Provider Name: **(as specified on the Ofsted registration certificate)**	
Name & Position of Main Contact:	
Full Address of Setting:	
Ofsted URN:	
Setting Telephone Number*:	
Contact Email Address*:	

This will be used as the main contact for the setting for ALL communications by:

Early Years, Sufficiency and Entitlements Team, Early Years QISS Team and the Family Information Service.

All Providers must have regard to the *Statutory Guidance for Local Authorities: Early Education and Childcare* issued by the Department for Education and follow these requirements.

The additional conditions that Warwickshire County Council has laid down are detailed in this agreement. This information is required to ensure that the funding is spent in accordance with the Statutory Guidance and to meet the auditing requirements of Warwickshire County Council.

As a condition of the Early Education Entitlements Funding, Warwickshire County Council requires the setting owner, or the person responsible for the setting, to read and sign this agreement.

Warwickshire County Council

Provider Agreement

Funded Early Years and Childcare Provision

September 2026 – August 2027

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Summary of Changes

The Provider Agreement has been updated in line with the Early Education and Childcare, Statutory Guidance for Local Authorities April 2026.

Particular changes apply to:

Full document update:

- Wording change for 2Help to now reference 2Help Early Learning for 2-year-olds to reflect the revision of wording by the Department for Education
- All sections including reference to Ofsted outcomes updated to state the outcomes implemented by Ofsted from November 2025 onwards
- Early Years Foundation Stage – updated to 2025
- Early Education and Childcare Statutory Guidance for Local Authorities updated to state 2026

Specific Section Alternations:

Safeguarding

2.14. Revised wording

Special education needs and disabilities

2.41. Revised wording

Quality

2.57. Revised wording to reflect team name change.

Charging

2.73., 2.77., 2.80. and 2.84. Revised wording

Funding

2.85. and 2.87. Revised wording

Termination and withdrawal of funding

2.92. Revised wording

Section 1: Overview

1.1. This Provider Agreement from Warwickshire County Council sets out the Local Authority's expectations of what funded early years Providers should do and how they should provide funded early education places. It refers to early years provision free of charge (sections 7 and 7A of the Childcare Act 2006) and free childcare (section 2 of the Childcare Act 2016) as the 'free entitlement(s)' or 'free hours' or a 'free place' as per the Statutory Guidance: Early education and childcare - GOV.UK (www.gov.uk)

1.2. The agreement applies to the childcare entitlements for:

- children aged 9 months + of eligible working parents and carers from September 2025 (30 hours)
- children aged 2 years old of families eligible for 2Help Early Learning for 2-year-olds (15 hours) *
- children aged 2 years old of eligible working parents and carers from September 2025 (30 hours)
- all children aged 3 and 4 years old (15 hours)
- children aged 3 and 4 years old of eligible working parents and carers (30 hours)

An 'eligible child' is a child who meets the description of a qualifying child as defined in section 1(2) of the Childcare Act 2016 and section 7 of the Childcare Act 2006.

* 2Help Early Learning for 2-year-olds is the name for the entitlement for eligible families receiving some additional forms of government support, such as certain benefits or credits or those meeting other criteria as detailed at: Help paying for childcare: Free education and childcare for 2-year-olds - GOV.UK (www.gov.uk)

1.3. This agreement does not provide guidance on how Providers operate their private businesses, including charges for provision over and above a child's free hours. Local authorities should 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 place.

1.4. This agreement will apply for the period from 1 September 2026 to 31 August 2027, unless it is extended at the discretion of the Local Authority and will be reviewed and updated as necessary if there are changes to statutory and/or operational guidance.

Who is the Provider Agreement for?

1.5. This agreement is for:

- Early Years Providers who are referred to as 'Providers' and include:
  - Early Years Providers and childminders registered on the Ofsted Early Years Register (including schools registered with Ofsted to provide places for children under the age of 2 years old)
  - Childminders registered with a childminder agency that is registered with Ofsted
  - Independent Schools and Academies taking children aged two and over which are exempt from registration with Ofsted as an Early Years Provider
  - Schools taking children aged two and over which are exempt from registration with Ofsted as an Early Years Provider and where the children are not registered pupils of the school

Supplementary provisions

1.6. This Provider Agreement sets out the Local Authority's expectations of how Providers should deliver the free entitlements. It is not intended to replace, supersede, or negate the requirements or expectations set out in legislation, other published statutory guidance and government advice, and using the Department for Education's model agreement as a basis for this Provider Agreement does not prevent the Local Authority from exercising its statutory powers to include other requirements.

1.7. Local authorities and Providers must comply with all relevant legal obligations.

1.8. The Local Authority has developed its Provider Agreement in line with its own legal advice, and includes the following provisions:

- A power to unilaterally vary the agreement to reflect changes in legislation and guidance from the Department for Education (DfE)
- A clause stating that references to legislation will apply to the legislation as amended, without significant changes to model agreement and/or Provider Agreement
- Freedom of Information (FOI) provisions
- Termination and enforcement clauses, to cover all enforcement stages up to and including termination of the agreement. The Local Authority is clear that we do not waive the right to act if we do not act immediately (a slower evidence-based approach may be required on occasion)
- An obligation to comply with all relevant legislation
- A clause regarding the use of personal and sensitive data in compliance with the Data Protection Act 2018.
- An obligation for Providers to take out and maintain adequate levels of insurance

- Funding obligations, including how funding must be accounted for and recorded for audit purposes
- A clear process for resolving any disputes

1.9. The Local Authority cannot impose requirements which subject the quality of the early years provision, or services provided by the childminder agency, to a quality assessment process by the Local Authority; or require the Provider to attend any training or other quality improvement programme, other than any training or quality improvement programme identified in the following circumstances:

- an early years provision inspection report where the Provider is judged less than 'Good' or where Leadership and governance is Needs Attention or less or safeguarding is 'not met';
- a state funded school inspected after 2nd September 2024 where inspection judges early years provision to be less than 'Good'; or from 10th November 2025 where Leadership and governances is Needs Attention or below or safeguarding is 'not met'.
- a Childminder Agency judged as 'Ineffective'.

