

Luton Council provider agreement

Terms and conditions for providers offering funded early years entitlements from January 2026

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Overview of the agreement

This agreement sets out the requirements Luton providers are expected to meet when receiving funding for the delivery of the early years' entitlements.

The agreement applies to the following early years entitlements:

- 15 hour entitlement for two year olds from families receiving additional support (FRAS)
- 15 hour entitlement for parents of three and four year olds (the universal entitlement)
- 30 hours entitlement for eligible working parents of nine month to four year olds

The agreement is between Luton Council and early years providers and includes:

- early years providers and childminders registered on the Ofsted Early Years Register
- childminders registered with a childminder agency that is registered with Ofsted
- independent schools and academies taking children aged two and over and which are exempt from registration with Ofsted as an early years provider

We reserve the right to amend this agreement to reflect changes in legislation and departmental guidance. References to legislation will include any amendments made to that legislation, without express change in the provider agreement.

Our key responsibilities

Our responsibilities are to:

- secure a free entitlement place for every eligible child within Luton
- work in partnership with providers to agree how to deliver free entitlement places
- be clear about its role and the support on offer locally to meet the needs of children with special educational needs and/or disabilities (SEND) as well as expectations of providers
- contribute to the safeguarding, and promote the welfare, of children and young people in Luton

Provider key responsibilities

Provider's key responsibilities are listed here.

- Comply with all relevant legislation and insurance requirements.
- Deliver the free entitlements consistently to all parents:
 - whether in receipt of 15 or 30 hours
 - regardless of whether parents opt to pay for additional services or consumables

- Be clear about, and communicate to parents, details of the days and times that they offer free places, along with their services and charges - children accessing the free entitlements should receive the same quality and access to provision as privately paying children.
- Providers must follow the relevant [early years foundation stage \(EYFS\) statutory framework](#) and have clear safeguarding policies and procedures in place that link to Luton Council's guidance for recognising, responding, reporting and recording suspected or actual abuse and neglect.
- Providers must have arrangements in place to support children with special educational needs and/or disabilities (SEND). These arrangements should include a clear approach to identifying and responding to SEND.
- Providers should utilise the SEN inclusion fund and Disability Access Fund (DAF) to deliver effective support, whilst making information available about their SEND offer to parents.

Safeguarding

- a) Luton Council has overarching responsibility for safeguarding and promoting the welfare of all children and young people in their area, with a number of statutory functions under the 1989 and 2004 Children Acts which make this clear, and the [Working Together to Safeguard Children guidance](#) sets these out in detail.
- b) All providers must follow the EYFS statutory framework and have clear safeguarding policies and procedures in place that are in line with the Local Safeguarding Children Partnership (LSCPs) guidance and procedures for responding to and reporting suspected or actual abuse and neglect.
- c) A lead practitioner must take responsibility for safeguarding and all staff must have training to identify signs of abuse and neglect. The provider must have regard to 'Working Together to Safeguard Children' guidance.

Eligibility for free entitlements

- a) Luton Council will, so far as it is reasonably practicable, secure a free entitlement place no later than the beginning of the term following both the child and the parent meeting the eligibility criteria for the free entitlement.
- b) Providers must check original copies of documentation to confirm a child has reached the eligible age on initial registration for all free entitlements and enter the information on the EYES Establishment Portal.

Providers must retain a paper or digital copy of documentation for audit purposes. This must be stored securely and deleted when there is no longer a good reason to keep the data in line with GDPR.

- c) Providers must receive written consent from the parent to be able to check eligibility and receive future notifications of the validity of the parent's eligibility code.
- d) Luton Council provides information within the Establishment Portal which allows providers to review the validity of eligibility codes for children who qualify for the working parent entitlement.

Providers should regularly check the portal to support parents to keep their code eligible and notify them if they fall into their grace period.

- e) Providers must verify the eligibility code for working parents and two year olds using the EYES Establishment Portal BEFORE the child starts in the setting and check it remains valid for the start of the term.
- f) Providers should offer 2 year old places to families receiving additional support on the understanding that the child remains eligible until they become eligible for the universal entitlement for 3 and 4 year olds.
- g) Funded children can start their place at any time during the term after they reach the required age. Funding cannot be claimed if the start date is within two weeks of the end of term.
- h) Children can move providers during the term provided a minimum of one month's notice has been given to the previous setting. Providers must ensure that clear and accessible information regarding notice periods is provided to all parents.
- i) Funding cannot be claimed by a PVI or childminder if the child has attended a school based nursery class or maintained nursery school during the term as the full term's funding will have already been allocated.
- j) Compulsory school age is defined in the Education Act 1996 - that is a child reaches compulsory school age at the beginning of the school term following the child's 5th birthday. This means some five year olds will be accessing the free entitlement as they will not have reached compulsory school age.

