



Llywodraeth Cymru
Welsh Government

Guidance

Childcare Offer for Wales Guidance for Local Authorities

November 2023

This guidance has been updated to reflect the National Digital Service.

For the delivery of the National Digital Service please refer to the Standard Operating Procedures for Local Authorities, these can be found here: [LA Standard Operating Procedures](#).

Supporting information for childcare providers accessing the National Digital Service can be found here: [Providers get help with the Childcare Offer for Wales | GOV.WALES](#)

Supporting information for parents applying on the National Digital Service can be found here: Parents get help with the [Childcare Offer for Wales | GOV.WALES](#)

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Section 1 - About this Guidance

The Welsh Government has committed to providing 30 hours of government funded early education and childcare for 3 and 4-year-old children of eligible parents for up to 48 weeks of the year. The primary policy aims of the education and childcare elements of the Offer are:

- to enable more parents, particularly mothers, to return to work;
- to support parents seeking to improve their employment prospects by gaining qualifications, retraining or changing career paths;
- to increase the disposable income of those in work and help counteract poverty for those in low-paid jobs; and
- to encourage child development and school readiness.

This is non-statutory guidance from the Welsh Government to support local authorities in implementing the Welsh Government's Childcare Offer ("the Offer"). The guidance will be reviewed as necessary to reflect any changes in policy or delivery arrangements.

This guidance was updated in June 2022 to reflect the expansion of the Childcare Offer to eligible parents in education or training. The further updates included in this guidance reflect the changes to include reference to sixth form based Further Education (p61) in addition to the eligibility criteria under p78 for a two parent household where one parent is working or in education and training and the other has retired after reaching state pension age. The Guidance has also been updated to strengthen the eligibility criteria where an income exceeds £100,000 (p60).

Parents can access the Offer if they meet the earnings criteria, if they are currently working and training at the same time or working prior to the beginning of a course.

Section 2 - What is the Childcare Offer?

The following section provides a summary of what the Childcare Offer policy is.

What do we mean by ‘childcare’?

1. For the purposes of the Offer, childcare refers to childcare which is regulated and inspected by Care Inspectorate Wales (CIW) and is therefore subject to the National Minimum Standards for registered childcare. If the childcare is located in England then the provider would need to be registered with the Office for Standards in Education (Ofsted).

What do we mean by ‘early education’?

2. Early education, previously referred to as Foundation Phase Nursery (FPN) provision, is the term used to describe the time a child spends in education provision during the ages of 3 and 4, prior to mandatory schooling.
3. All children are entitled to access early education usually from the full school term after their third birthday and Local authorities in Wales are required to provide a minimum of 10 funded hours of early education per week during term time for 3 and 4-year-olds.
4. Early education can be delivered in a maintained primary (nursery) school or a funded non-maintained setting, such as a nursery, funded playgroup or childminder.
5. The new Curriculum for Wales was introduced from September 2022, all phases and stages in education have been removed. However, while there will no longer be a period of learning called the Foundation Phase the principles and pedagogies of the Foundation Phase are now part of the Curriculum for Wales and will provide appropriate support for younger learners.

What do we mean by ‘30 hours’?

6. During school term time (39 weeks a year) the Offer provides up to 30 hours of funded provision made up of both early education hours and childcare hours. Outside of school term time, for 9 ‘holiday weeks’, the Offer provides up to 30 hours of childcare provision only.
7. During school term time the Offer will be made up of a minimum of 10 hours of early education per week. Over and above this, the exact split between early education hours and childcare hours will depend on the number of hours of early education offered by the Local Authority (or the individual school).

8. During school term time no child can receive more than a combined total of 30 hours of funded childcare and early education provision. For example, if a Local Authority (or school) offers 15 hours of early education provision per week, then a maximum of 15 hours of funded childcare can be provided in addition to this.
9. Where a non-maintained setting chooses to offer additional early education hours over and above the number of hours offered and funded by the Local Authority, the Local Authority will need to ensure that the total number of hours including funded childcare does not exceed 30 hours for any one child.

Parents not accessing early education provision

10. Eligible parents do not need to access early education provision in order to access the childcare element of the Offer.
11. Where a parent chooses not to access early education provision for their child, during school term time the maximum number of funded childcare hours they can access will be the same as if their child was accessing early education. Early education hours cannot be swapped for hours of childcare. For example, in a Local Authority which offers 20 hours of early education provision, the parents would be able to access a maximum of 10 hours of funded childcare.
12. Out of school term time, for 9 'holiday weeks', the parent would be able to access up to 30 hours of funded childcare a week. Please note, it is a maximum of 9 'holiday weeks' and not the full 13 'holiday weeks'. Parents are expected to self-fund 4 'holiday weeks' per year.
13. In most local authorities, a child will be offered a full time education (school) place from the September after they turn 4. At the start of the school term when a child is eligible to receive a full time education place, the child will no longer be eligible to access the Offer.
14. In local authorities where children are eligible to receive a full time education place earlier than the September after which they turn 4, these children will still be able to access the holiday provision element of the Offer until the September after they have turned 4.
15. Parents will not be able to turn down a full time early education place at the point it is offered across the Local Authority in which they live in favour of continuing to access the Offer during term time (see Section 4 – Eligibility for the Childcare Offer for further details).
16. Where a school offers a staggered start to the term, parents will not be eligible to use the Offer for these term-time day(s)/week(s) when their child is not actually in the school.

Provision of early education in a different Local Authority to where the child lives

17. Where a child is accessing their early education entitlement in a different Local Authority area to the one in which they live, the number of hours of childcare they would be entitled to is based on the number of hours of early education available to them in the Local Authority where they are attending the early education. For example, if the Local Authority where the child attends early education provides 10 hours of early education, the child is entitled to 20 hours of childcare up to the point that your Local Authority offers a full time education place.

Section 3 – When can parents use their childcare Offer hours?

The following section sets out when a parent can access the childcare hours funded through the Offer.

Childcare hours within a week

18. The early education element of the Offer should be delivered in accordance with the approach taken within the Local Authority.
19. The childcare element of the Offer can be accessed during any time, night or day, including at weekends. There is currently no limit on the overall number of childcare hours that can be funded through the Offer per day, however individual providers may choose to specify which hours can be funded through the Offer during the day. The childcare element of the Offer **cannot** exceed 20 hours during a 'term time week' or 30 hours during a 'holiday week'.
20. The childcare element of the Offer can be accessed on Bank Holidays. If a setting charges for bank holidays and are closed and a parent would usually access the setting on that day, the hours should be treated as if the child was present at the setting and thus be paid for through the Offer. If a setting does not charge for days when the setting is closed, these days should not be funded by the Offer.
21. If a child would normally have attended on a day when the setting is closed and the parent pays for additional hours of childcare over and above their Offer allocation, then the parent can continue to claim their maximum entitlement from the Offer for the remainder of that week (i.e. the Offer hours are used first before a parent is charged). This means a parent should not lose the hours from their weekly Offer entitlement due to a setting being closed.
22. It is the responsibility of the parent to find a childcare provider who operates at the time during which they need childcare.
23. Parents are not able to 'bank' childcare hours i.e. carry over any unused hours from one week to another. The number of hours funded under the Offer will not exceed 30 in any week. As such any Offer hours not used in a week will be lost. Parents can, however, choose to pay for additional hours of childcare, over and above the 30 hours, at their own expense.

Holiday Provision

24. The Childcare Offer provides up to 30 hours of government funded early education and childcare for 3 and 4 year old children of eligible parents for up to 48 weeks of the year.