Legal framework and statutory guidance

1.10. The following frameworks and legislation underpin this agreement:

- Early Education and Childcare, Statutory guidance for Local Authorities 2026
- Childcare Act 2006
- Childcare Act 2016
- Equality Act 2010
- School admissions code 2021
- Statutory framework for the early years foundation stage for childminders 2025
- Statutory framework for the early years foundation stage for group and school-based providers 2025
- Local Authority, (Duty to Secure Early Years Provision Free of Charge) Regulations 2014
- The Childcare (Early Years Provision Free of Charge) (Extended Entitlement) Regulations 2016
- The Childcare (Free of Charge for Working Parents) (England) Regulations 2022
- Special educational needs and disability code of practice: 0 to 25 years 2015
- Data Protection Act 2018 and General Data Protection Regulation (GDPR)

Section 2: Provider agreement requirements

Key Local Authority responsibilities

2.1. Local authorities must secure a free entitlement place is available for every eligible child in their area, so far as it practicably possible.

2.2. The Local Authority will work in partnership with Providers to agree how to deliver free entitlement places.

2.3. The Local Authority will 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 promotion of the welfare of children and young people in their area.

Key Provider responsibilities

2.5. Should the Provider fail to return this agreement duly completed and signed, the Local Authority will need to withhold or permanently withdraw funding.

2.6. The Provider must comply with all relevant legislation and insurance requirements as outlined in the EYFS and elsewhere.

2.7. 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 those who are not.

2.8. 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 to, reporting and recording suspected or actual abuse.

2.9. 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 (Inclusion Grant) and Disability Access Fund to deliver effective support, whilst making information available about their SEND offer to parents. Details of how to claim are included in Sections 2.40 and 2.41.

2.10. The Provider must have access to the internet and the relevant associated resources and equipment in order that they can complete funding claims, sufficiency and census returns and other requests for information. All related communications are made using internet linked systems or email.

Safeguarding

2.11. The Local Authority has overarching responsibility for safeguarding and promoting the welfare of all children and young people in their area. It has a number of statutory functions under the 1989 and 2004 Children Acts which make this clear, and the 'Working Together to Safeguard Children' 2026 guidance sets these out in detail.

2.12. The Provider must follow the Statutory framework for the early years foundation stage 2025 (EYFS) and have clear safeguarding policies and procedures in place. These should be 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' 2026 guidance and the Prevent Duty guidance.

2.13. Providers must comply with all safeguarding arrangements as laid down by Warwickshire Safeguarding Partnership. This will include completion of the local authority's annual safeguarding audit and providing training for all staff to address any gaps in knowledge.

2.14. Providers must have an attendance/absence management policy in place and ensure that appropriate follow-up action and support takes place for all absences.

Eligibility

2.15. The Provider must check original copies of documentation to confirm a child has reached the eligible age on initial registration for all free entitlements and should sign the Parent/Carer/Guardian Declaration Form (PDF) to confirm they have seen a copy. The Provider can retain paper or digital copies of documentation to enable the Local Authority to carry out audits and fraud investigations. Where a provider retains a copy of documentation this must be stored securely and deleted when there is no longer a good reason to keep the data. To see how we use personal data and for information rights, please read Warwickshire County Council's Education Services privacy notice at https://www.warwickshire.gov.uk/disclaimer

2.16. The Provider should offer 2Help Early Learning for 2-year-olds places to eligible 2-year-olds on the understanding that the child remains eligible until they become eligible for the universal entitlement for 3- and 4-year-olds. If children are not expected to remain at the setting for their funded early education place when they turn 3, settings should support parents to find alternative suitable provision.

2.17. Where a child is eligible for both a 2Help Early Learning for 2-year-olds place and the working parent entitlement the provider should allocate the first 15 funded hours to the 2Help Early Learning for 2-year-olds entitlement.

2.18. The Local Authority must ensure that a child has a free entitlement place no later than the beginning of the term following the child and the parent meeting the eligibility criteria for the free entitlements.

2.19. Alongside the eligibility code for the working parent entitlement, which is the child's unique 11-digit number, and original copies of documentation (see 2.15), 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. The Local Authority will supply Providers with a Parent/Carer/Guardian Declaration Form (PDF). This form must be completed and signed by parents before the eligibility code can be validated.

2.20. Once a Provider has received written consent from the parent, they must verify the eligibility code for the working parent entitlement with the Local Authority, following the processes set out in Warwickshire County Council's Requirements of Early Years Entitlements Funding, Guidance for Early Years Entitlements Funding and the instructions issued in the termly information letter.

2.21. The Local Authority will confirm the validity of eligibility codes to allow Providers to offer places for children eligible for the working parent entitlement aged 9 months +, 2-, 3-and-4-years-old.

2.22. The Local Authority will provide a validity checking service to Providers to enable them to verify the eligibility codes via the Access Synergy Provider Portal. The Eligibility Checking Engine (ECE) allows instant checks for code validity. Once the code has been validated, the Provider must record the validity start and end dates, and when the Grace period ends, as displayed on the Access Synergy Provider Portal page.

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, as detailed in the Warwickshire County Council Guidance for Early Year Entitlements Funding.

