



Compliance Guide for Approved Providers

**National Childcare
Scheme (NCS)**

September 2023



**An Roinn Leanaí, Comhionannais,
Míchumais, Lánpháirtíochta agus Óige**
Department of Children, Equality,
Disability, Integration and Youth



Contents

Acronyms used in this document	3
1. Introduction	4
1.1 How to use this Document.....	5
2. Preparing for Your Compliance Inspection	6
3. The Compliance Inspection – Overview	7
3.1 Duration of Compliance Inspection	7
3.2 Compliance Inspection.....	7
3.3 Compliance Outcomes	8
3.4 Rectification Actions – Follow up.....	10
3.5 Overclaims / Financial Corrections	11
3.5.1 Overclaims - Hive Returns.....	12
3.5.2 Attendance Records.....	12
3.5.3 Closures.....	12
3.6 Sanctions	12
3.7 Compliance Outcomes – Appeals	13
4. Compliance Checks	14
4.1 Pre-requisites	14
4.2 Service Reference Number and Tusla Registration	16
4.3 Service Calendar and Closures	16
4.4 Fees Table	18
4.5 Parent Statements	20
4.6 Fees Records and Parental Co-payment.....	21
4.7 Attendance Records.....	23
4.8 Overclaims	26
5. APPENDICES	29
5.1 NCS Compliance Checklist	29
5.2 Rectification actions required	32
5.3 Review (Regulatory) checks and Contractual checks	38

Acronyms used in this document

AIM	Access and Inclusion Model
CCC	City/County Childcare Committee
CCSP	Community Childcare Subvention Plus
CHICK	Childcare Identifier Code Key
CSA	Childcare Support Act
DCEDIY	Department of Children, Equality, Disability, Integration and Youth
ECCE	Early Childhood Care and Education
ELC	Early Learning and Care
EYP	Early Years Platform
EYPC	Early Years Provider Centre
IAO	Independent Appeals Officer
NCS	National Childcare Scheme
QA	Quality Assurance
SAC	School Age Childcare
VO	Visit Officer

1. Introduction

Pobal is contracted by the DCEDIY to conduct compliance checks at participating childcare providers who operate one or more of the national childcare programmes i.e.

- Early Childhood Care and Education (ECCE) – including Access and Inclusion Model (AIM) Level 1
- National Childcare Scheme (NCS)
- Community Childcare Subvention Plus (CCSP) Saver Programme.

Access to compliance inspection outcomes are available through the Hive.

The National Childcare Scheme (NCS) is a financial support for parents/carers, which is offset against their childcare cost within Early Learning Care (ELC)/School Age Childcare (SAC) providers registered with Tusla. One of two types of subsidy (a universal subsidy or an income-assessed subsidy) can be applied for by parents/guardians towards the cost of their childcare.

The Childcare Support Act 2018 (CSA 2018) and associated regulations (Statutory Instruments) lay out the legislative basis of the Scheme.

Pobal, in its role as scheme administrator for the NCS, has responsibility to conduct compliance checks under the scheme. A range of standardised compliance checks are carried out during the course of a compliance inspection to ensure a provider is complying with conditions outlined in the CSA 2018, relevant Statutory Instruments, the NCS Provider Funding Agreement and the NCS Policy Guidelines document. The purpose of compliance inspections is to provide assurance to the DCEDIY and the exchequer that the significant amount of funding distributed through the National Childcare Scheme is protected.

This document provides guidance and assistance to approved providers when preparing for a NCS compliance inspection (there are separate Compliance Guides for approved providers for the ECCE programme and the CCSP Saver programme). Included in this document is the overall NCS compliance process, together with the possible compliance outcomes, the rectification actions which may be required from providers during the follow up process and any possible sanctions process.

Appendix 5.2 provides details of all non-compliance outcomes and the requirements on the provider to rectify the issue(s) identified, with the relevant timeframes outlined.

A number of the compliance checks under NCS are deemed as 'Reviews' as per Section 17 of the CSA 2018. The compliance outcomes resulting from such checks can be formally appealed within 30 working days of the compliance report being issued. The appeal is subject to review by an Independent Appeal's Officer (IAO). The NCS Appeals Policy and Appeals Form are available on the Hive.

In addition, Pobal conducts a number of additional *contractual* checks during the course of a NCS compliance inspection. While the formal appeals process

referenced above is not available for the outcomes of such contractual checks, the compliance team will continue to give due consideration to any issues/queries raised by a provider and provide the necessary clarifications. Such issues or queries can be raised via the ticketing system on the Hive. Appendix 5.3 distinguishes between checks considered as “reviews” (i.e. can be formally appealed) and those which are contractual checks.

This document includes references to certain clauses within the Funding Agreement, legislation, the Policy Guidelines and/or programme guides associated with some of the individual compliance checks i.e. identifying the rule(s) it stems from. It should be noted however that this document cannot be considered an exhaustive list of every check that could be conducted as it does not cover every funding agreement clause and/or rule. Similarly, by exception, an inspection may not cover all checks listed.