25. During school term time (39 weeks a year) the Offer provides up to 30 hours of funded provision made up of both early education hours and childcare hours. The early education element of the Offer is only delivered during term time. The exact number of weeks of 'term time' per year may vary between local authorities, however for the purpose of this policy, term time will be treated as 39 weeks.
26. Outside of school term time the other 9 weeks of the 48-week Offer are classed as 'holiday weeks'. During holiday weeks, parents are able to access 30 hours of funded childcare per week. This can be delivered in registered non-maintained childcare settings only, such as private day nurseries, childminders, out of school childcare and sessional care.
27. At the beginning of each term that a parent/child is eligible for the Offer, they will be allocated three weeks of holiday provision, up to a total of 9 weeks per year. However, unused holiday weeks can be carried over from one term to the next and from one academic year to the next, as long as the child remains eligible.
28. Funded childcare hours can be accessed at any time during holiday weeks, night or day, including at weekends. However no more than 30 hours should be funded in any one week. Where a parent uses less than 30 hours in a week, they are not able to accrue these hours for use in another week (e.g. if a parent only uses 25 hours of Offer funding in a week, they then can't access 35 hours the following week).
29. Where a child is offered a full-time education place earlier than the September after their fourth birthday, that child is still eligible to receive 30 hours per week of holiday childcare provision, up until the September after their fourth birthday i.e. the start of the school term as determined by the Local Authority.
30. As the Childcare Offer for Wales offers 30 hours per week holiday provision, parents of children who access early education provision in England are not entitled to use their "stretched" education hours as well as their 30 hours of holiday provision.

Unused Holiday provision:

31. Unused holiday weeks can be carried over from one term to the next and from one academic year to the next, providing both the parent and child remain eligible for the Offer.

Specifying which weeks are holiday weeks:

32. Parents should be allowed to decide which weeks they access their holiday provision, and they are responsible for finding a childcare provider who can offer this provision.

33. In addition, providers should not specify to parents which of the 13 weeks are designated holiday weeks under the Offer. This is intended to give parents flexibility in terms of how they access their 9 weeks holiday provision.
34. Local authorities should keep a record of the holiday provision accessed by parents, taking account of any unused provision carried forward.
35. Holiday provision must be accessed in weekly blocks. In weeks where at least 3 of the 5 days are designated as school holidays by the Local Authority, then the whole week can be considered a holiday week.
36. Inset days are treated as term-time days within the Offer and therefore cannot be treated as holiday provision.
37. Where a holiday week includes the start or end of a new school term and therefore includes some days of early education provision, the Local Authority should not pay for more than a total of 30 hours of childcare during that week. As such, any childcare hours used by the parent during the days when the child is also accessing early education should be deducted from the overall allowance of 30 hours childcare for that week. The parent can use whatever is left of the 30 hours childcare holiday allowance on the other days of the week. In these cases, local authorities should make the parent aware that this will count as a holiday week should they decide to do this and that the Local Authority will consider the parent to have used up one of their holiday weeks. The parent may be better off not using their holiday entitlement in a week when there are one or two school days.
38. If the term during which a child becomes eligible for the full-time education place starts on a Thursday or Friday (and at least 3 of the 5 days have been designated school holidays) the whole week can be considered a holiday week for the purpose of holiday provision. This though does not include inset days or days when the child is not allowed into the school as a result of a phased start.
39. If a child attends a private school with different term weeks to other schools in the same Local Authority, parents can access their holiday provision for the alternative holiday weeks.

Non-Offer (unfunded) weeks:

40. Over a 12 month period there are four un-funded 'non-Offer' weeks, during which parents will need to fund any childcare provision themselves. It is reasonable to expect parents to pay the four non-Offer weeks, so that providers are fully recompensed for their staff all year round (see Annex 1 for examples of how this works in practice).

Section 4 – Who is eligible for the Childcare Offer?

The following section sets out who is eligible to access the Childcare Offer in terms of both a child and a parent.

Definition of an eligible child

41. The early education provision which forms part of the Offer, is a universal provision and as such it is available to all children of eligible age.
42. To be eligible for the childcare element of the Offer, a child must be aged 3 or 4, they must not yet be eligible for a full-time education place and their parent(s) must also meet the parental eligibility criteria as set out below.
43. Eligible children will be able to access the childcare element of the Offer from the same time that they are able to access the early education element of the Offer. This is usually from the term after their third birthday, until they are eligible to receive a full-time education (school) place - usually the September after their fourth birthday.
44. The exact date from which a child will become eligible for the Offer will be determined by the Local Authority. Where a Local Authority requires a child to have turned 3 by a specific point in the year in order to start accessing the early education provision, the same rule can be applied to children accessing the childcare element of the Offer. Where this rule is applied, a child will become eligible to access both the early education and childcare elements of the Offer at the same time. **For example**, spring term may start on the 4th January, however the Local Authority may require a child to have turned 3 by the 31st December in order to access the Offer in the spring term.
45. Once a child has been accepted to receive funded childcare under the Offer, the exact date the funded provision will begin will depend on the start date of the school term within the Local Authority. The first day of term is set by the Local Authority and therefore the exact date from which a child can access the Offer may vary between authorities. The date that the funded provision will begin should be confirmed with the parent. .
46. Local authorities should communicate term dates well in advance to parents and also to neighbouring local authorities.

Entering full time education:

47. A child is no longer eligible for the Offer once they become eligible for a full-time education (school) place. This is usually the September after their fourth birthday.

48. Where a child is offered a full-time education place earlier than the September after their fourth birthday, they will no longer be eligible for the childcare element of the Offer during term-time. However, the parent can still access up to 30 hours of funded childcare out of school term time, for up to 9 'holiday weeks'.
49. Where a parent is accessing the Offer at a setting which is in a different Local Authority to the one in which they live, eligibility will be determined by the full-time school admission dates of the Local Authority in which they live.

Example:

A parent lives in Authority A but accesses the Childcare Offer in Authority B. They will be offered a full-time education place for their child by Authority A from the beginning of the term during which their child turns 4. However, in Authority B children become eligible for a full-time education place the term after the term during which they turn 4. In this case, eligibility for the childcare element of the Offer during school term time ceases at the point at which they are offered a full-time education place by Authority A.

Definition of an eligible parent

50. To be eligible for the Offer, a parent must:
 - have an eligible child aged 3 or 4 years old;
 - meet the definition of a working parent or a parent in education or training; and
 - live in Wales.
51. A parent is a person that normally lives with, and is responsible for, that child or the partner of such a person. Within this guidance the term parent refers to parents, legal guardians, stepparents and long-term live-in partners who reside within the same household as the child. Other adults residing in the household (such as lodgers, extended family, siblings etc.) are not classed as parents under the Offer, unless they also have parental responsibility for the child.
52. In a two-parent household, both parents will need to meet the definition of either a working parent or a parent in education or training to be eligible for the Offer. In a single parent household, the sole parent will need to need to meet the definition of either a working parent or a parent in education or training in order to be eligible for the Offer.

Definition of a working parent

53. A working parent can be a parent who is either employed or self-employed. This includes those who are on apprenticeships, zero hours contracts and also those

who are newly self-employed.

