



# **Early Years Entitlement for children from nine months old to four years old**

## **Hillingdon Provider Agreement 2026-27**

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## 2. Introduction

1.1. Throughout this document, the following meanings apply:

|                                                     |                                                                                                                                                                                                                                                     |
|-----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>“Council”</b>                                    | Hillingdon Council                                                                                                                                                                                                                                  |
| <b>“DfE”</b>                                        | Department for Education                                                                                                                                                                                                                            |
| <b>“Early Learning for 2-year-olds Entitlement”</b> | The 15 hours of funded childcare per week (a total of 570 hours per year) for the most disadvantaged 2-year-olds who qualify under the applicable criteria, on which further information is available through the <a href="#">Council's website</a> |
| <b>“EHCP”</b>                                       | Education, Health and Care Plan                                                                                                                                                                                                                     |
| <b>“EYE”</b>                                        | Early years entitlement, which includes the Universal Entitlement, Disadvantaged 2-year-old Entitlement, and Working Parent Entitlement, on which further information is available through the <a href="#">Council's website</a>                    |
| <b>“EYFS”</b>                                       | Early years foundation stage                                                                                                                                                                                                                        |
| <b>“EYPP”</b>                                       | Early years pupil premium, on which further information is available through the <a href="#">Council's website</a>                                                                                                                                  |
| <b>“EYSFF”</b>                                      | Early years single funding formula, on which further information is available at Appendix A                                                                                                                                                         |
| <b>“FIS”</b>                                        | The Council's Families' Information Service                                                                                                                                                                                                         |
| <b>“HMRC”</b>                                       | HM Revenue and Customs                                                                                                                                                                                                                              |
| <b>“Ofsted”</b>                                     | Office for Standards in Education, Children's Services and Skills                                                                                                                                                                                   |
| <b>“Parent”</b>                                     | Parent or legal guardian                                                                                                                                                                                                                            |
| <b>“Parent Declaration Form”</b>                    | The form, available through the <a href="#">Council's website</a> , that must be completed by the relevant Parent and signed before their child can start receiving EYE hours at a Provider                                                         |
| <b>“Provider(s)”</b>                                | Any group, organisation, school or childminder providing registered childcare in Hillingdon that is:<br>(a) an early years provider or childminder registered on the Ofsted Early Years Register;                                                   |

|                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                     | <p>(b) a childminder or childcare provider registered with a childminder agency that is registered with Ofsted;</p> <p>(c) a school taking children under 2 which is separately registered on the Ofsted Early Years Register; or</p> <p>(d) a school taking children aged 2 and over and which is exempt from registration with Ofsted as an early years provider</p>                                                                                                                           |
| <b>“Provider Agreement”</b>         | This agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>“PVI”</b>                        | Private, voluntary and independent                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>“QI”</b>                         | The Council’s Quality Improvement team                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>“SEN”</b>                        | Special educational needs                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>“SENCO”</b>                      | Special educational needs co-ordinator                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>“SEND”</b>                       | Special educational needs and/or disabilities                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>“Universal Entitlement”</b>      | The 15 universal hours of funded childcare per week (a total of 570 hours per year) for 3- and 4- year olds, from the term after their third birthday, until they reach statutory school age, on which further information is available through the <a href="#">Council’s website</a>                                                                                                                                                                                                            |
| <b>“Working Parent Entitlement”</b> | <p>(a) the 30 hours of funded childcare per week (a total of 1,140 hours per year) for eligible working parents of 3- and 4-year-olds children; and</p> <p>(b) the 15 hours of funded childcare per week (a total of 570 hours per year) for eligible working parents of 9-month-olds to 2-year-olds (increasing to 30 hours per week (a total of 1,140 hours per year) from September 2025),</p> <p>on which further information is available through the <a href="#">Council’s website</a></p> |

- 1.2. This Provider Agreement outlines the principles and conditions governing the operation of the Early Years Entitlement (EYE) funding scheme. It is based on the Department for Education (DfE) document [Free early years provision and childcare: model agreement - GOV.UK](#) (last updated 9 February 2026). The DfE model agreement and accompanying

guidance set out the core requirements of the scheme. In addition, under [Section 9 of the Childcare Act 2006](#), the Council is empowered to apply its own funding conditions alongside those established by the DfE.

- 1.3. The requirements set out in this Provider Agreement apply to all providers in Hillingdon delivering funded places under the EYE scheme. This includes childminders, day nurseries, nurseries within independent schools, and playgroups. The EYE scheme offers free early education to eligible children from the term after they turn nine months old until the term in which they reach their fifth birthday. By offering funded places, providers agree to comply fully with the terms of this Provider Agreement.
- 1.4. In offering places under EYE, Providers must ensure that the way in which places are offered for children being funded is the same as for non-funded children.
- 1.5. The Council reserves the right to unilaterally vary the conditions of funding after the Provider Agreement has been implemented to reflect changes in legislation or government guidance. Any such changes will be notified to Providers.
- 1.6. References to legislation are to that legislation as amended from time to time, without significant changes to the Provider Agreement.
- 1.7. Where any matter is not specifically covered in this Provider Agreement, the parties will first be guided by the [Early education and childcare \(valid from 1 April 2026\) - GOV.UK](#) (updated 9 February 2026) or other relevant guidance to identify the correct position.
- 1.8. This Provider Agreement does not provide guidance on how Providers operate their private businesses, including charges for provision over and above a child's funded EYE hours. The Council will not intervene in respect of Parents choosing 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 funded place.
- 1.9. The Spring, Summer and Autumn terms referred to in this Provider Agreement are as follows:

|                    |                            |
|--------------------|----------------------------|
| <b>Spring term</b> | 1 January to 31 March      |
| <b>Summer term</b> | 1 April to 31 August       |
| <b>Autumn term</b> | 1 September to 31 December |

## 2. Legal Framework

The following frameworks and legislation underpin this model agreement:

- [Early education and childcare \(valid from 1 April 2026\) - GOV.UK](#)
- [Early years funding: 2026 to 2027 - GOV.UK](#)
- [Childcare Act 2006](#)
- [Childcare Act 2016](#)
- [Children and Families Act 2014](#)
- [Children Act 1989](#)
- [Children Act 2004](#)
- [Equality Act 2010](#)
- [School admissions code \(September 2021\)](#)
- [EYFS statutory framework for group and school-based providers \(last update effective 1 November 2024\)](#)
- [EYFS statutory framework for childminders \(last update effective 1<sup>st</sup> November 2024\)](#)
- [The School and Early Years Finance \(England\) Regulations 2023](#)
- [The Local Authority \(Duty to Secure Early Years Provision Free of Charge\) Regulations 2014](#)
- [The Childcare \(Free of Charge for Working Parents\) \(England\) Regulations 2022](#)
- [SEND code of practice: 0 to 25 years \(2015\)](#)
- [UK General Data Protection Regulation](#)
- [Data Protection Act 2018](#)
- [Working together to safeguard children: statutory guidance](#)

### **3. Key responsibilities**

#### **3.1 Key Council responsibilities**

- The Council must secure an EYE place for every eligible child in their area.
- The Council will work in partnership with Providers to agree how to deliver EYE places.
- The Council will be clear about their role and the support on offer locally to meet the needs of children with SEND as well as their expectations of Providers.
- The Council must contribute to safeguarding and promoting the welfare of children and young people in their area.