It is important to note that failure to provide the necessary information and/or records on the day of the compliance inspection may result in the provider being deemed non-compliant. Under the CSA 2018, Visit Officers (VO) are appointed as Authorised Officers by the Minister to conduct ‘reviews’ of childcare providers participating in the NCS. Authorised Officers are furnished with a warrant which confers powers as described in the legislation and primarily allow access to childcare facilities in order to conduct the inspection. For the purposes of this document, the term Visit Officer or VO will be used. It is recommended that approved providers prepare a compliance file containing all the relevant documentation required to facilitate a compliance inspection. This file should be maintained and easily accessible on-site at all times (see Section 2. *Preparing for your Compliance Inspection* below).

It should also be noted that the NCS Policy Guidelines and the compliance checks do not remain static and there can be changes from time to time. It is essential that providers familiarise themselves with the most up to date programme information including:

- Childcare Support Act (2018)
- NCS Provider Funding Agreement
- NCS Policy Guidelines

The Policy Guidelines document is available on the Hive. Any changes/amendments to this, or other relevant documents, will be communicated through the Hive. There is also supplementary information available within the Resources Section on the Hive including Programme Information, ‘NCS Guides’, FAQs and useful links.

1.1 How to use this Document



This icon indicates a reference to the Childcare Support Act 2018, the NCS Provider Funding Agreement, the NCS Policy Guidelines, ‘NCS Guides’ or other resources which can be referenced for more detailed information and/or guidance.



You will see this icon throughout the document to indicate important or helpful information which you may need to consider further.

2. Preparing for Your Compliance Inspection

Advance preparation is key to a successful compliance inspection. To help you plan and prepare for your compliance inspection it is recommended that you prepare a compliance file with all the requisite documentation and ensure it is maintained and easily accessible on-site at all times. There is an individual compliance checklist available for each of the DCEDIY funded programmes which are updated each programme cycle. The NCS checklist is included in Appendix 5.1 below and is also accessible on the Hive – **NCS Compliance Checklist 2023-2024**. It may be useful to place a copy of the individual checklist for each of the programmes you are participating in at the front of your compliance file.

It is important that the key documentation is readily available at all times to facilitate the compliance inspection and to reduce the duration of the inspection. It might be useful to consider the following questions on a regular basis:

- Do you have all the necessary documentation in your compliance file?
- Do you have adequate attendance records on-site which record actual arrival and departure times, recorded by the staff in the room, and which facilitate the completion of weekly returns reports on the Hive? **NB:** A key requirement of the NCS is to submit returns on a weekly basis to ensure the level of subvention paid reflects the pattern of attendance of individual children, linked to the rules as laid down by the scheme. As the rules allow attendance patterns to fluctuate over an extended period before subvention amounts may be adjusted, the compliance inspection must cover a significant period. **Attendance Records for a minimum of the previous 12 months should be maintained and easily accessible on-site at all times. These records should be recorded by staff in the room, recording children's times in and out as they arrive and depart the facility.**
- Are your Hive returns up to date and reflective of each child's actual attendance levels?
- Is there a designated staff member on-site at all times who can facilitate a compliance inspection with access to the relevant documentation?

It is acknowledged that all providers do not use the same method in maintaining their records. However, the method used must meet programme requirements and enable providers to make accurate NCS weekly returns and the VO to complete the compliance inspection within a reasonable timescale.



- 12 month attendance records must be maintained on-site for compliance purposes.
- Become familiar with the programme information, including the NCS Provider Funding Agreement, the NCS Policy Guidelines, other 'NCS Guides' available on the Hive and the Compliance Checklist for Approved Providers for NCS.
- Collate all documents required from the checklist and build a compliance file of documents so that records are maintained and readily available at all times.
- Set aside time regularly to review and amend Hive claims so that they are accurate and reflect the level of attendance.

3. The Compliance Inspection – Overview

Further detailed information on some of the specific types of checks is provided in section 4 of this guidance document.

3.1 Duration of Compliance Inspection

The Compliance VO may arrive at a provider's facility at any time during their operational hours, as indicated on the provider's calendar on the Hive. The duration of an inspection will vary depending on several factors:

- Number of programmes operating and the scope of inspection
- Number of children availing of the programme(s)
- Format of attendance records
- The number of records to be reviewed

Inspections are conducted within provider's operational hours and the VO will not request staff to be available outside of these hours. On occasion, an inspection will not be completed within the first day and the VO may be required to return on subsequent day(s).

3.2 Compliance Inspection



- Please note all Pobal VOs are Garda vetted and will hold an official photographic ID for inspection.
- VOs will be furnished with a warrant.
- A VO has a specific role within a provider's facility i.e. checking adherence to scheme rules and will not be left alone in the presence of children at any time during the inspection.

On arrival, after initial introductions and briefing, the VO will request access to attendance records and documentation detailed on the compliance checklist for approved providers. The VO will also ask to be shown the facility.