54. To be eligible, the parent must meet the minimum earnings criteria over a 3-month period. By minimum earnings criteria we mean that they must earn, on average, the equivalent of at least 16 hours per week at the relevant minimum wage applicable to them. By minimum wage we mean either the National Minimum Wage (NMW), National Living Wage (NLW) or Apprenticeship Minimum Wage (AMW) at the rate that is relevant to their age (hereinafter “the relevant minimum wage”).
55. When assessing whether or not a parent meets the minimum income criteria, a key consideration is whether the parent is in receipt of income from work. All income from work counts towards the minimum income.
56. Employed parents should evidence that they earn the minimum amount required through their wages over a 3-month period. Where a parent is newly employed or has recently changed employers and therefore cannot evidence earnings over a 3-month period, a letter from the employer confirming their employment, start date and earnings will suffice (see section 11 for further details on checking eligibility and supplementary guidance Childcare Offer – Assessing Parents Income – V1 July 2020 (ENG) (WG-HMRC)).
57. A self-employed parent should evidence that they earn the minimum amount required through their Self-Assessment Tax return or evidence of likely income over the forthcoming tax year. Where a parent is newly self-employed, they would be exempt from the earnings criteria for the first 12 months after the business was established, however they will be required to provide proof of their business’s establishment (see section 11 for further details on checking eligibility).
58. When applying the minimum income criteria the following do not count as income from work as there is no direct or clear correlation between hours worked and income received (or if it does exist it is not easily evidenced):
 - Dividend income and other income from investments; and,
 - Director loans.
59. Providing the parent is resident in Wales, income earned from a business registered outside the UK will count towards the minimum earnings criteria.
60. A working parent whose gross income in the current tax year exceeds £100,000 will not be eligible for the Offer, by gross income we mean the total income before any deductions including but not limited to pension contributions, health insurance and salary sacrifice schemes. If there is uncertainty around whether a parent’s annual income exceeds £100,000 on the 3-month payslips, a letter from the employer can be provided and will suffice as evidence.

Note: Detailed information on how to assess a parent's income can be found in the "Assessing parents' income to determine eligibility for the Childcare Offer" fact sheet. This includes parents who are self-employed, on zero-hour contracts, or on seasonal contracts. We **do not** use an adjusted net income to assess income criteria.

Definition of a parent in education or training

61. A parent in education or training can be a parent who is either:
 - enrolled on a Higher Education (HE) undergraduate or postgraduate course that is at least 10 weeks in length. This includes courses delivered via distance learning.
 - enrolled on a course that is at least 10 weeks in length and which is delivered at a Further Education (FE) Institution or school based sixth form college.
62. Parents in education or training should evidence their eligibility by providing evidence of formal enrolment on a relevant HE or FE course. Where a parent has applied and been offered a place on a relevant HE or FE course, but has not yet been able to enrol, they should provide evidence of a formal offer of a course place.
63. A parent in education or training who meets the eligibility criteria would be able to access the Offer from the point at which their course commences.

Parents and carers covered

Kinship carers and special guardians:

64. Kinship carers are family and friends who have taken responsibility for a child or stepchild who is not their own, because the child has no parents or has parents who are unable to care for the child and it is likely that the child would otherwise be looked after by a Local Authority because of concerns in relation to the child's welfare.
65. Kinship carers and carers who hold a special guardian order are able to access the Offer providing:
 - they meet all of the parental eligibility criteria;
 - they care for a child who is 3 to 4 years old and eligible to receive the Offer; and,
 - the child lives with them.

Partners of kinship carers, whether or not both adults are kinship carers, need to also meet the parental eligibility criteria.

66. The special guardianship allowance is not classed as taxable income and therefore does not count as income and should not be taken into account when assessing whether they meet the minimum income criteria.

Foster carers and adoptive parents:

67. If a foster parent meets the parental eligibility criteria, they can access the Offer for any of their children that are of eligible age.. This includes their foster child/children, providing the childcare is in line with their foster child's Care Plan.
68. Foster carers are able to use their fostering allowance as proof of earnings to meet the minimum income criteria for the Offer.
69. If a parent on adoption leave meets the parental eligibility criteria, they can access the Offer for any children that are of eligible age. This includes the child who is the subject of the adoption, providing the childcare is in line with the child's Adoption Support Plan. Welsh Early Permanence carers may fall into the fostering bracket above during the period they are fostering the child prior to a Placement Order being granted and the change in status of the child's placement to that of adoption.

Parents who have 'no recourse to public funds':

70. Having 'no recourse to public funds' does not exclude parents from accessing the Offer. Parents who are "subject to immigration control" as defined by Section 115(9) of the Immigration and Asylum Act 1999 are able to access the Offer provided they meet all other eligibility criteria.

Parents in the Armed Forces:

71. Parents who are members of the Armed Forces living in Wales are able to access the Offer provided they meet the parental eligibility criteria.
72. Two parent households where one parent is working or in education or training (and meets the parental eligibility criteria) and one parent is in receipt of payments from the Armed Forces made to seriously injured veterans (for instance, Guaranteed Income Payment), are eligible for the Offer. However, two parent households where one parent is in receipt of an exception benefit (as referenced in paragraph 76) and the other parent receives a disability payment from the Armed Forces, are not eligible.
73. For parents serving overseas who would normally be based in Wales, the Ministry Of Defence (MOD) will mirror the provision given under the English Childcare Offer.

Homeless households:

74. Parents who are homeless but who meet the parental eligibility criteria are eligible for the Offer. Where a parent has a temporary living arrangement (such as staying with friends) and does not have a Council Tax bill to use as proof of residency, alternative documentation can be used. This could include the address used to register the child for an education place or a letter from their housing officer/housing association provider confirming they are on a waiting list for accommodation within the area.

Households in travelling communities:

75. Parents in travelling communities who meet the parental eligibility criteria are eligible for the Offer. If the parent lives on a permanent pitch they should be able to provide a council tax letter or proof of payment of Council Tax. If they are unable to provide proof of Council Tax then any official correspondence that has been sent to them will be sufficient, as long as the address corresponds with the address on their application form. Further, if they have been provided with an early education place then that application will suffice as proof of residency.

Exceptions for two parent households having to meet the earnings criteria or having to be in education and training:

76. The following exceptions apply for two parent households having to meet the earnings criteria or having to be in education and training:
 - one parent is employed or in education or training (and meets the parental eligibility criteria) and one parent has substantial caring responsibilities. This is based on specific benefits received for caring; or
 - both parents are employed (and meet the parental eligibility criteria) but one or both parents are temporarily away from the workplace on statutory maternity, paternity or adoption leave or unpaid parental leave; or
 - both parents are in education or training (and meet the parental eligibility criteria) but one or both parents have formally suspended their studies for reasons relating to maternity leave, paternity leave, adoption leave or parental leave; or
 - one parent is employed and one parent is in education or training (and meets the parental eligibility criteria) but the working parent is temporarily away from the workplace on statutory maternity, paternity or adoption leave or unpaid parental leave and/or the parent in education or training has formally suspended their studies for reasons relating to maternity leave, paternity leave, adoption leave or parental leave; or
 - both parents are employed (and meets the parental eligibility criteria) but one or both parents are temporarily away from the workplace on statutory sick pay;
 - both parents are in education or training (and meet the parental eligibility

criteria) but one or both parents have formally suspended their studies due to long term sickness;

- one parent is employed and one parent is in education or training (and meets the parental eligibility criteria) but the working parent is temporarily away from the workplace on statutory sick pay and/or the parent in education or training has formally suspended their studies due to long term sickness; or
- one parent is employed or in education or training (and meets the parental eligibility criteria) and one parent is disabled or incapacitated. This is based on the parent being in receipt of, or having an underlying entitlement to, one of the following qualifying benefits:
 - Incapacity benefit;
 - Carers allowance, or the Carers element of Universal Credit;
 - Severe disablement allowance;
 - Long term incapacity benefit;
 - Employment and support allowance (ESA); or
 - National insurance credits on the grounds of incapacity for work or limited capability for work.
 - Universal Credit where the individual has been assessed as having limited capability for work.

77. Two parent households where one parent is working or is in education or training and the other has taken early retirement on the grounds of ill health, are eligible if the affected parent is unable to work because of the health issue that forced their retirement and is in receipt of, or has an underlying entitlement to, one of the qualifying benefits listed above. In the case of a single parent family they would fall out of eligibility if they were to take early retirement on grounds of ill health. One member of the household has to be working or in education or training in order to qualify for the Offer.