#### **3.2 Key Provider responsibilities**

- The Provider must comply with all relevant legislation, guidance and regulations, including but not limited to those listed in clause 2 of this Provider Agreement.
- The Provider must comply with all insurance requirements, including taking out and maintaining adequate levels of insurance.
- The Provider must deliver EYE places fairly, transparently, and in accordance with this Provider Agreement.
- The Provider must deliver EYE consistently to all Parents, whether in receipt of 15 or 30 funded hours per week and regardless of whether they opt to pay for optional services or consumables. This means that the Provider must be clear and communicate to Parents and prospective Parents details about the days and times that they offer funded places, along with any other services and charges. All children accessing the Provider's setting must receive the same quality of care and access regardless of their funding position.
- The Provider must follow the EYFS and have clear safeguarding policies and procedures in place that link to the [Council's guidance](#) for recognising, responding, reporting and recording suspected or actual abuse.
- The Provider must have arrangements in place to support children with SEND. These arrangements should include a clear approach to identifying and responding to SEND. The Provider should utilise the SEN Inclusion Funding and Disability Access Fund to deliver effective support, whilst making information available about their SEND offer to parents.

## 4. Safeguarding

- 4.1. The Council 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, including under the [Children Act 1989](#) and [Children Act 2004](#), which make this clear, and the [Working together to safeguard children](#) guidance sets these out in detail.
- 4.2. The Provider must follow the EYFS and have clear and up-to-date safeguarding policies and procedures in place that are in line with all relevant legislation, codes of practice, [local guidance and procedures](#) for responding to and reporting suspected or actual abuse and neglect. The safeguarding policies must be made readily available to Parents by the Provider.
- 4.3. A lead practitioner at the Provider must take responsibility for safeguarding and have the relevant training to lead on this. All staff must have training to identify signs of abuse and neglect. The Provider must have regard to the [Working together to safeguard children](#) guidance.
- 4.4. If a professional working with a child at the Provider's setting has any safeguarding concerns regarding the child or their family, they must report this to the Council via its Stronger Families Hub, details of which are listed on the [Council's website](#).
- 4.5. If the Provider is made aware of any concerns about a person working with children in their setting, the Provider must contact the Local Authority Designated Officer for the Council; a contact form is available on the [Council's website](#).

## **5. Quality**

### **Educational requirements**

- 5.1. In receiving funding for EYE, the Provider must provide quality education and a range of experiences that follows an educational philosophy or method that promotes children's progress towards the Early Learning Goals (as referred to in the EYFS).
- 5.2. The Provider must plan for and make assessments of children's progress towards the Early Learning Goals, in line with the EYFS requirements and those within the EYFS Profile. To do this, the Provider must:
  - (a) be open to a visit from a Council officer, which may be unannounced, to monitor compliance with the conditions set under this Provider Agreement; and
  - (b) where actions or areas for development are identified through a visit by a Council officer, develop an action plan and take steps to address the issues. Failure to develop an action plan or deliver the steps within it could lead to a setting being withdrawn from the EYE funding scheme.
- 5.3. The Provider must use all funding in respect of funded EYE hours appropriately to sustain and enhance the provision for children's learning and development.
- 5.4. The extent to which the Provider is fulfilling their responsibilities as funded early education settings will be monitored by Ofsted and the Council.
- 5.5. The Council will, in accordance with its legal duty, 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 (where the latest inspection was prior to 9 November 2025)or
  - 'Needs Attention' or below in leadership and governance or safeguarding is 'not met' (where the latest inspection took place from 10 November 2025)
  - Training will also be offered to newly registered Providers.

### **Quality rating**

- 5.6. Any Provider that is registered with Ofsted or with a childminding agency on the Early Years Register can offer funded EYE childcare places for all eligible children under Universal Entitlement or Working Parent Entitlement, as long as the outcomes from their last inspection exceed those set out in 10.59 and they meet the requirements of the Council's conditions of funding (i.e. as set out in this Provider Agreement).
- 5.7. The Council will not fund EYE for Providers with an Ofsted judgment of 'not met'.
- 5.8. In the case of a Provider that is registered with a childminder agency, the Council will not provide funding where their agency indicates that they are not of acceptable quality.

- 5.9. Providers must inform Ofsted and the Council of any material changes to their setting at the earliest opportunity, i.e. new proprietor, changes to premises, potential closure, whether temporary or permanent.
- 5.10. Providers should let the Council know when they are notified by Ofsted that an inspection of their provision is due to take place and they must inform the Council when an Ofsted inspection has taken place, within seven days of the inspection. Any action plans that the Provider has developed in the light of the Ofsted inspection must be shared with the Council.

### **Promotion of British values & established scientific and historical evidence**

- 5.11. The Council will not fund a Provider if it has reasonable grounds to believe that they are:
- (a) not meeting the independent school standard in relation to the spiritual, moral, social and cultural development of pupils
  - (b) not actively promoting fundamental British values of democracy, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs; and/or
  - (c) promoting as evidence-based views or theories which are contrary to established scientific or historical evidence and explanations.

## 6. Inclusion and SEND

- 6.1. The Council must strategically plan support for children with SEND to meet the needs of all children in their area as per the [SEND Code of Practice](#).
- 6.2. EYFS requires Providers to provide for equality of opportunity, working in an anti-discriminatory way to ensure that every child is included and not disadvantaged because of ethnicity, culture or religion, home language, family background, learning difficulties or disabilities, gender or ability.
- 6.3. The Provider must ensure that their owners and all their staff members are aware of their duties in relation to the [SEND Code of Practice](#) and the [Equality Act 2010](#).
- 6.4. The Council must be clear and transparent about the support on offer in Hillingdon through their [local offer](#). To assist with this, the Provider must be clear and transparent about the support they offer to children with SEND and should make information available about their offer in order to support parents who have children with SEND to choose the right setting for their child. The Provider should produce a document outlining this offer. This document must be dated so that it is clear when it was produced. It should be emailed to the FIS at [fis@hillingsdon.gov.uk](mailto:fis@hillingsdon.gov.uk) so that it can be added to the [SEND local offer webpage](#) on the Council's website. The Provider should review their offer of support to children with SEND on an annual basis and send an updated version of their offer document to the FIS.
- 6.5. The Council will:
  - (a) maintain a child's EHCP if they reside in Hillingdon regardless of where the child accesses early education; and
  - (b) provide EYE for those children who have an EHCP and who are educated within Hillingdon but reside outside Hillingdon's borders.

## **7. Supporting disadvantaged children**

- 7.1. Providers should identify the disadvantaged children in their setting, as part of the process for checking eligibility for the EYPP. They will also use EYPP, where available, and any locally available funding streams or support to improve outcomes for this group.
- 7.2. There may be some circumstances where households meet the eligibility criteria for both the Early learning for two-year-olds entitlement (formerly the Disadvantaged two-year-olds entitlement) and the Working Parent Entitlement. In these circumstances, the childcare is to be provided first under the Early learning for two-year-olds entitlement.
- 7.3. From September 2025, the Working Parent Entitlement for children aged from nine months to two years old increases to 30 hours. Where households meet the eligibility criteria for both the Early learning for two-year-olds entitlement and the Working Parent Entitlement, they are to be recorded as taking up 15 hours of the Early learning for two-year-olds entitlement and 15 hours of the Working Parent entitlement.