The grace period

- a) 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 a First Tier Tribunal in the case of an appeal.
- b) Luton Council 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 2023.

- c) If a parent falls into their grace period before their child has started a 30 hours place, they should not take up their 30 hours place.

Flexibility

- a) 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](#).
- b) Providers should work with the Family Information Service and share information about the times and periods at which they are able to offer free entitlements to support Luton Council in securing sufficient, stretched and flexible places to meet parental demand. Providers should also make information about their offer and their admissions criteria available to parents at the point the child first accesses their provision.
- c) Parents can split their free entitlement between multiple providers, though no more than two sites in one day. However, continuity of care is important for the child. Therefore, consideration should be given to the impact that multiple providers may have on a child's learning, development and wellbeing.
- d) Where parents split their child's free entitlement between providers, those providers need to distinguish between the 15 hours universal free entitlement and the additional 15 hours extended free entitlement based on parental choice. Accurate information must be submitted to Luton Council to ensure a fair split of funding at termly headcounts and at the annual census.
- e) Luton Council recommends that providers use Luton Council's parental declaration form and ensure parents identify the provider or providers where they are taking their early years entitlement.
- f) Luton Council and all providers must take account of the DfE statutory guidance. If a parent ceases to meet the eligibility criteria for 30 hours the parent should choose which provider will continue to be funded for their child's universal 15 hours entitlement.

Partnership working

- a) Partnerships will be supported by Luton Council on different levels, including:
- Luton Council and providers
 - providers working with other providers, childminders, schools and other organisations
 - providers and parents

- Luton Council and parents
- b) Luton Council will promote partnership working between different types of providers, including childminders, across all sectors and encourage more providers to offer flexible provision, alongside other providers.
- c) Providers should work in partnership with parents, carers and other providers to improve provision and outcomes for children in their setting.
- d) Providers 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 school and a childminder, to ensure a smooth transition for the child.

Special educational needs and disabilities

- a) Luton Council will strategically plan support for children with special educational needs and/or disabilities (SEND) to meet the needs of all children in the town as per the [Special Educational Needs and Disability code of practice: 0 to 25 years.](#)
- b) Providers must ensure their owners and all staff members are aware of their duties in relation to the SEND Code of Practice and the Equality Act 2010.
- c) Luton Council will be clear and transparent about the support available through the Local Offer page so parents and providers can access support.
- d) Providers should be clear and transparent about the SEND support on offer at their setting to support parents to choose the right setting for their child.

Social mobility and disadvantage

- a) Luton Council promotes equality and inclusion, particularly for disadvantaged families, looked after children and children in need by removing barriers of access to free places and working with parents and carers to give each child support to fulfil their potential.
- b) Providers should ensure they have identified the disadvantaged children in their setting as part of the process for checking Early Years Pupil Premium (EYPP) eligibility. Providers will use EYPP and any locally available funding streams or support to improve outcomes for this group.
- c) There may be some circumstances where households meet the eligibility criteria for both the additional support two-year-old entitlement and the working parent entitlement. In these circumstances, the childcare should be provided under the

additional support 2 year old entitlement.

The child will remain on the additional support 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.

- d) When households meet the eligibility criteria for both 2-year-old entitlements, they should be recorded as taking up 15 hours of the additional support entitlement and 15 hours of the working parent entitlement.

Quality

- a) The [Early Years Foundation Stage \(EYFS\) statutory frameworks](#) are mandatory for all schools that provide early years provision and Ofsted-registered early years providers in England. The EYFS statutory frameworks set the standards that all early years providers must meet to ensure that children learn and develop well and are kept healthy and safe.

- b) Ofsted and inspectorates of independent schools have regard to the EYFS in carrying out inspections and report on the quality and standards of provision. Childminder agencies (CMAs) are organisations that can register, and quality assure childminders as an alternative to registering with Ofsted.