78. Two parent households where one parent is working or is in education or training and the other has retired, having reached state pension age, may be eligible for the Childcare Offer if the retired parent was in receipt of one or more of the qualifying benefits listed at paragraph 76 immediately before reaching state pension age.

Exceptions for single parent households having to meet the earnings criteria or having to be in education and training:

79. The sole parent in a single parent family must be working or be in education or training and meet the parental eligibility criteria. The only exception to this is where:
- the parent is employed (and meets the parental eligibility criteria) but is temporarily away from the workplace on statutory sick, maternity, paternity or adoption leave or on unpaid parental leave; or

- the parent is in education or training (and meets the parental eligibility criteria) but has formally suspended their study for reasons relating to maternity leave, paternity leave, adoption leave or parental leave or due to long term sickness.

Separated parents:

80. Where parents have separated but do not share equal custody of a child, the child is considered to be part of the household of the parent with primary custody.
81. Where parents have separated and have equal custody of a child, one of the parents will need to be nominated as the lead parent for the purposes of the Offer. Where this cannot be agreed by the parents, the matter should be referred to the Local Authority for determination. How the childcare is used and apportioned between the time the child spends with each parent is a matter for the parents.

Childcare Offer and Benefits:

82. Parents can access Tax-Free Childcare, Tax Credits or Universal Credit at the same time as the Offer, for any additional hours of childcare they pay for in respect of their child or for other children in the family. Parents are not able to claim tax credits or other benefits for any childcare hours they receive under the Offer.

Section 5 – What happens when a parent falls out of eligibility?

The following section sets out what will happen when a parent who is in receipt of the Childcare Offer falls out of eligibility. For operating procedures relating to Temporary Exemption Periods on the digital service local authorities should refer to the relevant standard operating procedure on Objective Connect.

Temporary Exemption Periods (TEPs)

83. A parent may, fall out of eligibility for the Offer, even though their child remains eligible. This could be where one or both parents lose their job, their earnings reduce to below the minimum requirement, their earnings increase above the maximum income threshold or they are no longer enrolled on a relevant education or training course. In order to provide stability for both children and childcare providers, and to give parents the opportunity to become eligible again, these parents will still be able to access the Offer for a limited amount of time.
84. When a parent becomes ineligible for the Offer they will enter an 8 week temporary exemption period (TEP). The TEP should start from the point at which the parents' circumstances change, causing them to be ineligible for the Offer. At the end of the TEP, if the parent is still not eligible for the Offer they will no longer be able to access the childcare hours element of the Offer, and they will become responsible for paying all costs associated with using that childcare provider.
85. Parents are expected to inform their Local Authority and childcare provider when their circumstances change which may result in them falling out of eligibility. Should a parents' circumstances change and they do not immediately inform their Local Authority the start date of the TEP may be backdated. The remaining TEP should be at least 4 weeks to ensure there is stability for the child and Childcare Providers.
86. Childcare hours should not be booked by a parent who is in a TEP if they do not intend on their child attending for those hours. Parents who book hours of childcare that are not needed will be considered to be claiming fraudulently and may be reported to their Local Authority. The only exception to this is where the child is at home for an unexpected or unavoidable reason, such as sickness.
87. Under no circumstances should a TEP (or the Offer as a whole) be used to book hours of childcare in order to cover a retainer fee charged by a provider, where the child does not attend the provider during those hours.
88. A parent may have more than one TEP in the course of their eligibility but cannot have two concurrently. For example if a parent fell out of eligibility and used a TEP

(whether partially or in full) and then became eligible again, they could then have another TEP if they fell out of eligibility a second time or a third time.

89. When a parent's TEP expires, and they fall out of eligibility, they then need to reapply for the Offer. The Local Authority should re-assess the parent's eligibility as their circumstances may have changed again.

Section 6 – What about children requiring additional support?

The following section sets out the provision in to enable a child with additional support needs to be able to access the Offer.

Additional Support Grant

90. In relation to the childcare element of the Offer, additional funding through the Additional Support Grant is provided above and beyond the core hourly rate, to ensure children receive the support they need in order to access the Offer.
91. Funding in relation to additional support for children to access the education element of the Offer is already directed via local authorities, who have established systems for assessing need and allocating resources.
92. In respect of the Offer, additional support could mean that a child has permanent or temporary:
 - Cognition and Learning, including specific, moderate, severe or profound learning, difficulties;
 - Behavioural, emotional and social development difficulties;
 - Communication and interaction, including autism; speech, language and communication, difficulty;
 - Sensory and/or physical, including hearing and/or visual impairment or physical, difficulties;
 - Medical conditions.
93. Assessments of the nature of support required by children should be undertaken in line with each Local Authority's standard processes.
94. Under the Additional Learning Needs and Education Tribunal (Wales) Act 2018(1), children with severe medical or healthcare needs will be funded through the social care budget. These children will not, therefore, require additional funding under the Offer.
95. Please refer to the [Childcare Offer for Wales Additional Support Grant Guidance](#) for further details.

¹ 2018 anaw 2.

Section 7 – Which providers are able to deliver the Offer?

For operating procedures relating to Parent/Provider agreements on the digital service, Local Authorities should refer to relevant Standard Operating Procedure available on Objective Connect.

The following section sets out which providers are able to provide hours of funded childcare under the Offer.

Types of providers

96. The childcare element of the Offer may be delivered by any childcare setting anywhere in Wales or bordering areas, so long as they are registered with the Care Inspectorate Wales (CIW) or Office for Standards in Education (Ofsted) in England. This includes breakfast, afternoon and holiday clubs. To this end, they will be compliant with the National Minimum Standards for childcare, be familiar with CIW's Quality Framework and inspected accordingly. Providers in England will be inspected by Ofsted and will be compliant with their standards. Childcare Providers that are not registered with either CIW or Ofsted are not able to deliver the Offer.
97. Registered childminders are able to deliver the Offer for a child who is also a relative, providing that care is delivered outside of the child's home and the childcare provider does not have parental responsibility for the child.
98. Nannies in Wales are not regulated to the same extent as registered childcare providers and therefore cannot be funded to deliver the Offer.
99. Childcare providers wishing to be involved in the Offer will be expected:
 - Register on the national Childcare Offer for Wales digital service and agree to the Terms and Conditions;
 - not to charge parents any hourly top-up fees for the 3 and 4-year-olds who are attending under the terms of the Offer;
 - adhere to the guidance for charging for additional elements when charging parents accessing the Offer for food and travel,
 - to ensure, as far as possible, childcare is provided flexibly in order to help meet the needs of eligible parents; and,
 - to inform the Local Authority should a change of circumstances occur, such as if a parent fails to take up the hours funded through the Offer.
100. Childcare providers will also be encouraged to:
 - provide bilingual or Welsh medium provision and resources, where possible; and
 - provide assistance for children requiring additional support, where possible.

Local authorities should support them in this endeavour.

101. Under the Offer a child can access a maximum of two registered childcare settings, in addition to their early education setting, in any given day.

Cross Border Provision

102. Eligible parents will be able to take up their Offer funded childcare in any registered childcare setting in England, provided that the setting is registered and regulated by Ofsted.
103. Parents who live in England are not eligible for the Childcare Offer for Wales. They will need to speak to their Local Authority in England about whether they are able to use the English Offer to pay for childcare and early education accessed at a setting in Wales.

Section 8 – What is the rate paid to providers delivering the Offer?

The following section sets out the hourly rate paid for Welsh Government funded childcare paid through the Offer, as well as guidelines relating to provider charges to parents.

