

# Childcare Offer for Wales

Guidance for Local Authorities

April 2026

Version 8.3

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](#)

## SUMMARY OF CHANGES

DATE	SUMMARY
<p><b>APR 2025</b></p>	<ul style="list-style-type: none"> <li>• Refreshed the structure of the guidance and included relevant links to Standard Operating Procedures and at the beginning of each section.</li> <li>• Changes made to reflect national, digital service approach to delivery.</li> <li>• Clarified guidance to ensure the terms used are correct for Nursery Education. This was formally known as Early Education.</li> <li>• Clarified that parents need to apply for nursery education provision separately to applying online for the childcare element of the Offer.</li> <li>• Clarified when parents can complete their online application to access the Offer.</li> <li>• Clarified eligibility status for a parent commences at the point a local authority completes their determination and notify a parent.</li> <li>• Reviewed the guidance on Temporary Exemption Periods and clarified elements based on stakeholder feedback. The supplementary guidance has been removed and is now included within the body of this guidance.</li> <li>• Worked with CWLWM partners to add clarity to charging additional elements.</li> <li>• Updated the hourly rate paid to childcare settings to commence 7 April 2025.</li> <li>• Updated the permissible charges for food to take effect 7 April 2025.</li> <li>• Reaffirmed the delivery model arrangements with local authorities across Wales.</li> <li>• Updated the guidance to remove legacy roles and responsibilities of local authorities which are no longer required or undertaken.</li> <li>• Clarified the Appeals and Complaints section of the guidance.</li> <li>• Clarified the process of back payments and extra ordinary payments.</li> <li>• Clarified eligibility of term-time working parents.</li> <li>• Removed the section relating to adverse weather/fire.</li> </ul>

<b>DATE</b>	<b>SUMMARY</b>
<b>OCT 2025</b>	<ul style="list-style-type: none"> <li>• Clarified timescales of eligibility of nursery education</li> <li>• Refreshed the complaints section of the guidance</li> <li>• Clarified that when a school holiday week starts mid-week, the whole week is classed as a holiday week.</li> <li>• Clarified that if a parent falls out of eligibility before the child start receiving childcare under the Offer, then they are not entitled to be placed into a TEP.</li> <li>• Clarified parents confirming continuing eligibility at 100% and 20% check.</li> </ul>
<b>JANUARY 2026</b>	<ul style="list-style-type: none"> <li>• Reinstate the section on Adverse Weather</li> </ul>
<b>APRIL 2026</b>	<ul style="list-style-type: none"> <li>• Clarification on the policy around annual contracts and settings claiming hours when there is no intention of children attending, especially during holiday periods.</li> <li>• Protected Characteristics when assessing eligibility.</li> <li>• Clarification on non-attendance and the maximum duration for continuing claims during a period of non-attendance.</li> <li>• Update to the hourly rate and permissible meal charges for settings</li> </ul>

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## Section 1 - About this Guidance

This document provides policy guidance for local authorities administering the Childcare Offer for Wales.

Through the Childcare Offer for Wales, the Welsh Government has committed to providing 30 hours of government funded nursery 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, increase their hours or work more flexibly;
- 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 learning (previously referred to as school readiness).

This non-statutory guidance supports local authorities in implementing the Childcare Offer for Wales. This guidance will be reviewed as necessary to reflect any changes in policy or delivery arrangements.

**For the Delivery guidance of the National Digital Service Please Refer to The Standard Operating Procedures (SOPs) 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](#)

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## Section 2 - What is the Childcare Offer for Wales?

- 1) The Childcare Offer for Wales (“the Offer”) is made up of two elements: nursery education (also referred to as early education) and childcare. These two elements make up 30 hours a week of Government-funded early education and childcare for up to 48 weeks a year. In addition to 39 term time weeks provided by the Offer, an additional 9 weeks are offered to parents outside of school term time.

### What we mean by ‘childcare’

- 2) 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 setting must be registered with the Office for Standards in Education (Ofsted).

### What we mean by ‘early education’ and ‘nursery education’

**Early education** is the education provision for children aged 3 to 8 years old and encompasses nursery education and foundation learning. This was previously referred to as foundation phase nursery provision or FPN.

**Nursery education** is for 3 and 4 year old children, before they enter statutory education, and is delivered in a school or childcare setting funded by the local authority. Nursery education is part of early education.

To note, the Childcare Offer digital platform refers to nursery education as early education as the platform was developed before the term was changed. This will be updated in due course.

- 3) Local authorities must make a funded nursery education place available (a minimum of 10 hours a week) for 3 and 4 year olds, dependent on when their birthday falls. The table below shows when that place will be available.

<b>Child’s birthday</b>	<b>When a child can receive a funded nursery education place</b>
1 September to 31 December	The beginning of term on or after 1 January
1 January to 31 March	The beginning of term on or after 1 April
1 April to 31 August	The beginning of term on or after 1 September

- 4) Nursery education can be delivered in a maintained primary school, a maintained nursery school or a funded non-maintained nursery setting, such as a childcare setting, funded playgroup or childminder.

- 5) How nursery education is planned and delivered is a matter for the local authority based on their local assessment of need.

### **What 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 nursery education hours and childcare hours. Parents will need to apply for nursery education hours separately through their local authority.
- 7) Outside of school term time, for 9 'holiday weeks', the Offer provides up to 30 hours of childcare provision only.
- 8) During school term time the Offer will be made up of a minimum of 10 hours of nursery education per week. Over and above this, the exact split between nursery education hours and childcare hours will depend on the number of hours of nursery education offered by the local authority (or the individual school).
- 9) While local authorities are required to provide a minimum of 10 hours of nursery education, many provide more than the statutory minimum.

For example:

- If a local authority offers 10 hours of nursery education per week, the childcare hours claimed as part of the Childcare Offer cannot exceed 20 hours per week term-time.
  - If a local authority offers 12.5 hours of nursery education per week, the childcare hours claimed as part of the Childcare Offer cannot exceed 17.5 hours per week term-time.
  - If a local authority offers 30 hours nursery education per week, no childcare hours can be claimed as part of the Childcare Offer.
- 10) During school term time no child can receive more than a combined total of 30 hours of funded childcare and nursery education provision. For example, if a local authority (or school) offers 15 hours of nursery education provision per week, then a maximum of 15 hours of funded childcare can be provided in addition to this.
  - 11) Where a funded non-maintained nursery setting chooses to offer additional nursery 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 nursery education provision**

- 12) Eligible parents do not need to take up their nursery education place to access the childcare element of the Offer.

