level of qualification:	<b>Unqualified</b>	<b>Level 2</b>	<b>Level 3</b>	<b>QTS/EYP/EYT/</b>
Involvement/links with: Schools: Children's centres: Local settings:				
	<b>0-2 years</b>	<b>2-3 years</b>	<b>3-5 years</b>	
Registered numbers of children per band:				
Actual number of children attending:				
Hourly rates:				

Please provide details of your admissions criteria.	
What are the 5 different types of early years funding available to parents?	
What is the criteria for each type of funding?	
How do parents find out if they are eligible for each?	
What evidence of eligibility do you need to see/do for each?	
How do you plan to deliver any funded hours? e.g. Term time? Stretched? Session times? Non mandatory additional charges/consumables? Please note we require <u>specific</u> details of your planned delivery of funded hours.	
What is your ICO (Information Commissioner's Office) number? The Data Protection Act requires every data controller who is processing personal information, or using a digital camera, to register and in order to claim funding you will become a data controller.	

☐ Please confirm by checking this box that you are aware of the Croydon's Safeguarding Pathways including what to do if an allegation is made against yourself, a member of your household (if applicable) or staff.

☐ Please confirm by checking this box that you are aware of Croydon's referral pathways for SEND.

☐ Please confirm by checking this box that you understand and promote Fundamental British Values.

Name: .....

Date:.....

Signed: .....

Please email this form to [child.care@croydon.gov.uk](mailto:child.care@croydon.gov.uk)

## Annex D

### Early Years Funding Timetable

Census day is determined by the DfE and is the 3<sup>rd</sup> Thursday in January.  
Census information is all about the setting e.g. contact details, type of setting, opening times & weeks, staff qualifications, number of children on roll etc.

#### Termly headcount and payment dates

Headcount submission & Payment point dates	Payment Date	Payment Type	Provider Task
Forecast/ Estimate Headcount & Payment Point 1	Spring: 22 <sup>nd</sup> January	85% of funded entitlement.	Submit hours of children accessing funded entitlement.
	Summer: 22 <sup>nd</sup> April		
	Autumn: 22 <sup>nd</sup> September		
Actual Headcount & Payment Point 2	Spring: 22 <sup>nd</sup> February	Remaining 15% funded entitlement.	Submit full child information of all children accessing funding
	Summer: 22 <sup>nd</sup> May	100% DAF & EYPP claims	
	Autumn: 22 <sup>nd</sup> October		
Adjustment Headcount & Payment Point 3	Spring: 22 <sup>nd</sup> March	Adjustments payment / clawbacks of any children joining or leaving after the 'Actual' Headcount	Submit full information of funded children placed on roll after the 'Actual' Headcount. Submit leaving dates for any funded children who left after the 'Actual' Headcount
	Summer: 22 <sup>nd</sup> August		
	Autumn: 22 <sup>nd</sup> December		