Table A:

Date Parent receives ineligible decision on reconfirmation:	LA 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. Providers and the Local Authority do not make these decisions and will refer parents back to HMRC in the case of any queries received about eligibility.

2.25. Local Authorities will access information about whether a child has ceased to meet the eligibility criteria and entered the grace period via the Eligibility Checking Engine (ECE). The grace period end date will automatically be applied to eligible codes.

2.26. The Local Authority will continue to fund a place for a child who enters the grace period as set out in the Early Education and Childcare Statutory Guidance for Local Authorities 2026 until the end of the grace period.

Flexibility

2.27. 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 2026. This means that Providers must adhere to the following requirements:

- No session to be longer than 10 hours in duration
- No minimum session length (subject to the requirements of registration on the Ofsted Early Years Register)
- No session to begin before 6.00 am or end after 8.00 pm; and

- No child to attend more than two sites in a single day (where separate provision on a school site is counted as one site).

For the avoidance of doubt, the minimum number of days the weekly entitlement can be taken is across two days for 15 hours, or 3 days for 30 hours.

Children should be able to take up their free hours in continuous blocks, if they wish to, and avoid artificial breaks being created throughout the day, for example over the lunch period.

Parents should be made aware that free places can be delivered:

- Over 52 weeks of the year if the Provider is open for the full 52 weeks. Providers should publish their weeks of opening so that this information is clearly available – for instance 51 weeks per year if they close for 1 week over the Christmas period

- Outside of maintained school term times; and/or

- At weekends.

There is no requirement that Providers must be open for at least 38 weeks of the year, although funding will be adjusted to reflect the number of open weeks if a Provider opens for less than 38 weeks per year.

2.28. The Provider, other than childminders or providers caring for 10 or less children at any one time, must publish their funded offer on their website (no later than January 2026) and 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. 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. This information must be clear and transparent so that it is readily understood by parents.

2.29. The Provider shall make written information about their offer and admissions criteria available to parents prior to the agreement of a placement at the setting. The Provider shall work with the Local Authority and share information about time/periods during which they are able to provide funded places, as well as the number of places on offer and current availability. Funded offers must be published either on the providers own website or via Warwickshire County Council's Family Information Service website. (Childminders and providers caring for 10 or less children at any one time operating under this agreement are exempt from this requirement).

2.30. If the Provider is unable to offer full entitlements to parents, but operates over at least 38 weeks per year, the Provider shall inform Parents that they can take the remainder of their entitlement with another Provider.

2.31. If the Provider is open for less than 38 weeks of the year, the Provider shall make Parents aware that they can take up the rest of their entitlement with another Provider.

2.32. Parents can split their free entitlement between multiple Providers, though no more than 2 sites in one day. Where parents choose to split their child's free entitlement between Providers, they will need to distinguish between the 15 hours universal entitlement for 3- and 4-year-olds, the 2Help Early Learning for 2-year-olds entitlement and the 30 hours working parent entitlement for 9 months+, 2-, 3- and 4-year-olds. They will need to list the settings they attend on the Parent/Carer/Guardian Declaration Form (PDF) and state which Provider(s) will receive the universal or 2Help Early Learning for 2-year-olds entitlement, and which Provider(s) will be claiming the working parent entitlement.

The universal hours for 3- and 4-year-olds, 15 hours for 2Help Early Learning for 2-year-olds and working parent entitlement hours will be recorded separately on the Headcount claim, on the Access Synergy Provider Portal, and for Census and Grace periods.

It is up to the parent to decide which Provider(s) they will nominate for the universal 3- and 4-year-olds or 2Help Early Learning for 2-year-olds entitlement, and this must be decided at the outset so that if a parent ceases to be eligible for the working parent entitlement, the ongoing entitlement to funding payments is clear.

Providers offering the stretch model will need to take care that the hours they offer, in relation to both entitlements, do not exceed the maximum allowed. If a child leaves before the end of the year, the number of free hours taken will need to be calculated in relation to the 38 weeks entitlement, to ensure the child has received the correct number of funded hours.

Partnership working

2.33. Partnerships should be supported by local authorities on four levels between:

i. Local authorities and Providers

ii. Providers working with other Providers, including childminders and schools and organisations

iii. Providers and parents

iv. Local authorities and parents

2.34. 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. It will do this by facilitating review and discussion at Early Years Managers Meetings, cluster/briefing meetings and other events.

2.35. The Provider should work in partnership with parents, carers and other Providers to improve provision and outcomes for children in their setting, as laid out in the EYFS Statutory Framework 2025. An Interactive Toolkit has been developed by Coram to help providers set up or join a partnership, maximise the benefits of working together and tackle the challenges joint working can bring. Providers must enable a regular two-way flow of information with parents and carers, and between Providers if a child is attending more than one setting.

2.36. 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.

2.37. Providers with Children Looked After are required to ensure a Personal Education Plan is in place by working in partnership with social workers, carers and health visitors. Information should be shared with the Virtual Head Teacher as requested. The provision should have a named lead for Children that are Looked After/Previously Looked After and they should attend training annually through the Virtual School to support their role.

Special educational needs and disabilities

2.38. The Local Authority will 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 (May 2015).

2.39. 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. It is expected that there is an up to date inclusion policy in place that meets the requirements of the EYFS and the SEND Code of Practice, names the setting Special Educational Needs Coordinator ("SENDCo"), and describes what the setting does to identify, assess and intervene with regard to special educational needs and disabilities including working with families. There must also be an up-to-date policy in place to reflect knowledge of the Equality Act 2010.

There must be a named and fully trained SENDCo specific to the setting and based on site.