- 13) Where a parent chooses not to access nursery 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 nursery education. Nursery education hours cannot be swapped for hours of childcare. For example, in a local authority which offers 20 hours of nursery education provision, the parents would be able to access a maximum of 10 hours of funded childcare.
- 14) Out of school term time, for 9 'holiday weeks', the parent can 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.
- 15) 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.
- 16) In local authorities where children are eligible to receive a full-time education (school) 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.
- 17) Parents will not be able to turn down a full-time nursery education place at the point it is offered within the local authority in which they live in favour of continuing to access the Offer during term time (see Section 4 – Who is eligible for the Childcare Offer for further details).
- 18) 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 nursery education in a different local authority to where the child lives**

- 19) Where a child is accessing their nursery 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 nursery education available to them in the local authority where they are attending the nursery education. For example, if the local authority where the child attends nursery education provides 10 hours of nursery education, the child is entitled to 20 hours of childcare up to the point that their home local authority makes available a full-time education place. Once their local authority makes a full-time education place available, term time funding for the Offer will cease.

### **When parents can apply for the Childcare Offer**

- 20) To ensure consistency across Wales, the Offer national digital service will allow parents to commence an application for childcare 75 days prior to the start of each term.

- 21) Local authorities are responsible for promoting the Offer to parents and childcare settings within their areas.

### Section 3 – When parents can access the childcare hours funded through the Offer

#### Childcare hours within a week

- 22) The nursery education element of the Offer should be delivered in accordance with the approach taken within the local authority.
- 23) 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 settings 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’.
- 24) 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.
- 25) 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.
- 26) It is the responsibility of the parent to find a childcare setting that operates at the time during which they need childcare.
- 27) Parents are not able to ‘bank’ Offer 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

- 28) The Offer provides up to 30 hours of government funded nursery education and childcare for 3 and 4 year old children of eligible parents for up to 48 weeks of the year.
- 29) During school term time (39 weeks a year) the Offer provides up to 30 hours of funded provision made up of both nursery education hours and childcare hours. The nursery 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.

- 30) Outside of school term time the other 9 weeks of the 48-week Offer are classed as 'holiday weeks'. During holiday weeks, parents can 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.
- 31) Parents will be allocated holiday entitlement for the current academic year when they join the Offer and this will update at the start of the following academic year, if the parent remains eligible.
- 32) At the beginning of each term that a parent/child is eligible for the Offer, they will be allocated 3 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. Parents are expected to self-fund any remaining holiday weeks that aren't covered under the Offer.
- 33) For eligible parents the Offer holiday provision continues to apply even if a child is offered a full-time education place prior to the term following their third birthday. Parents cannot use holiday weeks in advance, but any unused holiday weeks may be rolled forward and used while the parent remains eligible.
- 34) 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 fewer 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).
- 35) Where a child is offered a full-time education (school) place earlier than the September after their fourth birthday (rising 4s), 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.
- 36) As the Offer provides 30 hours per week holiday provision, parents of children who access nursery education provision in England are not entitled to use their "stretched" education hours as well as their 30 hours of holiday provision. "stretch" is a child's entitlement (under English childcare provision) of taking fewer hours a week over more weeks of the year, where there is provider capacity and parental demand.
- 37) Settings must not require families on all-year contracts to book the full 30 hours during holiday periods if they do not need or want them. Requiring families to book additional hours beyond their intention is not compliant with Offer. Families must be allowed to book the hours they wish to use, whilst still recognising the use of sessional care arrangements.

### **Unused Holiday provision**

- 38) Parents are permitted to carry forward unused holiday weeks 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:**

- 39) Parents should be allowed to decide which weeks they access their holiday provision, during local authority designated school holidays, and they are responsible for finding a childcare setting that can offer this provision.
- 40) In addition, settings 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.
- 41) Holiday provision must be accessed in weekly blocks. To ensure that parents retain flexibility in being able to choose when to use their holiday provision. When school holidays start mid-week, as occurs some years at the end of the summer term, this week will be considered as a holiday week. The implications of this are that in this limited circumstance this may result in a parent receiving more than 30 hours of combined nursery education and childcare offer provision.
- 42) Inset days are treated as term-time days within the Offer and therefore cannot be treated as holiday provision.
- 43) Where a holiday week includes the start or end of a new school term and therefore includes some days of nursery education provision, the digital platform will 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 nursery education should be deducted from the overall allowance of 30 hours childcare for that week.
- 44) 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.
- 45) If the term during which a child becomes eligible for the full-time education (school) 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.
- 46) The term and holiday weeks are predetermined on the platform based on reference data provided by each local authority. As a result, the platform is unable to accommodate cases where a child attends a school with term dates that differ from other schools within the local authority area or across boarder provision. In such cases, the local authority would need to submit a request using a Back Payment Request form to make a backdated claim on behalf of the setting.

### **Non-Offer (unfunded) weeks**

- 47) 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 settings are fully recompensed for their staff all year round (see Annex 1 for examples of how this works in practice). If a parent wishes to continue accessing a setting for unfunded weeks, this is a private matter between the parent and the setting however it is reasonable to expect a setting to be transparent with parents when they will be accessing unfunded weeks before these placements commence.

## Section 4 – Who is eligible for the Childcare Offer

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

Relevant Standard Operating Procedures or additional guidance to support this section:

- [Childcare offer for Wales: Parents in education or training](#)
- [The Childcare Offer for Wales: Assessing parents' income to determine eligibility for the Offer - Frequently Asked Questions for Local Authorities](#)

### Definition of an eligible child

- 48) The nursery education provision which forms part of the Offer, is universal provision. 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 (school) place and their parent(s) must also meet the parental eligibility criteria as set out in this chapter.
- 49) Often children will access the childcare element of the Offer at the same time as the nursery education element. As set out in section 2 of this guidance, this is usually from the term following their third birthday until they become eligible for a full-time education (school) place, which is typically the September after their fourth birthday.
- 50) In some cases, a local authority may offer a nursery education place earlier than the dates shown in section 2. This is at the discretion of the local authority, however these children cannot access the funded childcare element of the Offer until the term **after** their third birthday. In all cases, the maximum duration of funded childcare is 5 terms.
- 51) Once a child has been accepted to receive funded childcare under the Offer, the exact date the funded childcare 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 local authorities. But the childcare element always commences on the first day of the school term after the child has turned 3.
- 52) Eligibility commences when a local authority determines that a parent's application is eligible and has notified the parent of this determination. The start date of the funded childcare will be determined by the start date of the Offer Agreement, which is agreed between the parent and setting. The parent submits an online Agreement for approval or rejection by their chosen childcare setting.
- 53) The online Agreement is where a parent asks for provision online with a childcare setting and the childcare setting accepts this agreement. It does not replace any offline contract between the setting and parent that may require the parents' agreement. This is a local arrangement between a parent and a childcare setting.