## 8. Eligibility

- 8.1. Providers must ensure that parents whose child is accessing Early Years Entitlement (EYE) for the first time at their setting provide proof of the child's age to confirm eligibility for funding. Providers must verify the original documentation during initial registration to ensure the child has reached the qualifying age for EYE.
- 8.2. The Provider must ensure that parents complete the Parent Declaration Form in full with correct details for each child when they are to receive an EYE place at the Provider for the first time. If a child is using EYE hours at more than one Provider, the parent must complete a Parent Declaration Form for each Provider. The Parent Declaration Form must be updated when there are changes to the information in it. More information about Parent Declarations forms can found on [Gov.uk](https://www.gov.uk).
- 8.3. The Provider must retain paper or digital copies of relevant documentation, including those referred to in clauses 8.1 and 8.2 above, for up to six years starting from the last date on which the child is eligible for funding or from the end of the financial year they relate to, whichever is later, enabling the Council to carry out audits and fraud investigations. This also includes Parent Declaration Forms. This form may be referred to during an audit from the Council, but a copy does not need to be sent to the Council unless requested. The Provider may be required to upload a copy of the completed Parent Declaration Form to the child's record on the Portal and submit this if requested by the Council (see clause 10.6 to 10.8 regarding the Portal).
- 8.4. Children enrolled in a Reception class at a state-funded or local authority school are no longer eligible for EYE from the start of the term in which they begin attending Reception.
- 8.5. The Council may write directly to parents whose children receive EYE, if this is necessary for monitoring the delivery of the early years entitlement funding hours.

## Universal Entitlement

- 8.6. Children can start an EYE place under Universal Entitlement as shown in the table below:

| <b>Child's third birthday is on or between...</b> | <b>Will become eligible for a funded place under Universal Entitlement from...</b> |
|---------------------------------------------------|------------------------------------------------------------------------------------|
| 1 January and 31 March                            | 1 April, after their third birthday                                                |
| 1 April and 31 August                             | 1 September, after their third birthday                                            |
| 1 September and 31 December                       | 1 January, after their third birthday                                              |

## Early learning for two-year-olds entitlement

- 8.7. In order for two-year-olds to be eligible for an EYE place under Early learning for two-year-olds entitlement (formerly known as the Disadvantaged two-year-olds entitlement), their parents must have successfully applied for this and have confirmation of this successful application. Information on how to apply is available on the [Council's website](#). Once

eligibility is confirmed for the Early learning for two-year-olds entitlement, eligibility remains even if the family's circumstances change.

- 8.8. Provided their parents have confirmation of a successful application for the Early learning for two-year-olds entitlement, these children can start an EYE place under this entitlement as shown in the table below:

| <b>Child's second birthday is on or between...</b> | <b>Will become eligible for a funded place under the Early learning for two-year-olds entitlement from...</b> |
|----------------------------------------------------|---------------------------------------------------------------------------------------------------------------|
| 1 January and 31 March                             | 1 April, after their second birthday                                                                          |
| 1 April and 31 August                              | 1 September, after their second birthday                                                                      |
| 1 September and 31 December                        | 1 January, after their second birthday                                                                        |

- 8.9. The Provider must have checked that a child is eligible for the Early learning for two-year-olds entitlement, before allowing the child to start an EYE place under this entitlement. Providers must obtain from parents a copy of the evidence confirming a successful application for the Early learning for two-year-olds entitlement before a child starts their EYE place at the Provider. Any evidence of eligibility to the child's claim must be uploaded to the Portal by the Provider.
- 8.10. A Provider offering places to eligible two-year-olds under the Early learning for two-year-olds entitlement does so on the understanding that the child remains eligible under this entitlement until they become eligible for the Universal Entitlement for three- and four-year-olds.

### **Working Parent Entitlement**

- 8.11. In order for children to be eligible for an EYE place under Working Parent Entitlement, their parents must have a positive determination of eligibility from HMRC and have received an eligibility code from HMRC following the application process set out on the [government website](#). Separate rules apply with regards to children in foster care as the relevant local authority is responsible for determining eligibility instead of HMRC (for more information, see Appendix B).
- 8.12. Provided their parents have a valid eligibility code, eligible children can start their EYE place under Working Parent Entitlement as shown in the table below:

| <b>Child turns nine months old on or between...</b> | <b>Will become eligible for a funded place under working parent entitlement from...</b> |
|-----------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1 January and 31 March                              | after they turn nine months old                                                         |
| 1 April and 31 August                               | 1 September after they turn nine months old                                             |
| 1 September and 31 December                         | 1 January after they turn nine months old                                               |

- 8.13. The Provider must have checked a child due to start an EYE place under Working Parent Entitlement is eligible for this. Any evidence of eligibility to the child's claim must be

uploaded to the Portal by the Provider. Alongside the eligibility code, which is the child's unique 11-digit number, and original copies of documentation, the Provider must get written consent from, or on behalf of, the parent to be able to receive confirmation and future notifications from the Council of the validity of the parent's eligibility code. This written consent is normally obtained through the parent completing and signing the Parent Declaration Form. Once the Provider has received written consent from the parent, they must verify the eligibility code with the Council before offering EYE places under the Working Parent Entitlement.

- 8.14. The Council will confirm the validity of eligibility codes to allow Providers to offer funded EYE places for eligible children. The Council will provide a validity checking service to Providers to enable them to verify the eligibility codes.
- 8.15. The Council will not fund children before eligibility commences. The Council will not backdate funding prior to the eligibility being confirmed. Providers must notify parents that any hours attended prior to eligibility being confirmed will be charged in accordance with their private fee rates.
- 8.16. Parents are required to reconfirm their eligibility code every three months, otherwise it will expire. Providers are strongly encouraged to regularly remind parents to renew their codes to ensure that those who continue to meet the eligibility criteria for Working Parent Entitlement continue to receive it.
- 8.17. The Council will complete audit checks to review the validity of eligibility codes for children at fixed points in the year, both at half-term and at the end of term across the year (as listed in the table below). Providers are notified where a parent has fallen out of eligibility via a symbol against the child's record on the Portal for the relevant term.

| <b>Date Parent receives ineligible decision on reconfirmation</b> | <b>Council audit date</b> | <b>Grace Period End date</b> |
|-------------------------------------------------------------------|---------------------------|------------------------------|
| 1 January – 10 February                                           | 11 February               | 31 March                     |
| 11 February – 31 March                                            | 1 April                   | 31 August                    |
| 1 April – 26 May                                                  | 27 May                    | 31 August                    |
| 27 May – 31 August                                                | 1 September               | 31 December                  |
| 1 September – 21 October                                          | 22 October                | 31 December                  |
| 22 October – 31 December                                          | 1 January                 | 31 March                     |

#### Grace Period

- 8.18. 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, or they fail to reconfirm their eligibility code.
- 8.19. The Council will be able to access information about whether a child has ceased to meet the eligibility criteria and entered the grace period via the Eligibility Checking Service. The grace period end date will automatically be applied to eligibility codes.

- 8.20. The Council should continue to fund a place for a child who enters the grace period as set out in the [Early education and childcare \(valid from 1 April 2026\) - GOV.UK](#) (last updated 9 February 2026).