There must be regular professional development for the setting SENDCo and other staff to meet the needs of children with SEND. It is expected that Providers will regularly attend SENDCo surgeries wherever possible and staff attend AET Making Sense of Autism.

The universal practice of identification, intervention and monitoring of children with possible/identified SEND must meet the requirements of the SEND Code of Practice.

2.40. 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. SEND Local Offer – Warwickshire County Council

2.41. 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. The graduated approach and targeted and specialist support must be implemented, monitored, recorded and reviewed with parents/carers for any child with possible or previously identified, additional educational, health or social care needs/disability. This cycle of intervention must involve timely referral to external professionals as required.

Information on Warwickshire SEND Information and Advice Service (SENDIAS) must be made available to all parents, and parents must be signposted to the Local Authority's Local Offer.

2.42. Providers must use the Parent/Carer/Guardian Declaration Form (PDF) to identify children who are eligible for Disability Access Fund (DAF) payments. They must see evidence of the child's DLA letter and send a copy to the Local Authority by using the secure Document Upload facility via the Access Synergy Provider Portal.

2.43. Providers are expected to complete the SEND Universal Provision Matrix (Pre-School) before making a referral to Early Years Inclusion and SEND. This document should also be used to request inclusion grant funding for individuals with high level SEND at targeted and specialist level, and when applying for WIncKS status for the setting.

Supporting disadvantaged children

2.44. The Local Authority should promote equality and inclusion, particularly for disadvantaged families, children looked after and children in need by working to remove barriers of access to funded places and working with parents to give each child support to fulfil their potential.

2.45. The Provider should ensure that they have identified the disadvantaged children in their setting as part of the process for checking Early Years Pupil Premium (EYPP) eligibility. They will also use EYPP and any locally available funding streams or support to improve outcomes for this group. The information required to claim EYPP for eligible families is included in the Parent/Carer/Guardian Declaration Form (PDF), and this section must be completed by parents who meet the criteria. Settings must use EYPP to improve outcomes for this group as well as any other locally available funding streams or support. The EYPP

weighting will automatically be added for Warwickshire's Children Looked After (CLA). An EYPP claim for CLA from outside of the county will require supporting information.

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

Quality

2.47. The Statutory framework for the early years foundation stage (EYFS) is mandatory for all schools that provide early years provision and for Ofsted registered early years Providers in England or Ofsted registered Childminder Agencies. The EYFS sets the standards that all early years Providers must meet to ensure that children learn and develop well and are kept healthy and safe. All funded settings must ensure that they are registered with Ofsted or an Ofsted registered Childminder Agency as an early years Provider (unless exempt), and that the setting is meeting all EYFS requirements (unless the Provider has been granted exemptions from the EYFS).

2.48. Providers must undertake a progress check for all children aged between 2 and 3 years and provide parents/carers with a short written summary of their child's development in the prime areas of learning.

2.49. Ofsted are the sole arbiters of quality for all childcare entitlements, and, together with inspectorates of independent schools, have regard to the EYFS in carrying out inspections and reporting 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. The Local Authority will use these inspection judgments when assessing whether an established Provider is eligible to provide funded early education places.

2.50. Local authorities have a legal duty to provide information, advice and training for Providers who are rated less than 'Good' or safeguarding 'met' or Leadership and Governance are less than 'Expected standard' or Safeguarding is 'not met' by Ofsted, or newly registered Providers who have not yet had an inspection report published with regards to:

- meeting the requirements of the EYFS
- meeting the needs of children with SEND, vulnerable and disadvantaged children

- effective safeguarding and child protection

Where Ofsted has identified the need for training or quality improvement, the Local Authority will allow Providers to choose where and how they take this up, but Providers must access information, advice and training as agreed in their action plan for improvement if the setting is judged less than 'Good' or Needs Attention or below in Leadership and governance with safeguarding 'met' or where safeguarding is 'not met' and evidence this to the Local Authority where requested.

2.51. 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 2026, and the EYFS statutory framework.

2.52. The Local Authority will fund 2Help Early Learning for 2-year-olds places for eligible 2-year-olds at Providers judged 'good' or 'outstanding', or where Leadership and governance is expected standard or above with safeguarding 'met' by Ofsted, or at any childminder registered with an agency judged 'effective' by Ofsted if a parent wants their child to take up their free place at that provider and the provider is willing to accept the Local Authority funding and any other Local Authority requirements.

2.53. The Local Authority will fund places for the universal or working parent entitlements at Providers judged 'requires improvement' or where Leadership and governance is Needs Attention with safeguarding 'met' or better by Ofsted or at any childminder or childcare provider registered with a childminder agency judged 'effective' by Ofsted if a parent wants their child to take up their free place at that provider and the provider is willing to accept the Local Authority funding and any other Local Authority requirements.

2.54. The Local Authority will fund places for children eligible for 2Help Early Learning for 2-year-olds, universal or working parent entitlements at new providers registered with Ofsted until the provider's first full Ofsted inspection judgement is published or at a childminder or childcare provider registered with an agency until the agency's first full Ofsted inspection judgement is published if a parent wants their child to take up their free place at that provider and the provider is willing to accept the local authority funding and any other local authority requirements.

2.55. The Local Authority will fund Providers with an Ofsted inspection judgment of 'met' until their Ofsted quality inspection judgment is published, when future funding will be based on the published inspection judgment. We will not fund Providers with an Ofsted inspection judgment of 'not met'.

2.56. The Local Authority will only fund 2Help Early Learning for 2-year-olds places for eligible 2-year-olds at Providers judged 'requires improvement' or where 'Leadership and governance Needs Attention' with safeguarding 'met' where

there is not sufficient accessible 'good', 'outstanding' or where 'Leadership and Governance are expected standard' or above with safeguarding 'met' provision in the local area or to ensure continuity of care for children already receiving their free entitlement.