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

- c) Luton Council expects providers delivering funded early years entitlements to work in partnership with the local authority to support the delivery of high-quality early education and childcare and positive outcomes for children.
- d) Providers should engage with relevant information, advice, guidance, training and support opportunities made available by the local authority to support continuous improvement and the effective delivery of the EYFS.
- e) Luton Council has a legal duty to provide information, advice and training on meeting the requirements of the EYFS statutory frameworks, meeting the needs of children with SEND and on effective safeguarding and child protection for providers when safeguarding is graded as 'not met' or leadership and governance is graded as 'needs attention' or below.
- f) Provision must be offered in accordance with the national parameters on quality as set out in the [Early Education and Childcare Statutory Guidance for Local](#)

Authorities and the EYFS statutory framework.

Business planning

- a) This agreement with Luton Council sets out the conditions to be met by providers to support payment and delivery of free entitlements which all providers should follow when submitting their information and documentation, including the importance of timely and accurate census returns.
- b) Providers should ensure they collect and submit timely and accurate information and documentation, including, but not limited to, headcount data, census data, parental declarations and invoices, as per the financial guidelines of Luton Council. Failure to do so may result in inaccurate, delayed or suspended funding.
- c) Providers should maintain accurate financial and non-financial records relating to free entitlement places and should give Luton Council access, on reasonable notice, to all financial and non-financial records relating to free entitlement places funded under this agreement, subject to confidentiality restrictions.
- d) Estimates for a term must be no more than 10% of the previous term unless additional evidence of an increase in the expected number of children is provided.

Charging

- a. Government funding is intended to cover the cost to deliver the universal or extended entitlement to free, high quality, flexible childcare. It is not intended to cover the cost of meals, consumables, additional hours or additional services.

Providers can charge parents for the following extras in connection with the free hours, but these charges must be voluntary for the parent:

- consumables to be used by the child, such as nappies or sun cream
 - meals and snacks consumed by the child
 - extra optional activities such as events, celebrations, specialist tuition (for example music classes or foreign languages) or other activities that are not directly related or necessary for the effective delivery of the Early Years Foundation Stage (EYFS) statutory framework
- a) 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 place.
 - b) The costs of chargeable extras should be published on provider websites or, where they do not have any website, on local authority Family Information Services fis@luton.gov.uk.

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 all the chargeable extras listed, as well as the pattern of hours that parents can take the entitlements.

Luton Council recommends that providers follow the [DfE's template](#) of how to set out costs and charges.

- c) Providers should be mindful of the impact of charges on families, particularly the most disadvantaged. Providers who choose to offer the free entitlements, 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, or waiving the cost of these items.

- d) Invoices and receipts should be itemised, and Luton Council will work with providers to ensure their invoices break down separately into:
- the free entitlement hours
 - additional private paid hours
 - food charges
 - non-food consumables charges
 - activities charges

- e) Itemised invoices must be in place by January 2026. This is to allow parents to see that they have received their child's free entitlement hours 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.

- f) Childminders and providers caring for 10 or fewer children at any one time are not required to publish their charges, however if they choose not to do this then a written breakdown of charges must be provided to parents.
- g) Providers 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.
- h) All parents, including disadvantaged families, must have fair access to a free place. Luton Council will intervene if a provider seeks to make additional hours, optional services or optional consumables a mandatory condition of taking up a

free place.

- i) Local authorities must take all steps available to ensure that the free entitlements are available free of charge and therefore that providers do not charge parents for the following in connection with the entitlement hours:
 - top-up fees (any difference between a provider's normal charge to parents and the funding they receive from the local authority to deliver free places)
 - the supply of or use of any materials, including, but not limited to, craft materials, crayons, paper, books, instruments, toys, or other equipment or learning resources that are necessary for the effective delivery of childcare
 - business running costs, including, but not limited to, rent, staff wages, cleaning materials, insurance, or utility bills such as energy, gas or water
 - registration or administration fees as a condition of taking up a child's free entitlement place
 - non-refundable deposits as a condition of taking up a child's entitlement place
 - general charges, including but not limited to, non-itemised enrichment charges, sustainability charges, business continuity charges, additional charges, enhanced ratios, hourly rates, or any other supplementary charges on top of the free hours
 - any additional fees that are not specifically identified and itemised as being for chargeable extras
- j) Providers should publish their admissions criteria and ensure parents understand which hours/sessions can be taken as free provision. Not all providers will be able to offer fully flexible places, but providers should work with parents to ensure that as far as possible the patterns of hours are convenient for parents' working hours.
- k) Children must be able to take up their free hours in continuous blocks if they wish to, and there should be no artificial breaks in the entitlement hours. 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.
- l) Providers 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. Parents of two year olds from families receiving additional support should not be charged a deposit.