## Entering full-time education

- 54) 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.
- 55) 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'.
- 56) 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.

### **Scenario:**

A parent lives in Authority A but accesses the 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 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

- 57) To be eligible for the Offer, the parents or parent with whom the child primarily resides must live in Wales. Additionally, they must:
- have a child aged 3 or 4 years old
  - have a gross income of £100,000 or less per parent, per year
  - be employed and earn at least, on average, the equivalent to 16 hours a week at National Minimum Wage or Living Wage,
  - or be enrolled on a further or higher education course that is at least 10 weeks in length.
- 58) A parent is a person who 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 partners who reside within the same household as the child. This also includes kinship carers and special guardians, foster carers and adoptive carers. 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.
- 59) 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 meet the definition of either a working parent or a parent in education or training in order

to be eligible for the Offer.

### **Considering Protected Characteristics in Eligibility Decisions**

- 60) Local authorities must ensure that all decisions relating to the Offer are made in line with their duties under the Equality Act 2010. This includes giving due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between people who share a protected characteristic and those who do not. Parents and carers applying for the Offer may present with a wide range of protected characteristics, and authorities should consider each case fairly, objectively, and consistently.
- 61) Where uncertainty arises, local authorities should seek advice promptly and document how equality considerations have informed their decision-making. This approach ensures that all parents are treated equitably while maintaining the integrity, purpose and fairness of the Childcare Offer.

### **Definition of a working parent**

- 62) A working parent is a parent who is either employed or self-employed. This includes those who are on apprenticeships, zero hours contracts, term-time only working parents and also those who are newly self-employed.
- 63) 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”).
- 64) 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.**
- 65) Employed parents should demonstrate that they both earn the minimum amount required by providing, at the time of application evidence of their earnings over the last 3 months. Where a parent is newly employed or has recently changed employers and therefore cannot evidence earnings over the last 3-month period, a contract or 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 on assessing parents’ income to determine eligibility for the Offer). Term time only working parents, who are achieving the minimum earning criteria during the time they are working, have access to the full 48 weeks of the Offer, which includes the 9 holiday weeks.
- 66) 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).

- 67) 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.
- 68) Providing the parent is resident in Wales, income earned from a business registered outside the UK will count towards the minimum earnings criteria.
- 69) A working parent whose gross income in the current tax year exceeds £100,000 will not be eligible for the Offer. For the purpose of this policy, gross income means the total income before any deductions including but not limited to income tax, national insurance, pension contributions, health insurance, annual or periodic bonuses/dividends and salary sacrifice schemes.
- 70) Local Authorities should refer to the 'Childcare Offer for Wales: Assessing parents' income to determine eligibility for the Offer document to assist them in assessing a parents eligibility based on income'.

### **Definition of a parent in education or training**

- 71) A parent in education or training can be a parent who is either:
- enrolled on a Higher Education (HE) undergraduate or postgraduate course delivered by a publicly funded institution 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 publicly funded Further Education (FE) Institution or school based sixth form college. These courses do not include distance learning.
- 72) Parents in education or training should prove 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.
- 73) 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. Local authorities can access a list of agreed publicly funded HE/FE institutions within Objective Connect.

### **Kinship carers and special guardians**

- 74) Kinship Care is a family and friends care arrangement, in which a child who cannot be cared for by their parent(s) or another person with parental

responsibility goes to live with a relative, friend, or other connected person. The arrangement can be private between the parent(s) and the relative, friend, or connected person, or it can arise as a result of children's services involvement.

75) Kinship carers and carers who hold a Special Guardianship 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 and also live in the same household as the child, need to also meet the parental eligibility criteria.

76) 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**

77) 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.

78) Foster carers are able to use their fostering allowance as proof of earnings to meet the minimum income criteria for the Offer. For the purpose of the Offer, foster carers are classed as self-employed.

79) 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 adopted child, providing the childcare is in line with the child's adoption support plan.

80) 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'**

81) 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**

82) Parents who are members of the Armed Forces living in Wales are able to access the Offer provided they meet the parental eligibility criteria.

83) 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 83) and the other parent receives a disability payment from the Armed Forces, are not eligible.

- 84) 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**

- 85) 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**

- 86) 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 a nursery education place then that application will suffice as proof of residency.

### **Exceptions for two parent households who meet the earnings criteria or are in education and training.**

- 87) The following exceptions apply for two parent households who meet the earnings criteria or are 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
  - 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 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 meet the parental eligibility criteria) but one or both parents are temporarily away from the workplace on statutory sick pay;
- 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.

Underlying entitlement means that you qualify for a benefit but won't receive it due to the overlapping benefits rule e.g. Someone may meet the eligibility criteria for Carers Allowance but already be claiming State Pension which is more than the Carers Allowance payment.

The overlapping benefits rule cover circumstances when a person qualifies for two or more earning replacement benefits but can only be paid one of these benefits (the one that gives them the most money) at a time. For example, if a person is entitled to Carers Allowance of £81.90pw and their State Retirement Pension of £170.00pw the person will be paid their State Pension and have an underlying entitlement to Carers Allowance. The underlying entitlement to Carers Allowance could mean they get an increased award of a means-tested benefit such as Pension Credit.

- 88) 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.
- 89) 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 Offer if the retired parent was in receipt of one or more of the qualifying benefits listed at paragraph 83 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**

- 90) 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**

- 91) Where parents have separated but the child does not reside with their parents for equal amounts of time, the child is considered to be part of the household of the parent with whom they primarily reside.
- 92) Where parents have separated and the child resides with their parents for equal amounts of time, 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.

### **Tax-Free Childcare and Universal Credit**

- 93) Parents can access Tax-Free Childcare, 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 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 Offer falls out of eligibility.

Relevant Standard Operating Procedures or additional guidance to support this section:

- [The Childcare Offer for Wales: Standard Operating Procedures for local authorities - Applications from Parents](#)

### **Definition of a Temporary Exemption Period (TEP)**

- 94) Under the Offer, a Temporary Exemption Period is an 8-week period during which a family remains eligible for support despite no longer meeting the eligibility criteria due to changes in their circumstances, or it unclear whether or not a parent is still eligible. For example, a parent who hasn't responded to a check of continuing eligibility (also known as a 100% check) or a recheck (also known as a 20% check).