## 9. Flexibility

- 9.1. Wherever possible, the Council would wish EYE to be delivered flexibly to meet parental needs. Children should be able to take up their full EYE at times that best support their learning and development, and at times which fit with the needs of parents to enable them to work or increase their hours of work if they wish to do so. Providers should work with parents to ensure that, as far as possible, the pattern of hours are convenient for parents' working hours.
- 9.2. In terms of flexibility, EYE cannot be delivered outside of the following national limits:
- (a) no session longer than 10 hours;
  - (b) no minimum session length (subject to the requirements of registration on the Ofsted Early Years Register);
  - (c) not before 6am or after 8pm; and
  - (d) a maximum of two sites in a single day.
- 9.3. Evidence shows that continuous provision is in the best interests of the child. Children should be able to take up their funded hours in continuous blocks and Providers must avoid artificial breaks being created during the day, for example over the lunch period. For example, a Provider should not offer 10am to midday and 1pm to 3pm as entitlement hours and offer only private paid hours in between.
- 9.4. Funded places can be delivered by Providers:
- (a) over up to 52 weeks of the year (if the parent is stretching their child's entitlement);
  - (b) outside of maintained school term times; and/or
  - (c) at weekends.
- 9.5. There is no requirement that funded places must be taken on or delivered on particular days of the week or times of the day, as long as they comply with the limits referred to above.
- 9.6. There is no requirement that Providers must be open for at least 38 weeks of the year, or that settings must offer 15 or 30 hours a week (as the case may be depending on the scope of EYE) to receive funding to deliver funded places. Providers must inform parents in advance if their business operations restrict access to the full EYE. Providers will not be able to claim Early Years Entitlement funding for any period of closure.
- 9.7. If Providers close for planned reasons, such as staff training and holidays (including bank holidays), these days cannot be included in their funding claim.
- 9.8. Providers can choose not to deliver EYE places.
- 9.9. Entitlement to a funded place does not offer a guarantee of a place at any one Provider or a particular pattern of provision.
- 9.10. Parents can take up their child's funded place in patterns of hours that "stretch" their child's entitlement by taking fewer hours a week over more weeks of the year subject to the applicable annual limit on hours, where there is provider capacity and parental demand. However, Providers must claim EYE as it is offered, e.g. only claim funding on a term time only basis if Parents are accessing the funded hours on a term time basis. If their funded hours are stretched across the year, then Providers must submit their funding claims as stretched hours.

- 9.11 The Provider should share information with the Council and parents about the times and periods at which they are able to offer EYE places to support in securing sufficient stretched and flexible places to meet parental demand.
- 9.12 The Provider must also make information about their offer and admissions criteria available to parents at the point their child first accesses provision at their setting or if already at the setting before their child starts receiving EYE hours. This information must be communicated to parents with enough notice for parents to make an informed decision about whether to take up the offer of funded childcare hours at the Provider.

## **10. Business Planning**

- 10.1 Providers must submit all required information and documentation (outlined in this Provider Agreement or reasonably requested by the Council) accurately and by the stated deadlines. This includes, but is not limited to, headcount and sufficiency data, census returns, Parental Declaration Forms, and invoices. Failure to comply may result in funding for EYE places being delayed, adjusted, or suspended.
- 10.2 Providers must maintain accurate financial and non-financial records related to EYE places. The Council must be given access, with reasonable notice, to these records, subject to confidentiality restrictions.

## **Early Years Census**

- 10.3 Collecting individual-level data from childcare settings is a statutory requirement for both providers and local authorities under current regulations. The Council gathers this information through the Early Years Census and submits it to the DfE, which uses the data to calculate the Council's early years funding allocation. Providers must therefore ensure that all data submitted to the Council is accurate and provided by the specified deadline.
- 10.4 By putting the Early Years Census on a statutory basis:
- (a) Providers do not need to obtain consent for the provision of information from parents of individual children. They must, however, meet their obligations to data subjects under data protection legislation (see clause 11 below);
  - (b) Providers and local authorities are protected from any legal challenge that they are breaching a duty of confidence; and
  - (c) it helps to ensure that returns are completed by Providers.
- 10.5 The Early Years Census is a statutory requirement for Providers. EYE payments to Providers will not be made by the Council unless this census is completed fully and accurately.

## Portal

- 10.6 The Portal must be used by the Provider to:
- (a) submit claims for children to be funded;
  - (b) return other data to the Council, including information for the Early Years Census.
- 10.7 All submissions through the Portal must be in a timely manner, in accordance with any applicable deadlines.
- 10.8 Each Provider is given at least one username and password to access the Portal. It is the responsibility of each Provider to ensure that this contact person has the appropriate responsibility to submit claims on behalf of the Provider.
- 10.9 If Providers wish for more than one person to submit information for the Provider on the Portal, each person must have their own separate account for the Portal, with their own unique email address. They need to contact [fis@hillingdon.gov.uk](mailto:fis@hillingdon.gov.uk) if they wish to request a new account for the Portal. Login details must not be shared between users, and it is the user's responsibility to keep their login details secure.
- 10.10 If there are any changes to the individuals responsible for submitting funding claims or other required information, the Provider must notify the FIS by emailing [fis@hillingdon.gov.uk](mailto:fis@hillingdon.gov.uk).

## 11. Data Protection

- 11.1 Data kept on children and parents (in any medium) is personal data. Any personal data must be managed in accordance with the requirements of the [Data Protection Act 2018](#) and the [UK General Data Protection Regulation](#). All staff who have access to personal data must be aware of their responsibilities under this legislation.
- 11.2 Both the Council and the Provider shall duly observe all their obligations under data protection legislation which arise in connection with this Provider Agreement.
- 11.3 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. Refer also to the data privacy guidance set out in part 6 of the Parent Declaration Form.

## **12. Freedom of Information**

- 12.1 Providers acknowledge that the Council is subject to the requirements of the [Freedom of Information Act \("FOIA"\) 2000](#) and the [Environmental Information Regulations \("EIR"\) 2004](#), which may require the release of information relating to arising out of this Provider Agreement. The Council shall be entitled to disclose such information in the event that it receives a request to do so.
- 12.2 The Provider shall assist and co-operate with the Council (at the Provider's expense) to enable the Council to comply with information disclosure requirements under the FOIA 2000 and EIR 2004.

### 13. Partnership working

- 13.1 The Council will promote partnership working between Providers to meet the needs of children and parents in the area. The Council will ensure that all eligible Providers are aware of how funding for EYE is claimed and paid.
- 13.2 Providers should collaborate with parents and other Providers to improve the services and outcomes for children. An [interactive toolkit](#) has been created to help Providers set up or join a partnership, make the most of working together, and address any challenges that come with joint working.
- 13.3 Providers will work closely with parents to agree on how a child's overall care will work in practice when their EYE is split between different Providers to ensure a smooth transition and continuity of care for the child. All Providers involved in the child's care should communicate regularly for this purpose.
- 13.4 As part of partnership working, Providers must:
- (a) make sure that admission procedures and administrative processes underpinning the free entitlement are clear, transparent, inclusive and are available to parents before a decision is made to accept a place;
  - (b) actively engage with parents to seek views about the way in which services are delivered and, where flexibility can be offered, consider how this might be done to meet identified needs;
  - (c) monitor the take-up and achievement of different groups, examine the reasons for discrepancies and revise their approach when necessary;
  - (d) distribute to parents any information and/or publicity about EYE provided by the Council.
  - (e) provide information to parents regarding claims for EYE; and
  - (f) provide any other reasonable information requested by parents or the Council.