- m) Providers should ensure that parents understand that if they choose to send their child to an early years setting whilst waiting to be admitted to a school they will not be eligible for funding. In these circumstances the provider may charge the parent /carer for the hours accessed whilst the child is awaiting a phased intake into the school.

Provider eligibility for funding

- a) We recognise the government's intention that, as far as possible, free places should be delivered by providers who have achieved at least an 'expected standard' for leadership and governance and have met safeguarding requirements (or previously an overall judgement of 'outstanding' or 'good') in their most recent Ofsted inspection report.
- b) We will fund places for children eligible for the universal or working parent entitlements at any provider where leadership and governance is graded as 'needs attention' or better by Ofsted (or previously an overall judgement of 'requires improvement'), or where a childminder agency is judged 'effective' by Ofsted, if a parent chooses that provider.
- c) We will fund places for eligible additional support two-year-old children in providers graded 'needs attention' for leadership and governance where there is insufficient, accessible provision meeting the 'expected standard'. This decision will be based on the childcare sufficiency assessment.
- d) Where a provision has received two consecutive judgements of 'needs attention' for leadership and governance, we will not fund any new children under any entitlement.
- e) We will not fund childminders registered with a childminder agency where the agency has indicated to the local authority that the childminder is not of the appropriate quality unless it is necessary to do so to ensure sufficiency of accessible places or support parental choice.

We will also consider any information provided by a childminder agency about the childminder registered with them and the childminder's premises.

- f) We will consider any information published by Ofsted about a provider or childminder agency including the recent history of childcare provision by a particular provider or agency, or childcare provision at a particular address.

This may include, for example, where we have concerns that a provider judged as safeguarding not met or to require urgent improvement for leadership and governance (or previously an overall judgement of inadequate) by Ofsted may have re-registered their setting to avoid making the quality improvements identified by Ofsted.

- g) We will fund places at new providers registered with Ofsted until the provider's first full Ofsted inspection judgement is published or at a childminder 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.

The provider must also agree to the terms of the Luton Council provider agreement.

- h) We will only fund new providers who open before the headcount date each term. Providers opening after the headcount date will be eligible for funding from the start of the next term.
- i) We are not required to fund places at providers who do not meet the quality standards but may choose to do so, on an individual basis, to ensure sufficiency of free places.
- j) We will not fund providers who do not actively promote fundamental British values or if they promote as evidence-based, views or theories which are contrary to established scientific or historical evidence and explanations.

Fundamental British values are defined as:

- a. democracy
 - b. the rule of law
 - c. individual liberty
 - d. mutual respect and tolerance of those with different faiths and beliefs
- k) We will not fund providers with an outstanding debt relating to early years funding, relating to any existing, previous or connected provision or individual.
 - l) We reserve the right to complete credit checks on the registered person or limited company. We may decide to pay monthly in arrears if there are concerns regarding the financial sustainability of the early years setting.

Funding process

- a) Frequently asked questions regarding funding can be found in appendix 1.
- b) Providers should accurately complete and submit headcount tasks and other necessary data returns by the agreed date to support Luton Council to make payment.
- c) Providers must ensure that parents have completed and signed a parental declaration form. This may be completed termly or annually; however, a new form must always be completed if there is a change in the number of funded

hours or in any personal information. Parental declarations must be submitted on request to Luton Council as part of the headcount process.

- d) Providers need to complete all funding tasks and data requests within the timeframes set by the early years and finance departments.
- e) Providers should ensure they record children's details accurately onto the EYES Live Register on the Establishment Portal. Any inaccuracies or late submissions may lead to the payment being delayed.
- f) Providers must add the end date or amend any rolled over children on the Establishment Portal to ensure that they claim the correct funding for that child.
- g) For a stretched offer, providers can claim the maximum entitlement for the term (the same as the non-stretched children). Providers will then need to demonstrate how the funding was accessed when audited.
- h) If a child leaves a setting the provider must inform Luton Council by entering the leaving date on the portal.
- i) All queries on duplicate claims must be resolved before payments can be released. The provider must be clear with the parent about the maximum number of hours they can claim and how they wish to apportion their funding if using more than one provider. Every individual headcount claim is checked to ensure that claims do not exceed entitlement.
- j) If a child is booked to attend but is absent for a period of two weeks or less Luton Council will not penalise the provider by reclaiming the funding. If a child's absence is recurring or for extended periods of time providers should contact nursery.headcount@luton.gov.uk who will look at each individual case and will use their discretion regarding whether or not to reclaim the funding.
- k) If a provider needs to close or cannot offer a place for unexpected or unplanned reasons, then the parent/carers should be offered an alternative day to ensure the child is able to access their full entitlement.
- l) If, for some reason, during a term a provider ceases to be able to offer funded places, they will be required to return to Luton Council the portion of the funding applicable to any remaining sessions not delivered in that term.
- m) Providers must inform parents by letter if they are withdrawing from offering funding, giving at least a term's notice so that parents can make alternative arrangements, and provide the parents with contact details of the Family