Hourly rate of pay for childcare

104. A national basic pay rate of £5.00 per hour, per child is to be paid to childcare providers delivering childcare under the Offer.
105. The national basic rate of £5.00 is to be paid for provision on bank holidays, even where it is the provider's policy to charge at an increased rate.
106. Providers can claim for half hour sessions and will be paid at a rate of £2.50.
107. Any variation to the hourly rate should be rounded up to the nearest half hour. As such a session including a quarter of an hour should be rounded up to the nearest half hour. In such cases, consideration should be given to the weekly total of hours used e.g., if a parent uses a provision which is only open for 2 hours 15 minutes a day, the provider can be paid up to the nearest half hour e.g., 2 hours 30 minutes. However, if this provision were to be used on more than one day per week the total amount of hours used over a 1-week period should be considered. The total amount paid to that provider would be to the nearest half hour of that total sum for that week not exceeding the weekly maximum number of childcare hours, i.e. term time and holiday weeks.
108. The national basic pay rate covers childcare only and excludes charges for food, transport and other activities, such as off-site activities which incur a cost, for example day trips.

Charging top up fees:

109. If a childcare provider would usually charge more than £5.00 per hour for childcare, they cannot charge parents an additional hourly amount to top-up the rate under the Offer. Providers who are found to breach the agreement and charge hourly top-up fees may no longer be funded to deliver the Offer.
110. Providers are not required to charge the Offer hourly rate for provision which is not delivered under the Offer.

Charging for additional elements - food:

111. Childcare providers will be able to charge parents for food and drink. However, childcare providers must take account of the Welsh Government's guidelines in respect of setting additional fees when charging parents for additional elements

over and above childcare.

112. Parents accessing the Offer should not, as a condition of their child's attendance, be required to take and pay for the provider's food and may opt to provide packed meals, if the setting would normally allow this.
113. Childcare providers should not impose any additional charges on parents accessing the Offer for any elements over and above the costs of actual childcare, if they do not also impose charges for those elements on parents who are not accessing the Offer. For example, if a childcare provider does not charge parents for food as a separate item then they cannot charge parents accessing the Offer for food separately.
114. Where childcare providers do include a charge for food as part of the service they provide but the charge for the cost of the food is combined in with their standard half-day or full-day rate this is generally not shown separately on invoices. If a setting were charging for food as part of their delivery of the Offer, the provider should make it clear to the parents accessing the Offer what that charge is for.
115. Guidelines in respect of charging for food during a full day care session (approximately 10 hours) are that parents should not be charged more than £9.00 per day for food. A charge of £9.00 for a full day care session would include three meals at £2.50 per meal and two snacks at a charge of 75p per snack.
116. Guidelines in respect of charging for food during a half-day session (approximately 5.5 hours) are that parents should not be charged more than £5.75. This figure would allow for a child to be charged for two meals at £2.50 per meal plus a snack at a charge of 75p per snack.
117. For sessional care where a meal is not provided but children receive a snack, guidelines are that parents should not be charged more than 75p per day for snack provision.

Charging for additional elements - transport:

118. Childcare providers will be able to charge parents for transport which incurs a cost. However, childcare providers must take account of the Welsh Government's guidelines in respect of setting additional fees when charging parents for additional elements over and above childcare.
119. Fees for transport will not be set by the Welsh Government. Transport costs will vary depending on the location and nature of a childcare provider, the type of transport provided and the costs associated with staffing and maintaining transport vehicles. It is for the provider to determine how they set their transport rate.

120. Guidelines in respect of charging for transport are that transport rates are set at a reasonable rate.
121. Guidelines in respect of charging for transport are that Offer parents should not be charged more for transport than those not accessing the Offer. Local authorities should monitor the cost of transport charged to Offer parents, to ensure parents are not being over-charged.

Charging for additional elements - general:

122. Childcare providers will be able to charge parents for additional elements, such as off-site activities, which incur a cost. However, childcare providers must take account of the Welsh Government's guidelines in respect of setting additional fees when charging parents for additional elements over and above childcare.
123. Parents accessing the Offer should be able to opt their child out of paid for off-site activities and participation in such activities should not be a condition of using the childcare setting. Such activities should be occasional and exceptional, rather than a routine part of the setting's week.
124. Fees for off-site activities will not be set by the Welsh Government. Rates for off-site activities where costs are incurred will also vary according to the nature of the activities.
125. Providers are not expected to apply additional charges in respect of routine on-site activities to Offer parents.
126. Guidelines in respect of charging for additional items are that providers should not impose any additional charges on parents accessing the Offer for any elements over and above the costs of actual childcare, if they do not also impose charges for those elements on parents who are not accessing the Offer.
127. The Childcare Offer cannot be used to cover non-direct childcare costs, such as holiday retainer fees or upfront administration or holding fees. If a parent elects to use a provider which charges these fees, this is a matter for the parent and has to be paid for by the parent.

Non-compliance with charging guidelines

128. Local authorities will need to ensure that the pay rate details outlined in the Provider Contract take account of and re-enforce the Welsh Government Guidelines in respect of providers charging for additional elements under the Offer, as outlined above.

129. Local authorities have a responsibility for monitoring the additional fees being charged to parents and evaluating whether these are deemed reasonable and in line with the Welsh Government guidelines.
130. If a childcare provider is not following the guidelines and is deemed to be charging excessive or unreasonable additional fees, then the Local Authority should consider whether or not this constitutes a breach of the provider contract they have with the provider and inform the Welsh Government.
131. Providers who intentionally or persistently breach the agreement should not be funded to deliver the Offer.

Funding for early education provision

132. The rate for early education provision is consistent with the Childcare Offer rate, although the funding mechanisms for both are different. For settings that offer early education, it is important that they are as clear as possible which hours of a child's attendance are paid for under each element of the Offer.
133. If a childcare provider is being funded for hours of early education, they cannot also charge for the provision of the childcare element of the Offer for the same hours. This would class as double-charging and would be likely to result in action being taken to recover the costs.

Claiming for booked hours which are not used

134. Where a child is booked to attend a childcare setting but does not attend due to sickness, funding under the Offer can be used to pay for the hours booked.
135. Where a child is booked to attend a childcare setting but does not attend due to being away on holiday, funding under the Offer can be used to pay for the hours booked.
136. Where a child is booked to attend a childcare setting but is not able to attend due to the provider being closed a result of their own, or their staff's, sickness, funding under the Offer can be used to pay for the booked hours.
137. Where a child is booked to attend a childminder but is not able to attend due to the childminder having to attend court, funding under the Offer should not be used to pay for the booked hours. Instead, the childminder should consider claiming for loss of earnings (within certain limits) as a result of attending jury service or attending court as a witness.
138. Local authorities should monitor the hours of childcare booked against the hours of

childcare used. Where this information shows that a child is consistently not attending their booked hours, this should be queried with the parents. Where the hours are not required, they should no longer be funded.

Section 9 – Local Authority roles and responsibilities

The following section sets out the model which underpins delivery of the Offer and the roles and responsibilities of local authorities.

The Delivery Model

139. Under the delivery model for the Childcare Offer there are two categories of Local Authority:

- **Delivery Authorities** - are responsible for promoting the Offer to parents and childcare providers within their areas, training their Family Information Services (FIS) to deal with enquiries on the Offer, processing applications from parents, determining eligibility and informing them of the outcome. They also carry out the tasks of an engagement authority within their own area.
- **Engagement Authorities** - are responsible for promoting the Offer to parents and childcare providers within their areas, training their Family Information Services (FIS) to deal with enquiries on the Offer and providing their delivery authority with any information they require to process applications and administer the Offer on their behalf.