2.57. Where the Local Authority agrees to fund Providers that are an Inadequate setting or where Leadership and governance requires Urgent Improvement with safeguarding 'met' or in a Requires Improvement or where Leadership and governance Needs Attention with safeguarding 'met' setting for 2Help Early Learning for 2-year-olds places, this will be on the understanding that the Provider will work closely with the Early Years Quality, Inclusion, SEND & Safeguarding Team (EYQISS team) at a targeted support level to address the issues raised in the Ofsted report. The EYQISS team will generate regular update reports, to ensure that substantial progress is being made in addressing the identified areas. The Local Authority is under no obligation to maintain this arrangement and is doing so on the basis that progress is being made in addressing the identified areas.

2.58. The Local Authority will fund providers with exemptions from the Learning and Development requirements of the Early Years Foundation Stage if a parent wants their child to take up their free place at an exempt provider and the provider is willing to accept the Local Authority funding and any other Local Authority requirements.

2.59. The Local Authority will fund individual children who have exemptions from the Learning and Development requirements of the Early Years Foundation Stage. Further information on exemptions for provider and individual children can be found at Exemptions from the EYFS for providers and individual children

2.60. The Local Authority will not fund Providers who do not actively promote fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those of other faiths and beliefs, as detailed in the Early Education and Childcare Statutory Guidance for Local Authorities.

Business planning

2.61. Providers must adhere to the Local Authority's published timetable, and supply all the required documentation, to support timely payment and delivery of free entitlements.

2.62. The Local Authority will not charge Providers disproportionate penalties for providing late or incomplete information leading to additional administration in the processing of the free entitlements. However, if Providers fail to meet funding deadlines it is likely that they will incur a delay in receiving payment.

2.63. The Local Authority will not carry out audit regimes which are disproportionate or are unnecessarily burdensome to Providers. The Council's audit processes

are clearly set out in Warwickshire County Council's Requirements of Early Years Entitlements Funding, which is sent to all Providers. Providers must carry out any actions identified at audit within the agreed timescales.

2.64. The Provider should ensure they submit timely and accurate information, including, but not limited to, headcount data, census and sufficiency data, data to support responses to Freedom of Information requests, copies of parental declaration forms and invoices, as per the Local Authority's financial guidelines. Failure to do so may result in inaccurate, delayed or suspended funding.

2.65. The Provider should maintain accurate financial and non-financial records relating to free entitlement places and must give the Council access, on reasonable notice, to all financial and non-financial records relating to free entitlement places funded under the Provider Agreement for financial monitoring and audit purposes, subject to confidentiality restrictions. Further detail on financial guidelines is available in Warwickshire County Council's Requirements of Early Years Entitlements Funding.

2.66. Providers who have knowingly submitted fraudulent claims and received payment will have funding withdrawn immediately and will be reported to the appropriate authorities when such evidence exists to prove such fraud on the balance of probabilities.

2.67. The Provider is required to maintain a specific bank account for their provision, and funding will only be paid into this account.

2.68. The Provider must securely retain financial records, including Parent/Carer/Guardian Declaration Forms (PDFs), regarding children for whom funding was claimed, for a minimum period of 6 years and the current year, after the child has left the provision.

2.69. The Provider is solely responsible for submitting accurate details of children and claims on time as requested by the Local Authority. Failure to do so will result in payments to the Provider being delayed.

2.70. The Early Years Census must be completed in full by the Provider, at the time requested by the Local Authority on a termly basis and in line with DfE deadlines and requirements. Advance notice will be given to Providers. Failure to complete and return the termly Census in full and within the timeframe set by the Local Authority will result in funding to the Provider being withheld until the Census is completed in full and returned to the Local Authority.

2.71. The Provider must inform the Local Authority immediately if they are closing down or changing ownership, so that payments can cease on the appropriate date. Any over payments made by the Local Authority due to the provision closing must be returned by the Provider.

2.72. The Provider must maintain robust business continuity and financial management arrangements to ensure uninterrupted delivery of the service in

the event of unforeseen disruptions, including but not limited to delays in the disbursement of funded entitlements or impediments to submitting claims due to circumstances such as cyberattacks, IT system failures, or banking service interruptions.

Charging

2.73. Funded hours / sessions for children eligible for 2Help Early Learning for 2-year-olds places and universal and working parent entitlements, must be delivered free of charge (£0) to parents. Refer to 2.75 – 2.77 for further information on consumable charges.

2.74. The Provider must determine and publish details of their funded hours offer, including any admissions criteria and the times of day during which funded hours can be taken. Refer to 2.79 for additional information on publication.

2.75. Government funding is intended to cover the cost to deliver 15 or 30 hours a week of free, high quality, flexible childcare. The 15 or 30 hours must be able to be accessed free of charge to parents. There must be no mandatory charges for parents in relation to the free hours. It is not intended to cover the cost of meals, other consumables, additional hours or additional services.

The Provider can charge for meals and snacks consumed by the child as part of a free entitlement place, and they can also charge for consumables such as nappies or sun cream used by the child and for extra optional activities such as celebrations, special tuition or other activities that are not directly related or necessary for the effective delivery of the EYFS.

Providers should be mindful of the impact of additional charges, especially on the most disadvantaged parents. These charges must be listed clearly in writing on fee sheets and invoices stipulating the detail of each charge, including what is included as a 'consumable'. Where parents are unable or unwilling to pay for meals and consumables, Providers who choose to offer the free entitlements are responsible for setting their own policy on how to respond, with providing parents with options for reasonable alternatives to additional charges, including waiving or reducing the cost of meals and snacks or allowing parents to supply their own meals. Providers must have a policy or statement which clearly sets out their response to enquiries from parents about any charges they make while a parent is taking their free entitlement session. This could be incorporated into the setting's written terms and conditions.