### **Purpose of a Temporary Exemption Period**

- 95) The purpose of a TEP is to provide stability for both children and childcare settings in providing time for all parties to make new arrangements if necessary. It also gives parents the opportunity to re-establish their eligibility, if applicable. Parents can still access the Offer during a TEP. There are various reasons a parent may be placed in a TEP, many of which can be resolved without a break in funding.

### **Duration of a Temporary Exemption Period**

- 96) The maximum amount of time a TEP can apply is for 8 weeks.

### **What happens when a parent is put into a Temporary Exemption Period**

- 97) When a parent enters a TEP they will be told the date funding will end:
- they will be sent an email
  - their Childcare Offer account dashboard will display a notification
- 98) Parents will continue to receive funding during a TEP. This gives them time to resubmit evidence of their eligibility or provide new evidence if required. If no evidence is provided, then funding will stop when the exemption period ends. A TEP may be backdated up to 4 weeks. For example, if a parent was made redundant but did not notify us for 6 weeks their exemption period is backdated 4 weeks and 4 weeks remain.
- 99) If funding ends parents may need to pay the childcare setting themselves. The childcare setting is told that an agreement is ending 4 weeks before funding ends. This notification does not replace any notice period parents are

responsible for under their contract with the setting. Parents must check their contract to confirm whether the setting requires notice to end their agreement with them.

### **How many Temporary Exemption Periods can be applied**

100) Only one TEP can apply at any specific time however during a parent's time on the Offer, a parent can be placed into multiple TEP's subject to a local authority ensuring that any previous TEP has been resolved.

### **Ending a Temporary Exemption Period early**

101) A TEP cannot be extended but can be ended early if a local authority is satisfied that a parent meets the eligibility criteria to continue to access the Offer. 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.

### **Parents booking Childcare Offer hours when in a Temporary Exemption Period**

102) A parent can continue to book Offer hours with their chosen setting whilst in a TEP. However, Offer 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.

### **When a Temporary Exemption period applies**

103) A parent may fall out of eligibility for the Offer even though their child remains eligible. There are a number of scenarios that could lead to a parent entering into a TEP. This includes one or both parents losing their job, parents' earnings falling below the minimum requirement, parents' earnings exceeding the maximum income threshold, or a parent no longer being enrolled in a relevant education or training course. If a parent's circumstances change, impacting on their continued eligibility, local authorities should place the parent into a TEP.

104) There are limited circumstances where a parent makes a change that does not affect eligibility. This is if a parent makes a change to their contact details (e-mail address and/or telephone number). If the parent makes changes only to these details, they should not be placed into a TEP.

105) A TEP should start from the date of the change in circumstances, not the date the local authority is notified. If the parent remains ineligible at the end of the TEP, they will no longer be able to access the childcare hours element of the Offer and will be responsible for all associated childcare costs from TEP end date onwards.

106) Parents must inform their local authority of any changes to their circumstances immediately. If they fail to do so, the TEP start date should be backdated to the date of the change, up to a maximum of 4 weeks. The remaining TEP allows for a period of stability for the child and a setting.

- 107) 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 setting, where the child does not attend the setting during those hours. Such fees remain the contractual responsibility of the parent.
- 108) 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. There is no limit on the number of TEP's a parent may be subject to.
- 109) When a parent's TEP expires, and they fall out of eligibility, they will need to reapply for the Offer and re-establish their eligibility if they wish to receive the Offer.
- 110) The application window for the Offer opens 75 days in advance of a child accessing funded hours. In the event that a parent applies in advance of their child's eligibility start date for the Offer but falls out of eligibility before their child starts receiving childcare under the Offer, then they are not entitled to be placed into a TEP.

### **Pre-Approved Applications**

- 111) Where a parent is assessed as eligible in advance of the term in which their child becomes eligible for the Offer, but falls out of eligibility before the start of that term, they will not normally be eligible for a TEP. Parents are responsible for notifying their Delivery Authority of the change immediately so that they may be removed from the Offer. In the event that the parent fails to inform their Delivery Authority in good time and childcare funded through the Offer has commenced, they should be notified of an immediate end of funding and all claims made for their child should be subject to the overclaims procedure.
- 112) There are two scenarios where a parent may not be able to provide all evidence up front to satisfy the local authority of eligibility and be placed in an immediate TEP.

### **Parents entering into education and training but the course has not yet commenced**

- 113) To support parents applying for the Offer under the criteria of being in training or education, local authorities can approve an application in advance of a parent being eligible for the Offer. Many parents will apply as soon as they have an offer to study at a Further Education (FE) or Higher Education (HE) institution, using their invite or enrolment notification. These parents will subsequently need to provide further evidence demonstrating they have commenced their course, and most FE and HE institutions will be able to provide confirmation of their attendance.
- 114) When a local authority pre-approves an application for a parent entering training or education, the application should be placed into a TEP from the date the course will formally start. Parents will then need to provide further evidence before the TEP is removed.

- 115) Parents who have provided proof of a contract or an offer letter of employment but have not yet commenced employment To support parents who have provided proof of a contract or an offer letter of employment but have not yet started their job, local authorities can approve an application in advance of the parent being eligible for the Offer. Local authorities should place the parent into a TEP that begins on the day their employment is due to commence. Parents will then need to provide confirmation to the local authority that their employment has started as part of this process.
- 116) The requirement for a parent to be in some form of work, to be employed, or to be enrolled in a relevant HE or FE course remains in respect of the Offer.
- 117) If a parent who was previously eligible for the Offer has been made redundant, they must provide evidence of continued eligibility to the local authority, as they no longer have a work contract or business. Similarly, if an HE or FE course that a parent was enrolled in ceases to be delivered, they no longer meet the eligibility criteria for the Offer. In such cases, the local authority should commence a TEP from the point their circumstances change, up to a maximum of 4 weeks retroactively, and for an overall maximum of 8 weeks.

#### **What a local authority should do when a Temporary Exemption Period expires**

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

#### **What happens after a Temporary Exemption Period ends**

- 119) Although funding for a parent who is unable to confirm their continued eligibility under the Offer will end following a TEP, parents may still have an agreement with the setting for childcare and will need to continue to pay for the remainder of any contract that is in place. Settings will be unable to make a claim for funding through the Childcare Offer for Wales platform for parents with an expired TEP.
- 120) Settings should assure themselves that parents will continue to pay for agreed hours despite no longer receiving support through the Offer. In these cases, settings may charge their normal rates whether they are higher or lower than the payments they received under the Offer.