## 14. Charging

- 14.1 Providers will not charge parents in advance for the cost of funded EYE hours but may ask for a deposit to be paid for children accessing an EYE place under Universal Entitlement or Working Parent Entitlement (but not those accessing a place under Early learning for two year olds entitlement). This deposit must be reimbursed to the parent within four weeks of the child taking up a place.
- 14.2 Providers may charge a deposit for any hours in addition to the funded EYE hours and set its own terms for reimbursement of this deposit.
- 14.3 Providers will ensure that, apart from a deposit (where one can be imposed), the funded EYE place is free at the point of delivery. "Top up" fees (any difference between a setting's normal charge to parents and the funding they receive from the local authority) cannot be charged for the funded hours.
- 14.4 Providers can also charge parents for any additional, private paid hours according to their usual terms and conditions, provided taking up private paid hours is not a condition of accessing a free EYE place.
- 14.5 The rates which Providers charge for their privately funded hours are a matter for them to decide, provided that, for parents purchasing hours in addition to their EYE hours:
- (a) this does not affect their ability to take up their child's funded childcare hours;
  - (b) they are not required to pay more in fees just because their child is eligible for funded childcare hours; and
  - (c) the Provider does not levy additional charges in relation to supporting a child with a disability.
- 14.6 Providers will not impose on parents any conditions of access to which they must agree in order to take up their funded hours, e.g. Parents must not be required to pay a non-refundable registration fee, purchase additional hours, pay lunch time charges or pay for any additional services in order to secure funded provision.
- 14.7 EYE is for hours of childcare and does not have a monetary value for parents. Providers need to ensure that EYE is not represented to parents as a monetary subsidy but as free childcare hours.
- 14.8 EYE funding is to cover the costs of funded, high quality, flexible childcare. It is not intended to cover the costs of meals, other consumables, additional hours or additional services.
- 14.9 Providers can charge parents for the following extras in connection with the funded hours, but these charges must be voluntary for the parent:
- (a) consumables to be used by the child, such as nappies or sun cream;
  - (b) meals and snacks consumed by the child; and
  - (c) 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 [EYFS statutory framework](#)
- 14.10 The costs of chargeable extras must be published on the FIS online childcare directory and / or the Provider's website (see clause 14.9). These should be clear, up to date and easily accessible to parents, to enable parents to make an informed choice of provider. They should set out, for each setting, the amounts charged for the chargeable extras listed, as well as the

pattern of hours that parents can take the entitlements. Providers must publish a breakdown of costs, as detailed in [DfE's Chargeable extras: template](#). Providers (apart from childminders) must publish this information and also provide it to the FIS. Publishing this information is optional for childminders, but they are encouraged to do so to ensure parents have comprehensive knowledge about the childcare choices available to them and the additional fees they may be asked to pay.

14.11 Invoices and receipts should be itemised, and the Council will work with Providers to ensure their invoices break down separately into:

- a) the funded EYE hours;
- b) additional private paid hours;
- c) food charges;
- d) non-food consumables charges; and
- e) activities charges.

14.12 These itemised invoices allow parents to see that they have received their child's funded EYE completely free of charge and understand that any fees paid are for additional hours or optional services. Invoices and receipts should include the Provider's full details so that they can be identified as coming from a specific Provider.

14.13 Parents must be able to opt out of paying for chargeable extras for their child. For chargeable activities and extra services, paying for additional charges or participation in any optional extra activity must be on the basis of parental choice and a willingness to meet the charges. In these circumstances, Providers must ensure that children who do not participate in optional activities continue to receive provision that complies with the EYFS.

14.14 Providers should be mindful of the impact of charges on families, particularly the most disadvantaged. Providers who choose to offer funded EYE places are responsible for setting a policy on providing parents with options for alternatives to additional charges. This policy must offer reasonable alternatives that allow parents to access the entitlement for free, including allowing parents to supply their own consumables and meals, or waiving the cost of these items.

14.15 Providers must also clearly state their policy in relation to charges in any information regarding fees shared with parents prior to them using their EYE and update this promptly if the policy changes.

14.16 The Provider must deliver EYE consistently so that all children within their setting accessing any of the funded EYE hours receive the same quality and access to provision, regardless of whether they opt to pay for optional hours, services, meals or consumables.

14.17 In all cases, these chargeable extras must not be a condition of taking up funded hours. All parents, including of disadvantaged children, must have fair access to funded hours. The Council will intervene if a Provider seeks to make additional hours, optional services or optional consumables a mandatory condition of taking up funded hours.

14.18 The funded EYE hours must be available free of charge and therefore settings cannot charge parents for the following in connection with the entitlement hours:

- (a) Top-up fees (any difference between a Provider's normal charge to parents and the funding they receive from the Council to deliver free places);
- (b) the supply of or use of any materials, including, but not limited to, craft materials, crayons, paper, books, instruments, toys, or other equipment or learning resources that are necessary for the effective delivery of childcare;
- (c) business running costs, including, but not limited to, rent, staff wages, cleaning materials, insurance, or utility bills such as energy, gas or water;
- (d) non-refundable registration fees as a condition of taking up a child's funded EYE hours;
- (e) non-refundable deposits as a condition of taking up a child's EYE place, though the Provider may retain the deposit if a parent does not take up their place;
- (f) additional support costs for children with special educational needs and disabilities (SEND) as part of their entitlement hours or as a condition of accessing an entitlements place
- (g) general charges, including but not limited to, non-itemised enrichment charges, sustainability charges, business continuity charges, additional charges, enhanced ratios, hourly rates, or any other supplementary charges on top of the funded hours; and
- (h) any additional fees that are not specifically identified and itemised as being for chargeable extras as described in clause 14.12.

14.19 Providers must ensure that if children in EYE places, whether or not any additional hours are purchased, they are able to access their EYE free of charge, regardless of the way in which the hours they attend are provided. If 15 hours EYE is stretched across the whole year, the entitlement would be fewer hours per week, as it would be delivered over more weeks in a year.

## **15. Funding**

### **Applying to offer childcare places through the EYE funding scheme**

- 15.1 Where Providers express an interest in offering EYE, the FIS will arrange to meet with the Provider to explain the conditions of funding.
- 15.2 Prior to any application for funding to offer EYE places under the Early learning for two-year-olds entitlement being considered, the FIS and QI team will carry out the following process:
- (a) A member of the FIS team will discuss the Provider Agreement and the requirements within it with the Provider. Where necessary and desired by the Provider, the Council will provide advice and guidance to enable the Provider to meet the requirements of the EYE funding scheme. The Council will ensure all procedures are in place for the administration of the EYE funding scheme.
  - (b) A member of the QI team will review policies and procedures for safeguarding and the welfare requirements and the Provider's understanding of the EYFS.
  - (c) Ensure all required responsibility posts have been identified – for example, a SENCO, Behaviour Co-ordinator, and Equal Opportunities Co-ordinator.
- 15.3 When a Provider is judged to meet all the necessary requirements laid out within this Provider Agreement, the FIS will provide the Provider with the relevant paperwork that they need to complete to offer places under the EYE funding scheme.
- 15.4 Once the required paperwork has been completed and received by the Council, the FIS will issue a DfE URN number to the Provider prior to the term of eligibility for funding and parents can then be informed by the Provider that they are approved to deliver EYE places.
- 15.5 Prior to the registration of any Provider for the EYE funding scheme, the Provider must ensure that:
- (a) the management of the Provider understand and are committed to fulfilling all expectations and complying with all requirements outlined within the EYFS, the [SEND Code of Practice](#) and other relevant guidance and legislation;
  - (b) all required policies are in place and these inform practice within the Provider; and
  - (c) a DfE URN number has been received from the FIS, prior to notifying parents that the Provider is eligible to offer places for the EYE funding scheme on a provisional basis.
  - (d) ensure that they only notify parents that they are fully approved to offer places under the EYE funding scheme when the Council has confirmed in writing that this is the case.
- 15.6 The Council will reject an application for the EYE funding scheme if the Provider is unable to meet the conditions set nationally and locally and will provide a written explanation of the rejection to the Provider.