Information Service fis@luton.gov.uk or 01582 548888. The provider must inform Luton Council in writing as soon as the decision is made to withdraw.

Compliance

- a) Luton Council can carry out checks and/or audits on providers to ensure compliance with the requirements of delivering the free entitlements.
- b) Providers should be audited by Luton Council at least once every three years, with two weeks' notice given.
- c) Providers must maintain and retain all attendance, signed parental declarations and finance records for a period of six years. Providers must hold data in accordance with the Data Protection Act 2018.
- d) Luton Council may request copies of charges to children for all round childcare, to ensure no charge is being made for the free early years education entitlement.
- e) Providers found to have overclaimed funding and therefore are in breach of the Luton Council Provider Agreement will be required to repay the funding to the council and may have funding suspended or removed.

Complaints process

All providers should ensure they have a complaints procedure in place that is published and accessible for parents who are not satisfied their child has received their free entitlement in the correct way, as set out in this agreement and in the DfE's Early Education and Childcare Statutory guidance for Local Authorities.

Luton Council expects that the majority of complaints will be resolved locally using the provider's own complaints procedure. If a parent is not satisfied that their child has received the funding in accordance with the legislation or as set out in this agreement, and has not been able to resolve their concern directly with their provider, they should contact Luton Council at fis@luton.gov.uk.

If a parent or provider has a concern or a complaint about how Luton Council are administering the funding they should follow Luton Council's complaints procedure set out below;

Stage 1

Luton Council will try to resolve provider and parent issues quickly and informally whenever possible. All complaints will be acknowledged within five working days and the manager responsible for the complaint will have 10 working days to respond.

Stage 2

If the provider or parent is unhappy after they have received the full response at Stage 1, they should contact Luton Council. This complaint will be acknowledged within five working days and a full response given within 20 working days.

If a provider or parent is not satisfied with the way in which their complaint has been dealt with by Luton Council or believes Luton Council has acted unreasonably, they can make a complaint to the Local Authority Ombudsman. Such complaints will only be considered when Luton Council's complaints procedures have been exhausted.

Website: www.lgo.org.uk

Address: Local Government Ombudsman

PO Box 4771

Coventry

CV4 0EH

Telephone: 0845 602 1983

Termination of the agreement and the withdrawal of funding

Luton Council does not undertake a separate quality assessment and therefore the Ofsted inspection outcome will be the main (though not sole) deciding factor in determining the removal of funding.

Ofsted suspension

- funding will be withdrawn from providers whose registration has been suspended by Ofsted
- providers will be able to reapply for the funding once the suspension has been lifted

Ofsted safeguarding not met

- Luton Council will not fund any new children in a provision where safeguarding standards have not been met from the date of the published report.
- Luton Council will secure alternative provision and withdraw funding from a provider (other than a local authority maintained school), as soon as is practicable, when Ofsted publish an inspection judgement of safeguarding not met

Ofsted urgent improvement judgement for leadership and governance

- Luton Council will not fund any new children in a provision judged to need urgent improvement for leadership and governance by Ofsted from the date of the published report.
- Luton Council will secure alternative provision and withdraw funding from a provider (other than a local authority maintained school), as soon as is practicable, when Ofsted publish an inspection judgement of the provider of urgent improvement for leadership and governance

Ofsted ineffective inspection judgement of a childminder agency

- Following a second consecutive ineffective inspection judgement, Luton Council may continue to fund the childminder agency's providers if the childminder agency has assessed them as being of acceptable quality and Ofsted has not identified any concerns about the childminder agency's assessment arrangements. Luton Council will determine an appropriate timeframe for withdrawing funding.