## Section 6 – Children requiring additional support

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

Relevant Standard Operating Procedures or additional guidance to support this section:

- [Childcare Offer for Wales: Additional Support Grant Guidance](#)

### **Additional Support Grant**

- 121) In relation to the childcare element of the Offer, and to ensure that the childcare element of the Offer is inclusive to eligible children who need additional support, help has been made available by means of a separate funding stream called the Childcare Offer for Wales Additional Support Grant (ASG).
- 122) Funding for children to access the education element of the Offer is already provided to local authorities, who have established systems for assessing need and allocating resources.
- 123) Local authorities should refer to the Childcare Offer for Wales Additional Support Grant guidance published online.
- 124) Assessments of the nature of support required by children should be undertaken in line with each local authority's standard processes.
- 125) Under the [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018](#), children with severe medical or healthcare needs will be funded through the local authority's social care budget. These children will not, therefore, require additional funding under the Offer.

## Section 7 – Which providers can deliver the Offer

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

Relevant Standard Operating Procedures or additional guidance to support this section:

- [Childcare for 3 and 4 year olds: policy guidance for providers](#)

### Types of providers

126) 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 are required to meet 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 are required to meet their standards. Childcare Providers that are not registered with either CIW or Ofsted are not able to deliver the Offer.

127) 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.

128) Nannies in Wales are not regulated to the same extent as registered childcare providers and therefore cannot be funded to deliver the Offer.

129) Childcare providers wishing to be involved in the Offer will be expected to:

- 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. This is stated in the provider guidance under '[Top-up rates when your normal rate is higher](#)'.
- adhere to the guidance for charging for additional elements when charging parents accessing the Offer for food, travel and any offsite activities.
- 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 persistently fails to take up the hours funded through the Offer.

130) 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.

131) Local authorities should support childcare providers with these principles and their obligations set out within the Childcare Offer for Wales Terms and Conditions for Providers.

132) Under the Offer a child can access a maximum of two registered childcare settings, in addition to their nursery education setting.

### **Cross Border Provision**

133) 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.

134) Parents who live in England are not eligible for the Offer in 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 nursery education accessed at a setting in Wales.

## Section 8 – 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.

Relevant Standard Operating Procedures or additional guidance to support this section:

- [Providers manage agreements for the Childcare Offer for Wales](#)
- [Parents manage online Childcare Offer for Wales agreements](#)

### Hourly rate of pay for childcare

- 135) From 6 April 2026 the national hourly rate paid by the Welsh Government to childcare providers delivering childcare under the Offer has increased from £6.40 per hour to £6.67 per hour.
- 136) The national rate of £6.67 is paid by the Welsh Government to childcare providers for provision on bank holidays, even where it is the provider's policy to charge an increased rate.
- 137) Childcare providers can claim for half hour sessions and will be paid at a rate of £3.34
- 138) 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.
- 139) The national hourly rate covers childcare only and excludes any permissible charges for food, transport and other activities, such as off-site activities, for example day trips.

### Charging top up fees

- 140) If a childcare provider would usually charge more than £6.67 per hour for childcare, they are not permitted to charge parents an additional hourly amount to top-up the rate under the Offer. Providers who are found to breach this term should be referred to the Welsh Government who will assess and may take action. This could include removing a provider from providing the Offer.
- 141) Settings should not ask an Offer parent to pay a fee that is shown to be a direct top up on the hourly rate paid to settings by the Welsh Government.

142) Providers are not required to charge the Offer hourly rate for provision which is not delivered under the Offer.

### **Charging for additional elements**

143) Settings who have parents accessing their premises for provision of the Offer are only permitted to charge these parents for the additional elements outlined below. Settings are required to support all parents' understanding of contracts which a parent may enter into with them including, invoices and charges if additional charges are applicable. Settings 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.

### **Charging element - food:**

144) Settings are permitted 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.

145) In accessing the Offer, parents 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.

146) Guidelines in respect of charging for food during a full day care session (approximately 10 hours) are that from 6 April 2026 parents should not be charged more than £11.25 per day for food. A charge of approximately £11.25 for a full day care session would include three meals at £3.13 per meal and two snacks at a charge of 94p per snack.

147) 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 £7.20. This figure would allow for a child to be charged for two meals at £3.13 per meal plus a snack at a charge of 94p per snack.

148) For sessional care where a meal is not provided but children receive a snack, guidelines are that parents should not be charged more than 94p per day for snack provision.

### **Charging element - transport:**

149) Childcare providers are permitted to charge parents for transport which incurs a cost.

150) Fees for transport are not determined by the Welsh Government. It is recognised that 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 to a safe standard. It is for the provider to determine how they set their transport rate.

- 151) Transport rates should be set at a reasonable rate. Settings must inform parents of transport costs they may be subject to in order to ensure clarity and certainty for parents.
- 152) Offer parents should not be charged more for transport than those not accessing the Offer. Parents should approach their chosen setting if they believe that transport costs are not reasonable. Settings should work with local authorities, who reserve the right to monitor the cost of transport charged to Offer parents, to ensure that any costs are reasonable.
- 153) Reasonable in relation to this chargeable element means to be able to run and meet the costs of running transportation safely, sustainably and not contributing to wider operating costs of the provider.

#### **Charging element – Off-site activities:**

- 154) Settings are permitted to charge parents for off-site activities, which incur a cost.
- 155) Parents accessing the Offer must 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.
- 156) Fees for off-site activities are not set by the Welsh Government. Rates for off-site activities where costs are incurred will also vary according to the nature of the activities.
- 157) Settings should not apply additional charges in respect of routine on-site activities to Offer parents. Routine on-site activities are activities which are routine and considered business as usual.
- 158) Settings 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.
- 159) The 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.
- 160) Parents who do not wish to access a setting because of additional chargeable elements should approach their Family Information Service to ascertain what alternative childcare settings are available to them to access.

#### **Non-compliance with charging guidelines**

- 161) Local authorities have a responsibility for monitoring additional chargeable

elements applicable to parents and evaluating whether these are deemed reasonable.

- 162) Settings that deliver the Offer make online claims for hours delivered, using the national digital Childcare Offer service. When a setting registers with the national digital service, they agree to a set of terms and conditions. Agreeing to these terms and conditions means that settings respect delivery of the Childcare Offer and adhere to online published guidance for settings.