### **Claiming EYE funding after successful application**

- 15.7 Providers who have successfully applied under the EYE funding scheme claim the funding for the scheme from the Council. Providers must not claim for any more than the EYE hours for each child.

15.8 The Provider must ensure that as part of their claims for each individual child, they record accurately if the child has SEND. If they have SEND, Providers are to specify if they are receiving SEN Support or they have an EHCP. If the Provider has a child receiving SEN Support, they must be able to provide evidence of how the child's needs have been identified and the extra assistance that is being provided for the child.

15.9 To claim funding and receive payment, the Provider shall hold an account specifically for the financial business of the Provider into which the Council will forward any due funding. The account must have two signatories unless the Provider is a sole trader. The Provider must make available to the Council information requested about banking and accounts for the Provider.

15.10 The timescales for claiming funding for EYE are as follows:

- (a) paperwork will be made available to funded Providers at least three weeks before headcount week – this will enable Providers to have enough time to obtain parent Declaration Forms for any new children requiring funding;
- (b) the deadline for Providers to submit funding claims for children attending in headcount week will be one week after the end of headcount week; and
- (c) for children who start at the Provider after headcount week, funding claims can be submitted for them until a deadline later in the term, which will be notified to the Provider by the Council at the start of term.

Any failure to adhere to the funding deadlines set by the Council for EYE could have an impact on funding, e.g. late funding claims on the Portal from a Provider may mean that their funding will be paid later in the term, after all other Providers have been paid.

15.11 The Provider must return a Provider declaration form (provided by the Council) to the Council for each term's funding being applied for. The Council will set termly headcount dates and reasonable time deadlines and inform Providers of this. Headcount dates will normally match the dates for the termly Early Years Census. The Provider must notify the Council of any updated information they receive after submitting their headcount forms about a child's eligibility for EYE.

15.12 Funding rates for Providers are calculated via the EYSFF, on which further information is available in Appendix A.

15.13 The Council will make monthly payments to Providers for EYE. These monthly payments will be calculated using the data submitted by Providers each term of children receiving EYE. This information is used to calculate the monthly payments as follows:

- (a) The total amount due for the term is calculated, then divided by the number of months in that term to give a monthly amount (e.g. five months in the Summer term, four months in the Autumn term and three months in the Spring term).
- (b) At the end of each term, the money already paid is compared to the total funding required. If there is money owing to the Provider, this is paid at the end of term. If the Provider owes money to the Council, this is either paid back by the Provider or deducted from future payments made to the Provider.

15.14 The Council will ensure, as far as possible, that dates set for payments are adhered to.

- 15.15 The Council will not consider late claims as the timescale for applications for funding and the flexibility it affords to Providers means that these should not be necessary.
- 15.16 Providers are responsible for correctly administering paperwork for the EYE funding scheme and the accuracy of their claims. This includes checking that all the necessary paperwork has been received and emailing the FIS at [fis@hillingdon.gov.uk](mailto:fis@hillingdon.gov.uk) if there is any documentation missing. Providers are also responsible for checking that their claim for funding has been received, and this can be done by e-mailing the FIS.
- 15.17 If a child's attendance pattern changes from what was agreed in the Parent Declaration Form (eg they have not attended the setting for two weeks), the Provider must email the FIS to check any implications for EYE funding.
- 15.18 Childminders, in their capacity as Providers, cannot claim EYE funding for children that they are related to.
- 15.19 The Council will ensure that all funded Providers are eligible to receive funding for EYE and monitor them to ensure they meet the expectations within this Provider Agreement.

### **Children attending more than one setting**

15.20 Often children will be attending more than one early years provision and parents will want to receive their EYE for them all. The Council wants to ensure that parents are enabled to do this, wherever possible.

15.21 If a child attends more than one Provider, funding claims for EYE will be paid on a pro-rata basis, if they are both part of the EYE funding scheme. In these circumstances, funding will be paid proportionately in respect of that child. For example, if a child attends for five hours per week at one Provider and 10 hours per week at another, the Council will pay one-third to the first Provider and two-thirds to the other.

15.22 Funding for EYE will not be provided to a Provider if the child also attends a school nursery apart from the following exceptions:

- (a) There are funded childcare hours not being provided by the school nursery. For example, if a child is entitled to 30 hours funded childcare but only receiving 15 hours at the school nursery, a childcare Provider can apply to provide the other 15 hours (assuming it is a term time only place).
- (b) If a child starts at a childcare Provider for the first weeks of term before the child starts in school nursery, then the childcare Provider can claim for these weeks. The funding would end when the child starts at the school nursery.

15.23 Where children are attending more than one Provider, both Providers must claim the funding using the same method, e.g. both their Providers must offer it term time only or both offer it stretched across the year.

### **Children changing provision**

#### **During term**

15.24 Providers can apply for children who move from one setting to another during a term. The outgoing Provider will need to resubmit their funding claim for the reduced number of weeks that the children attended.

15.25 The maximum notice period that the Council would pay for EYE funding is four weeks from the last date that the child attended.

15.26 No notice period for EYE funding is paid if the child is leaving for a school nursery.

15.27 Please note that no notice period for EYE funding is paid if it is the Provider's own decision to remove the child's place.

15.28 Children eligible for EYE who move into Hillingdon during a term can be funded at a Provider regardless of when they arrive, provided that the funding claims for them are submitted within the deadlines set by the Council.

#### Between terms

15.29 Where a child receives funded childcare hours at a Provider in a term but leaves at the end of term without any notice, the Provider can claim funding for a maximum of a four week notice period, even if this partly covers the following term, unless the child is starting at a school nursery. The Council may request evidence to be provided by the setting for this, and the Provider is obliged to answer to such request.

#### **The Directory of funded Providers for the EYE scheme**

15.30 The Council maintains a directory of all Providers within the borders of Hillingdon who are eligible to claim EYE.

15.31 The Council will only pay funding for EYE to Providers during their inclusion in the Directory.

15.32 The Council will:

- (a) make information regarding joining the Directory, the conditions that must be met and payment arrangements available to Providers;
- (b) satisfy itself that the Provider fits into one of the categories of eligibility and request documentary evidence of this, which the Provider must provide;
- (c) satisfy itself that any new Provider can meet the conditions that have been set;
- (d) ensure any new Provider has not previously been rejected or withdrawn from the Directory nor is a withdrawn setting opening under another name;
- (e) check that the Provider is based within the borders of Hillingdon and is not included in the Directory of a neighbouring local authority;
- (f) decide if any changes to Provider's details creates a new Provider, e.g. moving premises or a change of owner;
- (g) enable new Providers to access funding for EYE the term after their inclusion in the Directory unless the Council recognises a gap in provision; and
- (h) when a new funded Provider has been approved, confirm this in writing to the Provider.