Ofsted needs attention judgement for leadership and governance

- Luton Council will not fund any new eligible two year olds from families receiving additional support in a provision judged to need attention for leadership and governance by Ofsted (or previously an overall judgement of 'requires improvement')

Withdrawal of funding

- When withdrawing funding, the council will take into account the continuity of care for children who are already receiving their free hours at a provider or with an agency registered childminder and Ofsted monitoring information about the provider or agency. The council will also take account of parents' wishes.
- Luton Council will start the process to withdraw the funding of existing two, three and four year old children - the procedure for the withdrawal of funding in these circumstances and the appeals process can be found in Appendix 2.
- Luton Council will continue to fund existing children as long as the provider is engaging with the council and can demonstrate improvement in quality against the Ofsted actions
- Luton Council will write to parents within five working days of the published report to advise them that the provider is no longer meeting the required quality standards - the parent will be offered support and advice to secure alternative suitable provision through the Family Information Service

- Where a provision does not engage with Luton Council and cannot show evidence of progress or has received two consecutive 'needs attention' for leadership and governance Ofsted judgements, (or previously an overall judgement of 'requires improvement') the council will not fund any new children.

Failure to promote British values

- Luton Council will suspend or withdraw funding if there are reasonable grounds to believe that a provider is 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; or is promoting as evidence-based views or theories which are contrary to established scientific or historical evidence and explanations

Breach of the Luton Council Provider Agreement

- A childcare provider found to be in breach of any of the requirements detailed in the Luton Council Provider Agreement may have their funding suspended or removed.
- In all cases where funding is to cease, Luton Council will take into account the continuity of care for the children involved when agreeing timescales and provide support to families to secure alternative provision through the Family Information Service.

Appeals

Providers can appeal against a decision to deny approval to offer the funding or have their funding withdrawn. Providers who wish to appeal should write to Luton Council, within 10 days of receiving notification of the council's decision to withdraw funding.

They should outline the grounds for appeal and give reason why they believe that they are meeting the full terms of compliance. This will then be reviewed by senior managers in line with the full appeals procedure.

The procedure for withdrawal of funded early education from settings and the right to appeal can be found in Appendix 2.

Data protection

Data from which it is possible to identify children (in any medium, including within a Management Information System) is personal data. Such personal data must be managed in accordance with the requirements of the Data Protection Act 2018 (the Act). Data Controllers must ensure that their data handling rules comply with the Act and that staff understand these.

Providers must hold data in accordance with the Act including the requirement to issue parents with a fair processing notice explaining how their data and data about their child is to be used.

The Act gives rights to those (known as data subjects) about whom data is held, such as pupils, their parents and teachers. This includes:

- the right to know the types of data being held
- why it is being held
- to whom it may be communicated

Privacy Notices should be used to meet data subjects' rights and to explain to families and staff how their data is being used in the census collections including the school workforce, early years census and school census.

The Department of Education strongly recommends that the privacy notice be included as part of an induction pack for staff and made available to parents via the provider's website, as well as potentially featured on the staff notice board / intranet. They do not need to be issued on an annual basis as long as new children and staff are aware of the notices and they are readily available electronically or in paper format.

Legal Duties under the Data Protection Act 2018

All providers and Luton Council have a legal duty under the Act to ensure that personal data is processed securely. Processing is the collection, handling (use), storage, transmission and deletion of data.

If you experience a personal data breach, you need to inform Luton Council and consider whether this poses a risk to people. You need to consider the likelihood and severity of any risk to people's rights and freedoms, following the breach.

When you have made this assessment, if it is likely there will be a risk then you must also notify the Information Commissioners Office (ICO); if it is unlikely then you do not have to report it.

Further information is available from the Information Commissioners Office.

Luton Council's Data Protection Policy is available at [here](#).

Luton Council provider agreement

Terms and conditions for providers offering early years free entitlements

Effective from January 2026

All providers in receipt of the early years free entitlements from Luton Council are accountable for understanding and operating within the terms and conditions of the Luton Council Provider Agreement.

Funding cannot be claimed until a signed and dated copy of this agreement is received by Luton Council or the online confirmation of understanding has been submitted.

Declaration

I (print name of owner or committee chairperson)

of (print name of early years provider)

confirm that I understand and agree to the conditions set out in this agreement, enabling my organisation to receive funding for the provision of free of charge early years places to eligible children.

I also confirm that any data will be held in accordance with the Data Protection Act 2018 and all parents will be issued with a fair processing notice explaining how their data and data about their child is to be used.

Signature of owner or committee chairperson

(Date of signature)

Please sign and return this page to: nursery.headcount@luton.gov.uk