Settings should consider how it notifies parents of the additional charges for consumables, hours and activities available ensuring that the wording of this does not mislead parents concerning the quality of educational experiences that will be available should additional consumables, hours and activities not be purchased.

2.76. It must not be a condition that parents purchase additional hours, nappies, trips, food and drink or any other consumables or services in order to access funded provision.

2.77. The Provider should deliver the free entitlements consistently so that all children accessing any of the free entitlements will receive the same quality and access to provision, regardless of whether they opt to pay for optional hours, services, meals or consumables. Providers must follow the requirements and guidelines of the EYFS at all times. It must be made clear to parents exactly what is being provided in exchange for the payment of any additional charges relating to the free entitlement and it must also be made clear that these charges are optional.

Providers should make parents aware of what types of alternative arrangements are available for those parents who do not wish to purchase chargeable extras.

2.78. The Local Authority should not intervene where parents choose to purchase additional hours of provision or additional services, provided that this is not a condition of accessing the free entitlement. The Provider should be completely transparent about any additional charges, and these should be clearly stated on fee sheets and invoices and explained to parents when they first take up a place at the setting.

2.79. The Provider should publish their admissions criteria and ensure parents understand which hours/sessions can be taken as free provision, this should include the cost of chargeable extras. This information should be published on the providers website and should be clear, up to date and easily accessible to parents, to enable parents to make an informed choice of provider. For childminders and providers caring for 10 or fewer children at any one time or where a provider does not have a website the Local Authority will provide publication via its Family Information Service website.

2.80. Providers should work with parents to ensure that as far as possible the pattern of hours offered are convenient for parents' working hours. Providers must inform parents in writing when they first take up a place or become eligible for a funded place at the setting which sessions may be taken as part of the free entitlement.

2.81. The Provider can charge parents a deposit to secure their child's free place but should refund the deposit in full to parents within a reasonable time scale and, except in exceptional circumstances, by the end of the first month of attendance. Providers are entitled to retain the deposit if parents subsequently do not take up the place they have reserved.

Providers should not charge a deposit where families are accessing a 2Help Early Learning for 2-year-olds place or where the Provider is aware that the family are on a low income or not in employment.

Providers cannot charge parents an 'administration fee' if their child moves to another setting and the Provider agrees to transfer the balance of the current term's funding to the new Provider.

2.82. The Provider cannot charge parents "top-up" fees (the difference between a Provider's normal non funded charge and the funding they receive from the Local Authority to deliver free places) or require parents to pay a registration fee as a condition of taking up their child's free place.

2.83. Except as set out above, Providers cannot charge a registration fee/deposit as a condition of a child taking up a free place, although such a fee is at Providers' discretion for additional hours outside the free entitlement. All fee sheets and invoices should clearly show the number of hours a child is receiving via the free entitlement. Providers cannot show this as a monetary value as the hours must be 'free' to the parent. The Local Authority has developed a checklist to guide Providers through this process, which is available on our website. However, it is based on the principles and requirements of the DfE Statutory and Operational Guidance and cannot provide definitive models, which remain at the discretion of each individual Provider.

2.84. The Provider should ensure their invoices and receipts are clear, transparent and itemised, allowing parents to see that they have received their free entitlement completely free of charge and understand fees paid for additional hours or services including optional charges which links to fee and session information provided

Invoices should break down separately into:

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

The Provider will also ensure that invoices and receipts contain their full details, including setting name and address, so that they can be identified as coming from a specific Provider.

Funding

2.85. The Local Authority pays all childminders monthly. Other Providers may choose to receive monthly payments however, where preferred, can continue to be paid twice a term. Payment methods must be selected for a full academic year.

2.86. The Provider must accurately complete and submit headcount and other necessary data returns by the agreed dates to support the Local Authority to make payment.

2.87. Warwickshire County Council pays funding based on a set number of weeks for each term – these are the same every year and do not always fit with school term dates:

Autumn Term	14 weeks
Spring Term	11 weeks
Summer Term	13 weeks

Funding must be claimed via the Access Synergy Provider Portal, and all Providers should refer to the Requirements of Early Years Entitlements Funding for more detailed information.

Funding is paid monthly for all childminders and for those providers that select this or twice per term (see 2.85 above), the funding timetable is emailed to all funded Providers termly as part of the Termly Information Letter containing:

- Term dates
- Interim Payment dates
- Headcount Day
- Estimate submission deadline date
- Headcount submission deadline date; and
- Final/balance payment date

For 3- and 4-year-olds

- interim payment of 70% of the term's funding using the estimated termly hours entered in the Estimates tab on the Access Synergy Provider Portal. For twice termly paid providers this is paid by the third week of the term. For monthly paid providers, the interim payment is split into 2 or 3 equal payments and paid on a set date each month.
- balancing payment for twice termly providers paid approximately 6 weeks after headcount day or, for monthly paid providers, on the 3rd or 4th payment date of the term.

For 2-year-olds

- interim payment of 70% of the term's funding using the estimated termly hours entered in the Estimates tab on the Access Synergy Provider Portal. For twice termly paid providers this is paid in the third week of the term. For monthly paid providers, the interim payment is split into 2 or 3 equal payments and paid on a set date each month.

- balancing payment for twice termly providers paid approximately 6 weeks after headcount day or, for monthly paid providers, on the 3rd or 4th payment date of the term.