## **16. Audit and compliance**

- 16.1 In managing the EYE funding scheme, the Council must ensure that public funding is being claimed for and used appropriately. To assist with this, the Council will audit a sample of funded Providers in each financial year and may also audit a Provider when concerns have been identified about them in relation to their administration and delivery of EYE.
- 16.2 If a Provider is to be audited, the Council will contact them to request relevant information, which must be provided. The types of information required may include, but are not limited to, the following:
- (a) attendance registers in respect of funded children;
  - (b) Parent Declaration Forms (settings may be asked to upload these to the records for individual children on the Portal);
  - (c) evidence that the Provider obtains proof of the date of birth for children for whom funding has been claimed;
  - (d) fees and charges that parents are asked to pay by the setting;
  - (e) terms and conditions that parents must sign up to for childcare places which are partly or wholly funded with EYE funding;
  - (f) payment arrangements for childcare places, e.g. invoices given to parents;
  - (g) arrangements for auditing accounts; and
  - (h) process used by the Provider to check the accuracy of claims for EYE funding before they are submitted.
- 16.3 The Council may carry out audits remotely, through on-site visits or by a combination of the two. Providers will be given at least one week's notice in writing of an audit taking place in order to ensure the relevant documentation is available. However, in the event of a concern regarding the way in which a setting is delivering EYE funding, the Council reserves the right to carry out an unannounced visit if required.
- 16.4 After an audit, a provider would receive the outcome of the audit in writing, with any actions and/or recommendations that resulted from the audit, together with deadlines as to when these need to be met.

## **17. Removal from the EYE funding scheme**

### **Voluntary withdrawal**

17.1 Where the Provider chooses not to continue to offer EYE places, including in the case of full closure of the Provider, they may withdraw from the EYE funding scheme by giving written notice to the Council and Parents of a minimum of 90 days to enable alternative arrangements to be made for childcare.

### **Removal due to concerns**

17.2 The Council may remove a Provider from the EYE funding scheme on written notice if they (or the childminder agency they are registered with):

- (a) become bankrupt or go into administration or insolvency or are wound up, or action indicating potential bankruptcy, administration, insolvency or winding-up occurs;
- (b) cease to meet the conditions set, including those within this Provider Agreement;
- (c) have their registration suspended by Ofsted or their childminding agency;
- (d) withhold reasonable co-operation from the Council;
- (e) do not address actions identified as part of an audit of EYE funding;
- (f) have changes in their details that mean they are no longer eligible to receive funding for EYE;
- (g) are the subject of safeguarding concerns;
- (h) use corporal punishment against a child; or
- (i) fail to submit to an Ofsted inspection or a visit by a Council officer.

17.3 Where any of the above do occur, the Council will write to the owner / manager of the Provider outlining the areas of concern. Where concerns are irreparable and/or substantial, the notice will state this and removal from the EYE funding scheme will be forthwith. Where concerns are capable of remedy, the notice will specify actions that must be taken by the Provider and the timeframe for these to be completed. If these actions are not completed by the stated deadline, continued inclusion on the EYE funding scheme will be considered, and the Council may remove the setting from the scheme upon written notice to the Provider, which will state the reason(s) for removal.

17.4 Where a Provider is removed from the EYE funding scheme, the Council will require the Provider to repay all or part of the funding for EYE.

17.5 The Council inform the DfE of any Provider that has been removed from the EYE funding scheme.

17.6 Where a Provider is removed from the EYE funding scheme, they must notify parents of their removal and direct parents to FIS if they need support to find alternative childcare.

17.7 If after removal, the Provider is subsequently able to meet all set conditions, the Council may re-admit a Provider onto the EYE funding scheme.

## **Removal due to quality concerns**

### Quality of provision not meeting required standard

17.8 Providers may be removed from offering funded childcare through the EYE funding scheme as a result of the inspection outcomes that they received from an Ofsted inspection. These would be as follows:

#### **For providers inspected under section 5 of the Education Act 2005 (state schools and academies, including maintained nursery schools)**

Latest inspection took place on 1 September 2024 or earlier:

- For Early Learning for 2-year-olds – ‘requires improvement’ or below for overall effectiveness
- For all entitlements – ‘inadequate’ for overall effectiveness

Latest inspection took place between 2 September 2024 and 9 November 2025:

- For Early Learning for 2-year-olds – judgement of less than ‘good’ in the early years provision judgement
- For all entitlements – where ‘significant improvement’ or ‘special measures’ are required

Latest inspection took place from 10 November 2025:

- For Early Learning for 2-year-olds – ‘needs attention’ or below in leadership and governance or safeguarding is ‘not met’
- For all entitlements – ‘urgent improvement’ in leadership and governance or safeguarding is ‘not met’

#### **For providers inspected under section 49 of the Childcare Act 2006 (early years provision registered in the early years register, such as private, voluntary and independent providers or any provision for under-2s)**

Latest inspection took place on 9 November 2025 or earlier:

- For Early Learning for 2-year-olds – ‘requires improvement’ or below for overall effectiveness
- For all entitlements – ‘inadequate’ for overall effectiveness

Latest inspection took place from 10 November 2025:

- For Early Learning for 2-year-olds – ‘needs attention’ or below in leadership and governance or safeguarding is ‘not met’
- For all entitlements – ‘urgent improvement’ in leadership and governance or safeguarding is ‘not met’

#### **For independent schools inspected by Ofsted (where the provision is not registered in the early years register)**

Latest inspection took place on 4 January 2026 or earlier:

- For Early Learning for 2-year-olds – ‘requires improvement’ or below for overall effectiveness
- For all entitlements – ‘inadequate’ for overall effectiveness

Latest inspection took place from 5 January 2026:

- For Early Learning for 2-year-olds – ‘needs attention’ or below in leadership and governance or safeguarding is ‘not met’
- For all entitlements – ‘urgent improvement’ in leadership and governance or safeguarding is ‘not met’

**For independent schools inspected by the Independent Schools Inspectorate (where the provision is not registered in the early years register)**

For all entitlements regardless of the date of inspection – ‘not met’ for leadership and governance or ‘not met’ for safeguarding

**For providers inspected by the Independent Schools Inspectorate (where the provision is registered in the early years register)**

Latest inspection took place on 4 January 2026 or earlier:

- For Early Learning for 2-year-olds – ‘requires improvement’ or below for overall effectiveness
- For all entitlements – ‘inadequate’ for overall effectiveness
- Latest inspection took place from 5 January 2026:
- For Early Learning for 2-year-olds – ‘needs attention’ or below in leadership and governance or safeguarding is ‘not met’
- For all entitlements – ‘urgent improvement’ in leadership and governance or safeguarding is ‘not met’

17.9 If a provider is being removed from the early years entitlement funding scheme because of the inspection outcomes they had received, the procedure would be as follows:

- (a) On publication of the Ofsted inspection report, the Council will write to the Provider to confirm removal from the EYE funding scheme. There would be a period of notice before removal takes effect to promote continuity of care for the children.
- (b) During this period of notice, only children who were already attending on the Provider on the date that the Council wrote to the Provider will be funded. Funding cannot be claimed for any children starting after this date.
- (c) The Provider may appeal against the Council’s removal decision (see clause 18).
- (d) If the appeal is successful, then the date for the Provider’s removal from the EYE funding scheme will be postponed. If the appeal is not successful, removal from the scheme will go ahead as planned.