Roles & Responsibilities - Delivery Authorities

140. The operation of the delivery and engagement authority relationship is agreed between the partner local authorities. However, as a minimum, the Welsh Government expects delivery authorities to be responsible for:

- developing and managing a system to enable parents of their own and their engagement partner authority/ies to know about, understand, and apply for the Offer;
- providing advice and support to parents and providers within their authority on the Offer through their Family Information Service;
- developing and managing a system/s for checking the eligibility of parents applying for the Offer in their own and their engagement partner authority/ies;
- developing and managing a system/s for handling any enquiries relating to an application from a parent in their own or engagement partner authority/ies;
- developing and managing a system/s for confirming eligibility to deliver the Offer; for enabling registration of providers in their own and their partner engagement authority/ies;
- working with their engagement partner authority/ies to establish and manage a process for handling applications for additional support grant

funding. Decisions in respect of the grant are made by the engagement authority, however delivery authorities hold responsibility for managing the payments of the Additional Support Grant for their own and their engagement partner authority/ies;

141. A delivery authority is responsible for handling all queries relating to applications, whether the application is live or has been declined. In addition, the delivery authority is expected to be the main point of contact for parents or guardians who have applied for the Offer either within their own or their engagement partner authority. However, a delivery authority may wish to liaise with the engagement authority to resolve certain issues.
142. In developing and implementing systems and processes for delivery of the Offer, a delivery authority will need to take account of the contents of this guidance.

Roles & Responsibilities - Engagement Authorities

143. The operation of the delivery and engagement authority relationship is agreed between the partner local authorities. However, as a minimum, the Welsh Government expects engagement authorities to be responsible for:
- publicising and marketing the Offer to parents and providers within their authority;
 - providing advice and support to parents and providers within their authority on the Offer through their Family Information Service/Childcare Teams;
 - making determinations in respect of additional support grant funding for their authority and working with their delivery authority to develop a process for communicating determinations to enable grant payments to be made. Engagement authorities will need to take account of the separate guidance on the additional support grant funding when making determinations;
 - providing evidence for the evaluation of the Offer to third party independent evaluators;
 - providing information to enable delivery authorities to assess and process applications from parents and guardians from within the engagement authority. This would include, but is not limited to, providing information to enable a parent's eligibility to be checked, such as information on schools admissions or council tax; providing detailed information on the delivery of Early education within the engagement authority and information on the engagement authority's assessment of a child's additional needs for the purposes of the Offer;
 - Informing delivery authorities of any action taken by CIW in relation to a provider such as de-registrations/suspensions.
 - National Helpline for further support on the Childcare Offer for Wales on 03000 628 628.
144. Section 10 of this guidance outlines details of the funding available to local

authorities to support delivery. It is for individual delivery and engagement partnerships to determine how best to use the money available to them to deliver the Offer in partnership. For example, authorities may wish to jointly fund a Childcare Offer post that will work across delivery and engagement authorities to support delivery of the Offer within the partnership arrangement.

Agreement of Partnership Arrangements

145. An agreement outlining the partnership arrangements between a delivery and engagement authority is a condition of the grant available to support the administration of the Offer. It is for local authorities to determine the nature of this agreement, but each delivery and engagement authority concerned will need to be content with the agreement.

Communications

146. All local authorities are expected to promote the Offer amongst childcare providers and potential eligible parents. This could include provider events, promotional materials and current information being available on websites (such as the individual Local Authority websites).
147. All local authorities are expected to actively promote the Offer and encourage take-up by disadvantaged and under-represented parents and children. Full use should be made of links with partners who are in contact with relevant parents, such as schools, Families First, Flying Start, Family Information Services, Jobcentre Plus, in addition to opportunities through local newspapers and other publications.
148. Local authorities are already required by the Childcare Act 2006 to provide information, advice and assistance to parents and prospective parents on the provision of childcare in their area. Consequently, authorities should ensure that parents are aware of the Offer, respond to any questions about the Offer and assist eligible parents, through their Family Information Service (FIS), to apply for the Offer and find suitable childcare.
149. The Welsh Government provides funding under the Childcare Administration Grant to cover the costs of administering the grant. Costs associated with publishing and printing publicity material are eligible costs under the grant and the Welsh Government would expect any such costs to be covered from within the grant allocation.
150. The Welsh Government has developed branding for the Childcare Offer and this should be used by local authorities where appropriate.
151. Local authorities are able to publicise the Childcare Offer through their social media platforms locally to maximise their reach. Use of social media platforms

should be in line with Welsh Government branding guidelines, and in line with the Local Authority's social media policy.

Section 10 – Funding for the Childcare Offer

The following section describes the three separate grant funding streams which Welsh Government provides local authorities to support delivery of the Offer.

The Childcare Administration Grant

Is paid to local authorities to administer the Childcare Offer for Wales. The terms and conditions are set out in Grant Award letters.

The Childcare Grant

For Operating Procedures relating to Claims on the Digital Service, Local Authorities should refer to the relevant Standard Operating Procedure Available on Objective Connect

The Additional Support Grant

152. The Offer should be available to any eligible parent to access. The Welsh Government will provide each Local Authority with additional funding to remove barriers for providers and eligible parents who have children requiring additional support to access the Offer. This may include, but is not limited to, offering the providers training, equipment, specialised toys or enabling them to hire more staff. Specific guidance on the use of funding for children requiring additional support has been provided to local authorities separately. See section 6 for further information.

Section 11 – Delivery of the Offer – Parent processes

For Operating Procedures Relating to Parent Applications on the Digital Service, Local Authorities Should Refer to the relevant Standard Operating Procedure Available on Objective Connect – [CYPE - WG - Childcare Offer For Wales - Digital Project - Standard Operating Procedures](#)

PARENT PROCESSES

153. Providers should not support parents with their applications, unless in exceptional circumstances. Where a parent does require help completing their application e.g. because they are digitally excluded, they should be advised to approach their Family Information Service or Local Authority contact for help.
154. In exceptional circumstances, where it is felt by the Local Authority and the provider that there is a high risk the parent will lose out on Government-funded childcare if they are not supported, help may be given. In these circumstances, the Local Authority should satisfy themselves that there are appropriate measures in place to mitigate potential fraud and data breaches. These should include the following:
- The Local Authority should satisfy themselves that the provider is adequately covered in terms of their duties in respect of handling personal information (GDPR);
 - Where a provider has helped complete the application, the application must be sent to the parent for the parent to verify that all the information within the application is accurate and correct;
 - The application must be submitted to the Local Authority by the parent (e.g. from the parent's email address);
 - Notification of eligibility from the Local Authority should be communicated directly to the parent.

Local Authorities may also want to refer to the Childcare Offer for Wales: national digital service assisted digital strategy which is available here [National digital service assisted digital strategy \[HTML\] | GOV.WALES](#)

Eligibility Checking

155. Delivery Authorities should check the eligibility of all applications. Whilst applicants will sign a disclaimer to confirm that they meet the minimum criteria for eligibility, it is expected that each application is also supported by documentary evidence of eligibility. This could include:

- proof of residency in Wales i.e. postcode to be checked against council tax data;
 - proof of earnings, to show that a minimum income equivalent of 16 hours is worked by each parent each week e.g. 3 months' worth of pay slips;
 - employment contract, to ensure longevity of eligibility, or agreement from applicant to the Delivery Authority contacting the employer directly to check employment contract details; and,
 - proof of enrolment on a relevant HE or FE education or training course.
156. Consideration should be given to how newly re-located applicants can provide proof of address i.e., if they are not yet registered for council tax.
157. A newly self-employed parent would be exempt from the earnings criteria for the first 12 months after the business was established. However, they should be asked to provide proof of their business's establishment. This could be, for example:
- through agent testimony (e.g., their accountant could vouch for their business being set up and likely income over the forthcoming tax year);
 - provision of a business plan, including evidence of a newly acquired place of work/premises or if their business is sufficiently underway, copies of invoices, quotes or tenders with any personal, identifiable information removed; or,
 - their Unique Tax Reference (UTR).
158. An established self-employed parent would need to supply their UTR and details of their earnings over the past 12 months as set out in their Self-Assessment Tax return.
159. In the absence of a Self-Assessment Tax return, the Local Authority could ask for accountant confirmation of likely income over the forthcoming tax year. Where earnings do not meet the threshold, a statement of anticipated income over the period of entitlement from their accountant/agent would be required.
160. A parent in education and training should provide evidence of formal enrolment on a relevant HE or FE course. Where a parent has applied and been offered a place on a relevant HE or FE course, but has not yet been able to enrol, they would need to provide evidence of a formal offer of a course place. In both cases this evidence should indicate:
- the start date of the course; and
 - the end date of the course and/or the length of the course in weeks; and
 - the name of the institution delivering the course.
161. In respect of the child, evidence should be provided which proves that the date of birth entered by the parent is correct, the child is the right age, and that the person applying for the child has parental responsibility for them. Ideally this should be in

the form of the long birth certificate which would evidence all of the criteria above. In the absence of a long birth certificate, the short birth certificate can be accepted together with other evidence demonstrating parental responsibility, for example:

- the child's health records (e.g. the book issued by the health visitor to record immunisations etc);
- correspondence addressed to them on behalf of the child from another health professional e.g. GP/hospital/dentist;
- correspondence addressed to them on behalf of the child from the Local Authority e.g. early education department in relation to their early education place;
- letter confirming their entitlement to child benefit;
- any other formal letter which provides evidence they have responsibility for the child.

Foster or adoptive parents or legal guardians should be able to demonstrate parental responsibility through written correspondence from a relevant authority or legal document confirming they are responsible for the child.

Notifying Parents

162. Parents will receive automatic email notifications when the status of their application is set to approve, reflect, More Information Required (MIR) etc. The email simply tells them that a change has occurred to their application and they need to sign in to their dashboard to read their notifications. Please also refer to the relevant Standard Operating Procedures referred to at the beginning of Section 11.
163. Parents will also need to create online Childcare Offer for Wales agreements, a link for parents can be found here: [Parents create online Childcare Offer for Wales agreements | GOV.WALES](#). The guide for Delivery Authorities to understand the process of agreements with parents and settings for the Offer is under Standard Operating Procedures

Re-Checking Eligibility

164. Through the National Digital Service all recipients of the Offer, will be asked to re-confirm that they remain eligible every term. Those parents that do not re-confirm their eligibility should be placed in a TEP.
165. Those parents that do re-confirm their eligibility will be subject to random spot checks in which their continued eligibility is verified. A minimum of 20% of those parents will be asked for updated evidence of eligibility. This is to ensure that the

Childcare Offer meets the fraud prevention expectations for managing public finances. Parents that are subject to the spot check should not be considered ineligible during the check and should not be placed in a TEP during this process.

166. Further operational guidance on the re-confirmation processes may be found in the Standard Operating Procedures.

Parent Reviews, Appeals

167. The Welsh Government expects Delivery Authorities to have processes in place for reviewing decisions taken on applications and for handling any appeals against an application decision.
168. Delivery Authorities will need to agree a process for handling any appeals against an application decision. Any process and subsequent decision will need to be made at an officer level and should not involve the cabinet or any other democratically elected official.
169. Delivery Authorities should refer to this guidance to inform decisions on reviews and appeals. However, should an appeal or challenge arise in relation to a matter which is not covered within the guidance, Delivery Authorities should refer the matter to the Welsh Government for advice on the policy.
170. Delivery Authorities are expected to notify the Welsh Government and their partner engagement authorities of any appeals made. Only the grounds of the appeal, the appeal process and the outcome will be shared. No personal information will be shared.
171. Should a parent's review/appeal be successful, the parent may be eligible to receive payment for the amount of Government-funding to which they would have been entitled had their application been approved the first time they applied. A payment will only be made where the parent has incurred childcare costs with a registered provider and an application should be made to the Welsh Government for approval via the Ad-Hoc Payments process
172. A parent may be eligible for Government-funded childcare they have missed out on when:
- there was an unreasonable delay by a Local Authority in determining whether a parent is eligible for the Offer, **despite the parent providing all necessary documentation**, which has resulted in the parent having to pay registered childcare costs in this period; and/or
 - a technical or "process" type error occurred during the parent's application journey which resulted in the application not being logged; and/or

- a parent wins their appeal against a negative determination, and they have incurred registered childcare costs in this period.

Section 12 – Delivery of the Offer – Provider processes

For operating procedures relating to childcare setting registration and payment, Local authorities should refer to the relevant Standard Operating Procedures available on Objective Connect

Back payments, Under payments and Over payments

173. The Welsh Government is responsible for approving any claims outside of the usual course of business, including the use of Ad-Hoc payments to correct parent or provider errors when making claims. The Ad-Hoc Payment Request Form should be submitted to the Welsh Government for consideration before attempting to update the Digital Service. Further information on this process can be found in the Standard Operating Procedures.

174. The Welsh Government should be notified immediately where Local Authority becomes aware of an over payment being made via the Digital Service. The Welsh Government is now responsible for working with Local Authorities to manage the correction or reclamation of any over payment. These processes will be underpinned by the Childcare Offer for Wales' Debt Management Policy which is hosted on Objective Connect.

Section 13 – Delivering the Offer in exceptional circumstances

The following section sets out guidance on access to, and delivery of, the Offer during exceptional circumstances such as adverse weather or a global pandemic or similar health crisis.

It would be for Welsh Government to determine whether the procedures in relation to a global pandemic or a similar health crisis apply (e.g. Ebola, SARS etc).

Adverse Weather

175. Where a setting has to close as a consequence of adverse weather, decisions on payments regarding any childcare booked under the Offer will be made by the Welsh Government on a case-by-case basis, with reference to the setting's insurance cover and their approach to charging any parents using their setting for childcare outside of the Offer.
176. Payments for childcare providers will be made based on booked hours either for four weeks or for the time the setting is closed, whichever is the shorter of the two. If the setting does not reopen at that time, funding under the Offer should cease.
177. Delivery authorities are required to provide Welsh Government with a completed adverse weather claim form for any claims for settings affected by adverse weather.
178. Parents may choose to make alternative childcare arrangements during the period their usual setting is closed because of adverse weather. In these circumstances, Offer funding can be paid to the alternative registered provider delivering the Offer. Payments would be made based on booked hours either for four weeks or for the time the child's usual setting is closed, whichever is the shorter of the two.
179. Where a setting providing early education provision has to close due to an emergency, parents cannot substitute childcare hours for their early education entitlement. However, where a parent was not using their full childcare entitlement they are able to increase their childcare hours if the provider is able to accommodate this, provided they do not exceed the terms of the Offer.
180. Due to adverse weather the period a setting is closed may fall on non term time weeks. If a parent is unable to find a place at an alternative setting lasting for 3 days or more of a non-term-time week then that week will be deemed not to have been used as a holiday week and will not be deducted from the parent's holiday week allocation.
181. The adverse weather claim form can be obtained from Welsh Government at

Talkchildcare@gov.wales and any payment will be made through the Ad-Hoc payment process via the Digital Service.

Pandemic or similar health crisis

Income Eligibility Criteria:

182. All parents have to evidence that they are in receipt of “income from work” to be eligible for the Offer as this is the basic principle on which the Offer is founded. Local authorities should undertake their termly re-checks as normal.
183. If a parent, who is applying for the Offer for the first time or is currently receiving the Offer, has fallen out of eligibility due to a pandemic and is now back to their usual circumstances they will be able to continue to receive the Offer. Parents may have received UK Government support schemes for employees and the self-employed and these can be counted as qualifying income for the minimum income test.
184. Local authorities should re-check the eligibility of parents who have fallen out of eligibility. If the parent does not meet the eligibility criteria, they will enter a Temporary Exemption Period (TEP).
185. The requirement for a parent to be in some form of work or to be employed or to be enrolled on a relevant HE or FE course remains in respect of the Childcare Offer. If a parent who was eligible for the Offer previously has been made redundant, then technically they no longer meet the eligibility criteria for the Offer. They have no work contract and no business. Similarly, if an HE or FE course that a parent previously enrolled on ceases to be delivered, then technically they no longer meet the eligibility criteria for the Offer. They will enter a TEP period in line with the standard guidance from the point their circumstances change.