### **Breach of Guidance – Top Up & additional chargeable elements**

- 163) If a local authority determines that a setting is intentionally or persistently breaching terms and conditions and guidance by directly charging top up fees or persistently and/or intentionally charging additional elements outside of this guidance, they should make contact with the setting to establish the facts and work with the setting to remind them of their obligations in delivering the Offer. If, after working with the local authority, the setting continues to persistently breach the terms and conditions and guidance, this matter should be referred to the Welsh Government.
- 164) In these cases, the Welsh Government will work with the local authority and will consider what action should be taken.
- 165) In such cases of non-compliance, the Welsh Government reserves the right to remove any settings that intentionally or persistently breach the terms and conditions and this guidance from delivering the Offer.

### **Funding for nursery education provision**

- 166) The rate for nursery education provision is consistent with the Offer rate, although the funding mechanisms for both are different. For settings that offer nursery 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.
- 167) If a childcare provider is being funded for hours of nursery 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 result in action being taken to recover the costs.

### **Claiming for booked hours which are not used**

This section should be read in conjunction with managing agreements guidance. A link to which can be found at the beginning of this section.

- 168) 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.
- 169) 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.

- 170) Where a child is booked to attend a childcare setting but is not able to attend due to the setting 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.
- 171) 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.
- 172) 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 and/or settings. Where the hours are not required, they should no longer be funded. If a parent is repeatedly booking unnecessary hours this may result in removal from the Offer.
- 173) Parents booking hours with no intention of attending is not permitted however, the Offer allows continued funding during short-term absences (up to four weeks) or where it is accommodating parental shift patterns. Certain longer-term disruptions can be permitted but must be referred to the Delivery Authority for discussion with Welsh Government and must be based on actual booked hours, they may require evidence from the parent or provider.
- 174) Where parents book hours with the intention of using them but cannot do so for a legitimate reason, such as illness or self isolation, providers may claim Offer funding for a maximum of four weeks. Any extension to this period should be considered as an exceptional circumstances case by the Welsh Government, and supporting evidence will be required.

## 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.

Relevant Standard Operating Procedures or additional guidance to support this section:

- [Welsh Government Communications Media Toolkit - Childcare Offer for Wales](#)

### The Delivery Model

175) Under the delivery model for the Offer there are two categories of local authority:

- **Delivery Authorities** - are responsible for promoting the Offer to parents and childcare settings 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 settings 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.

<b>Delivery Authority</b>	<b>Engagement Authority</b>
Blaenau Gwent	Torfaen
Caerphilly	
Cardiff	
Ceredigion	Carmarthenshire Pembrokeshire Powys
Flintshire	Denbighshire Wrexham
Gwynedd	Anglesey Conwy
Neath Port Talbot	
Newport	Monmouthshire Vale of Glamorgan
Rhondda Cynon Taf	Bridgend Merthyr Tydfil
Swansea	

More detailed information on the roles and responsibilities of Delivery and Engagement Authorities are set out in the administration grant award letters.

## **Communications and Branding**

- 176) There is a Welsh Government Communication Media Toolkit with guidance that local authorities must adhere to. A link is provided at the beginning of this section.
- 177) All local authorities are expected to develop an annual communications plan using the template, provided with the grant award letters. Local authorities are expected to promote the Offer amongst childcare settings and potential eligible parents. This could include setting events and promotional materials. Budget should not be spent on promotional merchandise such as stationery, bags, clothing or similar items as it is very difficult to measure the impact of these items on the number of applications for the Offer. Some merchandise can also be harmful to the environment.
- 178) 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 PR opportunities through local newspapers and other publications.
- 179) 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) where applicable and the Childcare Offer national helpline, to apply for the Offer and find suitable childcare.
- 180) The Welsh Government provides funding via the Childcare Offer Administration Grant to enable local authorities to deliver and promote the Offer. 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.
- 181) Local authorities should publicise the Offer through their social media platforms locally to maximise their reach. Use of social media platforms should be in line with guidance in the Welsh Government Communication Media Toolkit in adhering to Welsh Government branding guidelines, and in line with the local authority's social media policy. The Welsh Government logo should have prominence on all promotional items.
- 182) All local authority campaign activity featuring social promotion, face to face contact with parents, leaflets and posters and out of home advertising must be evaluated using the template provided as part of the grant award letters. Local authorities should refer to the administration grant award letters for relevant templates and key dates.

## Section 10 – Funding for the Childcare Offer

This section describes the two separate grant funding streams which Welsh Government provides local authorities to support delivery of the Offer.

Relevant Standard Operating Procedures or additional guidance to support this section:

- [Childcare offer for Wales: Additional Support Grant](#)

Core funding for Offer hours is paid directly from the Welsh Government to childcare settings.

### **The Childcare Administration Grant**

183) This grant is paid to local authorities to facilitate the delivery of and provide first line support for the Offer for Wales. Terms and conditions of this grant are set out in grant award letters.

### **The Additional Support Grant**

184) The Additional Support Grant (Section 6) is paid directly to local authorities who can draw on this funding to help ensure that eligible children with additional needs are able to access the childcare element of the Offer in the same way as other eligible children. A link to specific guidance to local authorities can be found above.

## Section 11 – Delivery of the Offer – local authorities supporting parents

This section sets out how local authorities can discharge their duties to support parents.

Relevant Standard Operating Procedures or additional guidance to support this section:

- [Standard Operating Procedures for local authorities: Applications from Parents](#)
- [Childcare Offer for Wales: national digital service assisted digital strategy](#)
- [The Welsh Government complaints procedure](#)

### Parent processes

- 185) The support arrangements to help people who are unable to use the Childcare Offer digital service unaided are detailed within Childcare Offer for Wales: national digital service assisted digital strategy.
- 186) This strategy sets out the support arrangements in place to assist people in using the Childcare Offer national digital service where they are unable to do so unaided. The Childcare Offer national digital service has been developed with the Digital Strategy for Wales principles at its core.
- 187) Parents should complete their own applications for the Offer, unless in exceptional circumstances. Parents should not ask local authorities or settings to complete their application unless in exceptional circumstances, where it is felt by the local authority that there is a high risk the parent will lose out on Government-funded childcare if they are not supported, then help may be given. A setting may in these circumstances also assist if they seek permission from the local authority.
- 188) 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 setting is adequately covered in terms of their duties in respect of handling personal information (GDPR).
  - Notification of eligibility from the local authority should be communicated directly to the parent.