17.10 In the case of a Provider that is registered with a childminder agency, where the agency receives a second consecutive ‘ineffective’ rating from Ofsted, the Council will continue to fund the Provider if their agency has assessed them as being of acceptable quality and Ofsted has identified any concerns about the Agency’s assessment arrangements. If this is not the case, then the Provider will be removed from the EYE funding scheme following the process set out in clause 17.8 above.

17.11 In the case of a Provider that is registered with a childminder agency, where their childminder agency notifies the Council that, in its reasonable opinion, the provision by the Provider has ceased to be of satisfactory quality, the Provider will be removed from the EYE funding scheme following the process set out in clause 17.8 above.

17.12 Where a Provider has been removed from the funding scheme because they, or their childminder agency, have received a grade of ‘inadequate’ or ‘not met’ (in the case where there are no children on roll of present) from an Ofsted inspection, their readmission to the

funding scheme would be considered if their Ofsted grade has improved as a result of a subsequent Ofsted inspection.

17.13 Where a Provider has been removed from the funding scheme because their childminder agency notifies the Council that, in its reasonable opinion, the provision by the Provider has ceased to be of satisfactory quality, their readmission to the funding scheme would be considered if their agency notify that the quality of the Provider has subsequently improved.

#### Requires improvement

17.14 If a Provider receives a grade of 'Requires Improvement' from Ofsted, they would be able to continue providing places under Universal Entitlement and Working Parent Entitlement. However, they may not be able to offer funded childcare places under Disadvantaged two-year-old Entitlement, and the procedure in these circumstances would be as follows:

- (a) When the Ofsted inspection report is published, the Council will write to the Provider to notify them that their involvement in offering funded childcare places under Disadvantaged two-year-old Entitlement will be reviewed. They must be willing to accept an audit from the Early Years Quality Improvement team (QI). This audit would focus on the extent to which the Provider is meeting the actions that it was given as part of the Ofsted inspection. Failure to agree to an audit would lead to the setting being removed from offering funded childcare under Disadvantaged 2-year-old Entitlement.
- (b) After the audit, the QI team will make a recommendation on how much progress has been made by the Provider in meeting the actions from Ofsted.
- (c) The Council would write to the Provider to confirm whether they will be able to carry on offering funded childcare under Disadvantaged 2-year-old Entitlement and, if so, they will be informed of any deadline at which this will be reviewed or may end.

#### **No waiver**

17.15 If the Council does not take immediate action when a potential withdrawal event occurs, as outlined in this clause 17, this does not mean they waive their right to do so later.

## **18. Appeals, disputes and complaints**

### **Parents**

18.1 If a parent feels they have not received their EYE in the correct way, they are first to raise this issue with their Provider. Providers must have a complaints procedure for this purpose.

18.2 If the complaint cannot be resolved with the Provider, the parent can email the FIS at [fis@hillingdon.gov.uk](mailto:fis@hillingdon.gov.uk). The FIS will consider the appeal as objectively as possible, contacting the parent and the Provider as appropriate to seek a resolution to this issue.

18.3 If a parent is not satisfied with their treatment under the appeals procedure, they may complain to the Local Authority Ombudsman after the full appeals process has been exhausted.

### **Providers**

18.4 If a Provider is rejected or removed from the EYE funding scheme, they have the right to appeal against this decision. An appeal from a Provider must be received in writing no later than 14 calendar days after the Provider has received the written notification of their removal from the EYE funding scheme.

18.5 An appeal should be addressed to Lisa Swales, Childcare Service Manager via email [lswales@hillingdon.gov.uk](mailto:lswales@hillingdon.gov.uk). If an appeal is made, the Provider will not be removed from the EYE funding scheme until the appeal has been heard and a final decision made. Providers will be notified of the final decision in writing.

18.6 If the Provider is not satisfied with their treatment under the appeals procedure, they can make a complaint to the Local Authority Ombudsman.

## **19. Appendix A – Early Years Single Funding Formula**

Early years education provided by state schools and by approved PVI settings and childminders is funded through the EYSFF.

This formula is clear and transparent and determines how much funding Providers receive. When determining the hourly rates for funding, all Providers, whether schools or PVI settings, are assessed using the same formula.

It has a number of elements, depending on the age of children who are funded, as follows:

### ***Children from nine months old to two years old***

- All Providers are paid the same hourly rate

### ***Two-year-olds***

Providers' hourly rates are comprised of

- Base rate – based on hours of provision.
- Deprivation supplement

In addition to this, for every child who qualifies for funded hours under the Early learning for two-year-olds entitlement, an additional £2.38 per hour is paid for each of these entitlement hours

### ***Three- and four-year-olds***

Providers' hourly rates are comprised of

- Base rate – based on hours of provision.
- Deprivation supplement – is based on the relative deprivation of where funded children live
- Additional Needs (SEN) supplement – is based on the funded children who have been identified by each setting as having SEN and receiving SEN Support.

The hourly rate for a setting is calculated once a year and may increase or decrease each April. The calculation of the supplements uses data funding claims that Providers have submitted in the previous calendar year. If a Provider did not submit funding claims for children in the previous calendar year, they will only receive the base rate in the following financial year.

## **20. Appendix B – Eligibility for the Working Parent Entitlement: Foster Carers**

Children in foster care who have attained the relevant age are also eligible for the working parent entitlements, provided the foster parent is in paid work outside their fostering role, does not expect their adjusted net income to exceed £100,000, and the responsible local authority<sup>[footnote 14]</sup> confirms it is satisfied that the foster parent engaging in paid work other than as a foster parent is consistent with the child's care plan. The foster parent does not have to meet the minimum income requirement.

Local authorities should ensure that parents and providers are aware that the child's parent must apply for the working parent entitlements through the Government's online Childcare Service. Eligibility for the working parent entitlements is determined by HMRC through this online application. The only exception to this is children in foster care.

Local authorities should ensure foster parents and providers are aware that the foster parent should apply directly to the responsible local authority to assess eligibility and ensure that parents engaging in paid work outside their role as a foster parent is consistent with the child's care plan. Local authorities should have systems in place to check the eligibility criteria are met. The guidance on 30 hours free childcare for foster children aged 9 months and above has information on how local authorities should meet their statutory responsibilities to foster children.

Other than the application and reconfirmation process and the minimum income requirement, all other eligibility criteria and provisions apply to children in foster care taking up the working parent entitlement in the same way as they do to all other children."

## **21. Contact information**

If you have any questions about the Provider Agreement, please feel free to contact:

Philip Ryan - Manager, Families' Information Service

By:

Phone: 01895 556489

E-mail: [fis@hillingdon.gov.uk](mailto:fis@hillingdon.gov.uk)

### **Policy agreed by:**

Kathryn Angelini, Assistant Director for Education

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