Holiday provision during a pandemic:

186. Where a Local Authority extends the school holidays in light of a pandemic/health crisis, a parent can access their holiday entitlement during those extra weeks as long as the parent has enough holiday provision to use. Parents will not, however, be allocated more than 3 weeks holiday entitlement per school term.

Early education and childcare provision where the operation of primary schools is impacted:

187. Local Authorities have an element of discretion to continue to fund term time childcare hours in exceptional circumstances where it was planned for a child who has been accessing the Offer to enter full time early education, but the child is unable to access their early education entitlement because a pandemic or similar health crisis is preventing them from taking up their full-time early education place.

The following arrangements will apply where a pandemic/health crisis is impacting, to varying degrees, delivery and take-up of the Offer:

Scenario 1: Primary schools and childcare are open for attendance by all children

- If there is short term disruption to the service provided by a setting or short-term absence of a child, Offer payments would continue for up to 2 weeks, based on booked hours (including any Additional Support Grant element). For example, a setting needs to close for deep cleaning; member/s of staff self-isolating; Offer child self-isolating.
- If there is longer term disruption to the service or longer-term absence of an Offer child, Offer payments can continue until the end of the current school half term or for at least 4 weeks if there are fewer than 4 weeks left of the half term or if restrictions are introduced in a school holiday period, based on booked hours (including any Additional Support Grant element). For example, a setting needs to restrict their operations or close because staff are ill or clinically vulnerable due to the pandemic/health crisis; staff are unable to work because of their own childcare responsibilities arising as a result of school restrictions; a provider cannot use their normal premises for reasons relating to the pandemic/health crisis; an Offer child is not attending because of parents' concerns about the pandemic/health crisis, which may be because the child or a member of the household is clinically vulnerable in respect of the pandemic/health crisis.
- Evidence of the factors impacting on a provider's business would need to be provided to the Local Authority in relation to both short- and longer-term disruption to services.
- Offer funding can continue to be paid to childcare providers on more than one occasion and funding can be paid in respect of the same child more than once. However, this would normally be on separate occasions and for different reasons.

Scenario 2: Primary schools are operating on a restricted basis but childcare is open

- If there is short term disruption to the service or short-term absence of an Offer child, Offer payments can continue for up to 2 weeks, based on booked hours (including any Additional Support Grant element). For example, a setting needs to close for deep cleaning; member/s of staff self-isolating; Offer child self-isolating.
- If there is longer term disruption to the service or longer-term absence of an Offer child, Offer payments can continue until the end of the current school half term or

for at least 4 weeks if there are fewer than 4 weeks left of the half term or if restrictions are introduced in a school holiday period, based on booked hours (including any Additional Support Grant element). For example, a setting needs to restrict their operations or close because staff are ill with or are clinically vulnerable due to the pandemic/health crisis; staff are unable to work because of their own childcare responsibilities arising as a result of school restrictions; a provider cannot use their normal premises for reasons relating to the pandemic/health crisis; an Offer child is not attending because of parents' concerns about the pandemic/health crisis related factors impacting on their need for childcare.

- Evidence of the factors impacting on a provider's business would need to be provided to the Local Authority in relation to both short- and longer-term disruption to services.
- Offer funding can continue to be paid to childcare providers on more than one occasion and funding can be paid in respect of the same child more than once. However, this would normally be on separate occasions and for different reasons.
- Should there be a prolonged period of restrictions and disruption, the Welsh Government will consider providing additional guidance.

Scenario 3: Primary schools and childcare are all operating on a restricted basis

- In this instance, Offer payments would only continue where a child of a critical worker or a vulnerable child is using an Offer space. Payments in respect of other children would cease after four weeks, with that representing the usual notice period in most childcare providers' contracts.
- We would encourage Local Authorities to make full use of places for the children of critical workers that could be funded through the Offer for as long as restrictions are in place. If such a situation were to arise, the Welsh Government would consider the need for further, more specific advice, taking into account the nature and scale of the restrictions and spread of the virus.

Voluntary closure of services

188. Local authorities should stop Offer funding where a setting/provider voluntarily closes or stops providing a registered service, and where it cannot be evidenced by the provider that this was necessary as a result of a pandemic/health crisis.
189. Closure as a result of health concerns (in relation to staff or children) where there is no-one amongst the workforce (or in a child minder's home) who is shielding/clinically vulnerable in respect of the pandemic/health crisis is not a

justifiable reason for continuing to receive Offer payments. Offer payments would resume when a setting re-opens and starts providing a service again, subject to the provider being signed up to deliver the Offer and parental demand.

Annex 1 - Holiday Provision Carry Over Scenarios:

Scarlet turned 3 on 28 February 2019

According to the Local Authority policy, Scarlet can have part time early education from the term after her 3rd birthday. She starts school on 20th April 2019, at the start of the summer term, and starts accessing the Offer at the same time (because many Local Authorities kick-start both entitlements at the same time).

Scarlet will access the Offer until the September after her 4th birthday, as this is when children enter full time education in the Local Authority.

Scarlet is considered eligible for the Offer over 4 terms (summer, autumn, spring, summer). These fall across 2 academic years.

Scarlet's parents are allocated 3 holiday weeks for each term they are eligible (3 weeks x 4 terms - 12 weeks holiday provision in total).

Scarlet's parents used 3 weeks during the first summer Scarlet was eligible. They then used 2 weeks during Christmas 2019, 2 weeks during Easter 2020 and another 5 during summer 2020.

In this example no holiday provision was carried over from one academic year to the next.

Thomas turned 3 on 10th August 2018.

According to the LA policy, Thomas can have part time early education from the term after his 3rd birthday. He started school on 4th September 2018 and started accessing the Offer at the same time.

Thomas will access the Offer until the September after his 4th birthday, as this is when children enter full time education in the Local Authority.

Thomas is considered eligible for the Offer over 3 terms (autumn, spring, summer). These all fall within the same academic year.

Thomas' parents are allocated 3 holiday weeks for each term they are eligible (3 weeks x 3 terms) = 9 weeks holiday provision in total.

Thomas' parents used 1 week during Christmas 2018, 2 weeks during Easter 2019 and another 6 during summer 2019.

In this example no holiday provision was carried over from one academic year to the next.

If the parent had not used the full 9 week holiday provision by the end of the summer 2019 holidays, the parents would not have been able to carry them over to the following term as Thomas ceased being eligible for the Offer when he started full time education the following term.

Rebecca turned 3 on 23rd September 2018.

According to the LA policy, Rebecca can have part time early education from the term after her 3rd birthday. She started accessing Early education on 7th January 2019 and started accessing the Offer at the same time.

Rebecca will access the Offer until the September after her 4th birthday, as this is when children enter full time education in the Local Authority.

Rebecca considered eligible for the offer for 5 terms (spring, summer, autumn, spring, summer) – **the maximum period a child can be eligible for the Offer.** These fall across 2 academic years.

Rebecca's parents are allocated 3 weeks holiday provision for each term they are eligible (3 weeks x 5 terms) = 15 weeks holiday provision in total.

Rebecca's parents used 2 weeks during Easter 2019, 3 weeks during the summer 2019, 2 weeks during Christmas 2019, 2 weeks during Easter 2020 and 6 weeks during the summer 2020.

If the parent had not used the full 15 weeks week holiday provision by the end of the summer 2020 holidays, the parents would not have been able to carry any over to the following term as Rebecca ceased being eligible for the Offer when she started full-time education the following term.