### Eligibility Checking

- 189) Delivery authorities must use the data and documentary evidence provided on the digital platform to confirm an applicant's eligibility for the Offer. Parents as applicants will confirm and verify that the information and documentary evidence uploaded to support their application is correct.
- 190) It is expected that each application is supported by documentary evidence of

eligibility. This is set out for parents online and could include the child's full version birth certificate. If a parent does not have access to or a copy of the full version birth certificate, the local authority will require:

- A short version of the birth certificate and
- proof of parental responsibility, such as:
  - Child Benefit letter
  - letter from their local authority nursery admission department or any other formal letter which provides evidence they have responsibility for the child.
  - the child's medical record or red book
  - correspondence addressed to them on behalf of the child from another health professional e.g. GP/hospital/dentist;

If the child's name has been changed by a deed poll, evidence will be required.

191) 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.

### **Proof of address**

192) Proof of address, dated within the last 3 months:

- latest utility bill, such as electricity, gas, or water bill (mobile phone, credit card and broadband bills are not permitted, neither are television licences)
- latest council tax statement
- latest bank statement

If a parent does not have any of these, a local authority can accept a copy of the parents' house purchase contract or tenancy agreement.

### **Proof of employment and income**

193) To prove employment and income, a parent is required to provide the latest 3 months pay slips, or a copy of their employment contract, for both parent 1 and parent 2.

### **Where a parent is on adoption leave or is a foster carer**

194) A parent will need to confirm with the local authority that attending childcare is agreed in the child's care plan. Local authorities assessing an application may contact the relevant social services department for confirmation.

### **Self-employed (including foster caring)**

195) If a parent or their partner is self-employed (including foster caring), they will need to provide one of the following:

- SA302 form
- latest Self-Assessment tax return (including Unique Tax Reference (UTR) number and registration date)

### **Where a parent is newly re-located**

196) Consideration should be given to how newly re-located applicants can provide proof of address e.g. if they are not yet registered for council tax.

### **Where a parent is newly self employed**

197) 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).

198) 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. This could be a copy of latest accounts. Where earnings do not meet the threshold, a statement of anticipated income over the period of entitlement from their accountant/agent would be required.

### **Where a parent is in education or training**

199) If a parent is in education or training as defined within section 4 of this guidance, they should provide evidence of formal enrolment on a relevant course.

200) Where a parent has applied and been offered a place on a relevant 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.

201) In cases where a parent has applied and been offered a place on a relevant course, but has not yet been able to enrol, local authorities should adhere to the Standard Operating Procedures for local authorities: Applications from Parents.

### **Cross Checking information and documentary evidence**

202) Local authorities must cross check the information which the applicant enters and submits on the digital platform as well as any uploaded documentary evidence to support their application, to ensure that they are consistent.

## **Notifications to Parents**

- 203) Parents and Childcare settings will receive automatic email notifications from the digital platform when they need to take action. This is set out in detail within the Standard Operating Procedures.

## **Parents Confirming Continuing Eligibility**

- 204) Parents are required to confirm their continuing eligibility and that their circumstances have not changed once each term. This is a mandatory requirement for any parent accessing the Offer and is also known as the '100% check'. If a parent confirms that there is no change then this process is complete.
- 205) Parents who reconfirm their eligibility will be subject to random spot checks to verify their continued eligibility. A minimum of 20% of these parents will be asked to provide updated evidence of eligibility. This process ensures that the Offer meets fraud prevention expectations for managing public finances. Parents subject to the spot check should not be considered ineligible during the check and should not be placed in a TEP during this process. As detailed in the Standard Operating Procedures, if the parent fails to provide the required information, then they should be placed in MIR and at the same time into a TEP.
- 206) Local authorities can, in certain circumstances, adjust the 20% sample by adding or removing parents from the check. This should only be done if there is a business justification for doing so. The 20% sample will need to provide a range of evidence to satisfy their continued eligibility for the Offer. Local authorities should consult the relevant Standard Operating Procedure for additional guidance on required documentation. It is important to note that the 20% sample is not a sample of ineligible parents. These parents remain eligible during the recheck process, which is typically a 4 week check period and 8 week TEP period should the parent not respond within the 4 week period.

## **Parent Reviews & Complaint**

- 207) A parent or childcare setting may wish to request a review of a decision or make a complaint regarding the administration of the Childcare Offer for Wales.
- 208) As delivery authorities process and make determinations on parent applications the Welsh Government expects them to have processes in place for any of the responsibilities they discharge, including reviewing decisions taken on applications and for handling any appeals against an application decision for the Offer.
- 209) The Welsh Government also expects engagement authorities to have processes in place for reviewing complaints from childcare settings. Local authorities should refer to their roles and responsibilities set out in their grant award letters.
- 210) The scope of this guidance does not extend to complaints regarding nursery education. Complaints regarding this element of the Childcare Offer will need to

be dealt with according to nursery education procedures.

- 211) In complex cases, a local authority may ask the Welsh Government as data controllers to provide supplementary evidence to support the consideration of a complaint, by raising an incident request form. In such a case, a local authority must ensure compliance with the data protection rules set out by the Welsh Government at time of request.
- 212) Complaints should be reviewed in line with local authority policies. The Welsh Government does not influence the scope of local authority complaints and appeals policies.
- 213) Any process and subsequent decision will need to be made at an officer level and must not involve the cabinet or any other democratically elected official.
- 214) If a review or complaint arises in any matter that is not covered within this guidance Delivery Authorities must contact the Welsh Government for policy advice. If a request for a review or complaint is made that directly challenges the underlying Childcare Offer for Wales policy, local authorities are not permitted to make any exceptions to policy guidance.
- 215) Local authorities should notify the Welsh Government and their partner engagement authorities of outcomes to any complaints they have considered and accompanying rationale. Local authorities must anonymise the information to ensure data protection and privacy unless Welsh Government must undertake debt management action. In which case, the local authority must contact the Welsh Government to ascertain what information is required.
- 216) A local authority decision on a complaint is respected by the Welsh Government to be final unless the nature of the complaint falls under the conditions of the Welsh Government complaint [policy](#). The Welsh Government will not intervene where a local authority complaint process has been exhausted, and a parent/setting wishes the case to be escalated. This should be escalated through the appropriate local authority complaints channel; this is via the Public Service Ombudsman for Wales. The Childcare Offer will not investigate local authority procedures.
- 217) The Welsh Government [complaints procedure](#) clarifies the grounds on which a complaint can be raised. Local authorities should not refer cases to the Welsh Government where they are satisfied that the complaint has been resolved **or** that it does not meet the criteria set out by the Welsh Government corporate complaint procedure. The Welsh Government corporate complaints procedure does not consider complaints regarding underlying policy however parents may be directed to the Welsh Government to provide feedback as part of the policy review cycle.
- 218) Upheld complaints may lead to a case for the consideration of back dated funding by the Welsh Government. Scenarios where a complaint could be upheld by a local authority after review could include:
  - If 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 review/complaint, and they have incurred registered childcare costs in this period. (in such cases payment will be made via the back payment process at the relevant hourly rate in place at the time the costs were incurred).