For 9 months +

- interim payment of 70% of the term's funding using the estimated termly hours entered in the Estimates tab on the Access Synergy Provider Portal. For twice termly paid providers this is paid in the third week of the term. For monthly paid providers, the interim payment is split into 2 or 3 equal payments and paid on a set date each month.

- balancing payment for twice termly providers paid approximately 6 weeks after headcount day or, for monthly paid providers, on the 3rd or 4th payment date of the term.

If a child leaves before the Headcount date, Providers will not normally receive funding. If a child moves to another Warwickshire Provider, Providers **may** be able to receive this proportion of the term's funding by agreement from the Provider who makes the Headcount claim. If there is agreement, both Providers must enter an adjustment via the Adjustment tab on the Provider Portal to change their claims for the proportion of funding to be transferred for the start of the term. This should be arranged directly between the providers concerned as this is not mandatory.

If a child leaves after the Headcount date, and the Provider has made a funding claim for them, they are entitled to retain the funding for the remainder of the term. If a child moves to another Warwickshire Provider and if there is agreement, both Providers must enter an adjustment via the Adjustment tab on the Provider Portal to change their claims for the proportion of funding to be transferred for the remainder of the term. This should be arranged directly between the providers concerned as this is not mandatory.

Adjustments to the termly Headcount should be made via the Adjustment Tab on the Access Synergy Provider Portal. This must be completed with the details of any children who meet the criteria of allowed adjustments and returned by the deadline given in the Termly Information Letter.

The following are the categories where adjustments may be made after the termly Headcount:

- A house move into the area for the child or parent

- If the child's primary carer changes resulting in the need to change setting

- Where a sibling moves school and the child needs to move to attend adjacent/nearby nursery provision

- Military family posted in / out of the area
- Child protection and safeguarding reasons
- Where the child has not previously taken up a place and is a new starter eligible for funding
- Family requirements change and funded hours need to be increased e.g. change in parents working patterns

Compliance

2.88. The Local Authority will carry out checks and audits on Providers to ensure compliance with the requirements of this Provider Agreement.

2.89. Providers must ensure there are robust financial management procedures in place, as outlined in Warwickshire County Council's Requirements of Early Years Entitlements Funding.

2.90. Providers must ensure that appropriate follow-up action and support takes place if a child fails to attend regularly (see also 2.14) and repay to Warwickshire County Council any funding claimed in respect of children who fail to attend, if required.

2.91. Full details of all compliance requirements can be found in Warwickshire County Council's Requirements of Early Years Entitlements Funding, which must also be followed in full by the Provider to ensure compliance with this agreement.

Termination and withdrawal of funding

2.92. Suspension of registration by Ofsted or a breach of statutory requirements, or safeguarding issues, as stated in the Early Years Foundation Stage statutory framework, may result in the termination of the arrangement and withdrawal of funding. The Local Authority will withdraw funding with immediate effect if it is notified by Ofsted or a Childminder Agency that they have suspended or terminated a Provider's registration.

2.93. The Local Authority will adhere to the requirements of the Early Education and Childcare Statutory Guidance when planning to withdraw or suspend funding.

2.94. The Local Authority may withdraw funding from a Provider following publication of an inspection judgment of 'inadequate' or where Leadership and governance require Urgent Improvement with safeguarding 'met' or where safeguarding is 'not met', or an inspection judgement of a childminder agency of 'not effective'. When deciding whether to withdraw funding, and within what timescale, the Local Authority will take into account, non-exclusively, the reasons given for the judgment by Ofsted, the benefits of ensuring continuity of care for children already receiving their free entitlement, and Ofsted monitoring information.

The Local Authority will not withdraw funding before the Provider's Ofsted inspection judgment is published. The Local Authority will consider any information published by Ofsted about a Provider, including the recent history of childcare provision by a particular Provider, or childcare provision at a particular address. This may include, for example, where concerns exist that a Provider judged 'inadequate', or Leadership and governance require Urgent Improvement with safeguarding 'met' or safeguarding is 'not met' by Ofsted may have re-registered their setting to avoid making the quality improvements required by Ofsted.

The Local Authority will not usually allow any new funded children to be registered at the setting until it has been re-inspected and received a judgment of at least 'good' or Leadership and governance is Expected Standard with safeguarding 'met' to admit new 2Help Early Learning for 2-year-olds, or at least 'requires improvement' or Leadership and governance is Needs Attention with safeguarding 'met' to admit new 9 months + and 2-year-olds eligible for the working parent entitlement and 3- and 4-year-olds eligible for the Universal and working parent entitlements.

The Local Authority will withdraw funding immediately from a Provider following publication of a second consecutive Ofsted inspection judgment of 'inadequate', 'not effective' or where Leadership and governance require 'Urgent Improvement'.

2.95. The Local Authority will secure alternative provision and withdraw funding for all children with immediate effect if any finding by Ofsted or any other agency, including Warwickshire County Council, concludes that children are not adequately safeguarded by the Provider and, as such, children are being placed at risk of harm and / or where Ofsted report that safeguarding is 'not met'

2.96. The Local Authority reserves the right to suspend or withdraw funding should any material breach of this agreement be made by the Provider.

2.97. Should the Local Government & Social Care Ombudsman, or any other competent authority, recommend that Warwickshire County Council makes a compensatory payment to any individual or organisation as a consequence of acts or omissions by a Provider which are in breach of this agreement, then Warwickshire County Council shall recover all such monies payable from the Provider.

Dispute Resolution and Appeals Process

2.98. If any dispute arises between the parties out of, or in connection with, this agreement, either party may at any time serve a notice in writing on the other party that a dispute has arisen. The notice must include sufficient information as to the nature of the dispute.

2.99. The parties shall use all reasonable endeavours to reach a negotiated resolution through the arranging of a meeting for the contract managers of the parties within fourteen days of service of the notice.

2.100. 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.

2.101. Providers who have their funding withdrawn, or are denied approval to offer the free entitlements, may appeal against the decision. In the first instance, Providers should write to the Strategy Manager for the Early Years, Sufficiency & Entitlements Team, clearly stating the grounds for having the decision re-considered. Providers should take into account the requirements of the Early Education and Childcare Statutory Guidance for Local Authorities when considering this step.

If the original decision is upheld, Providers may then write to the Director of Education Services, Warwickshire County Council, who will review the case. No further appeals are available, but Providers have the option to write to the Local Government Ombudsman if they consider their case has not been correctly considered.

Complaints process

2.102. Parents may contact the Local Authority if they are not able to resolve their concern directly with the Provider, where they 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 Early Education and Childcare Statutory Guidance for Local Authorities.

2.103. Parents should always try to resolve any complaints directly with the Provider before contacting the Local Authority. We will not intervene unless this process has been completed and the dispute remains outstanding.

2.104. The Local Authority will not intervene where a dispute relates to additional hours of provision or additional services purchased by the parent unless this affects the parent's ability to take up their child's free entitlement.

2.105. Parents must put their complaint in writing to the Strategy Manager for the Early Years, Sufficiency & Entitlements Team, stating clearly the particular circumstances they wish the Local Authority to investigate. The Local Authority will not disclose a parent's personal details to a setting if a parent asks it not to do so, but the Local Authority will need to make the setting aware that a complaint has been received so that we can investigate properly.

2.106. Parents may appeal in writing to the Director of Education Services, Warwickshire County Council if they are not satisfied that the complaint has been investigated correctly.

2.107. 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 Government Ombudsman. Such complaints will only be considered when the local complaints procedures have been exhausted.

2.108. 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 Provider Agreement and in the Early Education and Childcare Statutory guidance for Local Authorities.

General Terms

2.109. No failure or delay by either party to exercise any right or remedy under this agreement shall be construed as a waiver of any other right or remedy.

2.110. Save where otherwise expressly stated, any person who is not a party to this agreement shall have no rights under the Contracts (Rights of Third Parties) Act 1999 to enforce any term of this agreement.

2.111. This agreement constitutes the understanding between the parties in respect of the matters dealt with in it and supersedes any previous agreement between the parties.

2.112. Both of the parties warrant to each other than that each has full power and authority to enter into this agreement and carry out their obligations.

Information Rights

2.113. To see how Warwickshire County Council uses personal data, and what your information rights are, please read our customer privacy notice at www.warwickshire.gov.uk/privacy which includes the contact details for queries about your information rights. Information may be shared to ensure effective safeguarding and promote the welfare and protection of children.

All sections of the below table must be completed

Setting Ofsted Grading:		**Inspection Date:**	

Early Education Funding to be offered: *(Please tick relevant boxes and note requirements)*	**Yes**	**No**
2Help Early Learning Funding Entitlement for 2-Year-Olds: *Good / Outstanding providers (Inspected on or before 9th November 2025).* *Expected Standard / Strong Standard / Exceptional in 'Leadership and Governance' with Safeguarding 'Met' providers (Inspected 10th November 2025 or after) or newly registered without grading.*	☐	☐
3- & 4-Year-Old Funding - Universal Entitlement: *Requires Improvement / Good / Outstanding providers (Inspected on or before 9th November 2025).* *Needs Attention / Expected Standard / Strong Standard / Exceptional in 'Leadership and Governance' with Safeguarding 'Met' providers (Inspected 10th November 2025 or after) or newly registered without grading.*	☐	☐
30 hour Working Parent Entitlement for 3- & 4-Year Olds: *Requires Improvement / Good / Outstanding providers (Inspected on or before 9th November 2025)* *Needs Attention / Expected Standard / Strong Standard / Exceptional in 'Leadership and Governance' with Safeguarding 'Met' providers (Inspected 10th November 2025 or after) or newly registered without grading.*	☐	☐
30 hour Working Parent Entitlement for 2-Year-Olds: *Requires Improvement / Good / Outstanding providers (Inspected on or before 9th November 2025).* *Needs Attention / Expected Standard / Strong Standard / Exceptional in 'Leadership and Governance' with Safeguarding 'Met' providers only (Inspected 10th November 2025 or after) or newly registered without grading.*	☐	☐
30 hour Working Parent Entitlement for children aged 9 months +: *Requires Improvement / Good / Outstanding providers (Inspected on or before 9th November 2025)* *Needs Attention / Expected Standard / Strong Standard / Exceptional in 'Leadership and Governance' with Safeguarding 'Met' providers (Inspected 10th November 2025 or after) or newly registered without grading.*	☐	☐

Monthly Payments *Please tick to confirm if you wish to receive monthly payments*	☐	☐

I understand that as a consequence of receiving Early Education Entitlements Funding, I will be required to comply with all requirements relating to the auditing and monitoring of children accessing funding in this setting. For providers of all delivery types that offer the 2Help Early Learning for 2-year-olds entitlement, provider details and contact information will be included within delivery lists that are shared with eligible families.

I understand that Warwickshire County Council will take action which may result in the withdrawal or suspension of funding should the setting fail to meet the requirements set out in this agreement, or to make required alterations to its arrangements within the notified timescale.

I confirm the setting has put in place the requirements to access Early Education Entitlements Funding.

Signed: _____ **Position:** _____

Print Name: _____ **Date:** _____

Name of setting: _____
(As specified on the Ofsted registration certificate)