219) A payment will only be made where the parent has incurred childcare costs with a registered childcare setting, and an application should be made to the Welsh Government for approval via the back payments process.

## Section 12 – Delivery of the Offer – Back Payments and Extraordinary Events

The following section sets out guidance following agreements to eligibility, regarding access to back payments, and delivery of, the Offer during extraordinary events where a setting must close due to circumstances beyond their control.

Relevant Standard Operating Procedures or additional guidance to support this section:

- [Standard Operating Procedures for Local Authorities: Claims for Childcare Offer for Wales payments](#)
- [Childcare Offer for Wales: Standard Operating Procedures for local authorities – Childcare Setting Registration](#)
- [Childcare Offer for Wales: Debt Management Policy](#)

### **Back payments and Extraordinary Event Payments**

220) The Welsh Government reserve the right to make determinations on cases for back payment and extraordinary payments.

### **Back Payments**

221) A back payment is a payment made to a childcare setting where circumstances have led to them not being able to access the full funding provision as part of their agreement with the parent and adherence to terms and conditions in delivering the Offer.

222) The Welsh Government is responsible for approving any claims outside of the usual course of business, including the use of back payments to correct parent or setting errors when making claims.

223) Local authorities should make a determination on a case by case basis before seeking the Welsh Governments approval for back payments via Delivery Authorities. The Welsh Government consider back payment requests where:

- a parent would be eligible for funding but has missed out on funding for a genuine reason.
- a setting has made an error in their timesheet and has missed out on claiming full entitlement to funding.
- a local authority upholds a complaint and finds that as a result, the parent would have been eligible.

224) The Welsh Government will not consider cases for back funding where an eligibility determination has not been made by a Delivery Authority. Scenarios may include:

- a parent accessing childcare provision with a childcare setting but had not applied online for the Offer.
- a parent accessing childcare provision with a childcare setting but their Offer application had not been approved.
- a setting seeking funding for a parent who they believe should have been

- eligible but had not been deemed eligible by a local authority.
- a parent applied for a different childcare provision such as on gov.uk.

- 225) The 'Back Payment Request' Form should be submitted to the Welsh Government for determination by Delivery Authorities only.
- 226) Local authorities are responsible for informing parents and childcare settings of any outcome to an application for a back payment.
- 227) If an application is successful, the Delivery Authority should follow the Standard Operating Procedure - Claims for Childcare Offer for Wales to undertake a back payment on the national digital platform.

### **Extraordinary events**

- 228) The Welsh Government may support a childcare setting during an extraordinary event such as a fire, flood or crisis that was not of the settings own making and was unavoidable. These cases are rare, and as such the Welsh Government will make a determination on a case-by-case basis making reference to childcare setting insurance arrangements that settings have in place.
- 229) These cases are also considered emergency cases where children are unable to access provision. If the Welsh Government supports a setting as a result extraordinary circumstance, parents can access childcare provision at an alternative registered setting.
- 230) Local authorities must contact the Welsh Government as soon as possible with any request for extraordinary support for a childcare setting. Decisions relating to extraordinary funding requests are made on a case by case basis and will be time limited.

### **Adverse Weather**

- 231) 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.
- 232) 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.
- 233) Delivery authorities are required to provide Welsh Government with a completed adverse weather claim form for any claims for settings affected by adverse weather.
- 234) 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.

- 235) 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.
- 236) 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.
- 237) The adverse weather claim form can be obtained from Welsh Government **and any payment that cannot be made via the usual claim process will be made through the extraordinary payment process via the Digital Service.**

#### **Income Eligibility Criteria:**

- 238) All parents must 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.
- 239) 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.
- 240) 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 TEP.
- 241) 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 Offer. If a parent who was eligible for the Offer previously has been made redundant, then 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 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:**

- 242) 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.

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

- 243) Local authorities have an element of discretion to continue to fund term time childcare hours in exceptional circumstances, such as during a pandemic or similar health crisis. This is intended to ensure that children who were expected to begin full-time nursery education but are unable to do so are still supported.

**The following arrangements will apply where a pandemic/public 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 setting 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 settings 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 setting 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 setting'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 settings 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 worker deemed critical by the government 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 settings' contracts.

We would encourage local authorities to make full use of places for the children of workers deemed critical by the government 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.

## **Debt Recovery**

As per the debt management guidance [Debt Management Policy](#).

## **Over Payments**

244) The Welsh Government should be notified immediately where a local authority becomes aware of an over payment being made via the Digital Service. The Welsh Government is 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](#).

## **Voluntary closure of services**

245) There are circumstances where a setting may stop or be stopped in delivering the Offer. These include:

- Where the registration of a childcare setting is suspended or cancelled by Care Inspectorate Wales (CIW).
- Where a setting voluntarily stops providing Offer funded hours.
- Where a local authority suspends a setting in circumstances such as fraudulent activities.

Local authorities should refer to the Childcare Setting Registration Standard Operating Procedure to take action.

## Annex 1 - Holiday Provision Carry Over Scenarios:

### **Scarlet** turned 3 on 28 February

According to the local authority policy, Scarlet can have part time nursery education from the term after her third birthday. She starts school on 20 April 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 fourth 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, 2 weeks during Easter and another 5 during the following summer.

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

### **Thomas** turned 3 on 10 August

According to the LA policy, Thomas can have part time nursery education from the term after his third birthday. He started nursery education on 4 September and started accessing the Offer at the same time.

Thomas will access the Offer until the September after his fourth 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, 2 weeks during Easter and another 6 during summer.

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 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 23 September

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

Rebecca will access the Offer until the September after her fourth birthday, as this is when children enter full-time education in the local authority.

Rebecca is 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, 3 weeks during the summer, 2 weeks during Christmas, 2 weeks during following Easter and 6 weeks during the following summer.

If the parents had not used the full 15 weeks week holiday provision by the end of the second summer 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.