The VO will endeavour to keep disruption to the provider to a minimum in so far as possible, but a designated staff member will be required to facilitate the inspection. However, advance preparation for the inspection can also assist in that regard and potentially reduce the time required of the designated staff member. If all the requisite documentation is readily available in a compliance file, the designated staff member may not be required for the full duration of the inspection. As you will appreciate, the VO may require clarifications during the course of the inspection and they will require a member of staff to be available upon conclusion of the inspection to discuss the preliminary findings.

VOs may inspect records for up to 12 months up to the date of the inspection. This will result in an inspection of records from more than one programme cycle e.g. an inspection conducted in November 2023 (in the 2023/2024 cycle) could require checking attendance from December 2022 (in the 2022/2023 cycle). Providers are requested to maintain 12 months records on-site.

A record of the compliance inspection is completed by the VO on a computer tablet. A compliance form is completed for each programme inspected (i.e. separate form for NCS, ECCE and CCSP Savers) and compliance outcomes are issued for each programme separately.

On completion of the inspection, the VO will go through the preliminary findings with the staff member facilitating the inspection, highlight any compliance issues identified and request that the staff member review the information recorded on the form. The staff member will then be requested to provide an electronic signature confirming/declaring that all documentation and explanations provided to the VO and recorded on the form are true and correct.

All NCS inspections are subject to assessment for quality control purposes by a Compliance Reviewer. This is an additional measure in the interest of ensuring consistency across all compliance inspections/outcomes. This can on occasion result in internal engagement with the VO as part of their decision-making process leading to subsequent amendments to the preliminary findings/compliance issues highlighted during the inspection. Non-compliant issues identified on-site may be deemed to be compliant or additional non-compliances may be identified.

VOs reserve the right to take copies of any records, books or other documents or extracts therefrom, that they review during the course of their inspection. Please note that a provider may receive more than one on-site inspection during a cycle.

3.3 Compliance Outcomes

As the compliance inspection is conducted on-site, the outcomes are based on the documentation/information made available on the day of the inspection. Although a provider may be required to submit documentation as proof of rectification action taken where non-compliance is identified, information submitted post inspection cannot be considered in determining the final outcome. Once the Quality Assurance (QA) Assessment is completed the provider receives a notification on the Hive informing them that the compliance report is now available and that the compliance inspection outcomes have been issued. The provider receives an overall outcome per inspection category, with specific details on non-compliances within each check.

The compliance outcome categories in relation to the NCS are as follows:

- Compliant,
- Minor non-compliant,
- Moderate non-compliant, or
- Major non-compliant.

If there are non-compliant issues identified, the overall compliance outcome for NCS will reflect the highest non-compliant categorisation.

The table below provides a summary of the compliance outcomes and a summary of the main reasons for a given outcome (See Appendix 5.2 for full details on all non-compliance outcomes):

Table 1: Compliance Categorisation

Outcome	Reasons
Major non-compliant	<ul style="list-style-type: none"> • Failure to facilitate an inspection • Attendance Records not maintained or not available for review • Inadequate attendance records* • Ineligible and/or incorrect Claim/s* • Children not recorded in attendance records* • Provider has charged a co-payment/fee for sponsored children • Calendar not up to date in relation to more than one unpaid closure
Moderate non-compliant	<ul style="list-style-type: none"> • Moderate instances of * above • Parent Statement non-compliances* • Fees record non-compliances • Co-payment non-compliances i.e. overcharging • Hive Fees Table non-compliances i.e. does not comply with programme requirements • Calendar not up to date in relation to one unpaid closure
Minor non-compliant	<ul style="list-style-type: none"> • Minor instances of * above • Minor instances of ineligible and/or incorrect Claim/s • Calendar not up to date in relation to one or more paid closure
Compliant	<ul style="list-style-type: none"> • No non-compliances identified (based on inspection of sample records reviewed)



- Depending on the type of non-compliance(s) noted during the inspection, the provider may receive an additional compliance inspection (follow-up on-site inspection) during the same cycle. For certain categories of non-compliance a follow up inspection will be conducted shortly after the outcome is issued to check that the issue has being rectified (See Section 3.4 below).



- To support providers, there is a Guide available on the Hive portal called 'Accessing the NCS Compliance Report on Hive' with step by step guidance on how to access, open, review and take action on the compliance report received.
- The local CCCs are available to provide on-going support with the National Childcare Scheme.
- Providers can submit a query in relation to the Compliance process by raising a request on the Hive portal (Hive → Requests → select 'Compliance' as request type)
- Providers can also contact the Early Years Provider Centre (EYPC) for support

3.4 Rectification Actions – Follow up

'Where an authorised officer finds a provider to be non-compliant in respect of any of the regulatory requirements, the Scheme Administrator shall take the following steps:

1. It shall issue a formal notification to the provider instructing them to correct the issue in question, setting out a timeframe for this correction ('notified timeframe') and setting out the consequences of failure to rectify non-compliance. This may necessitate notifications under section 17 to both parents and providers. The Appeal process will also be outlined to the Provider.

2. Following the 'notified timeframe' it shall confirm that the appropriate corrective action has been taken e.g. submission of a declaration confirming compliance, submission of documentary evidence etc. It shall also conduct follow up visits to confirm certain attendance record non-compliances have been rectified.'



- **NCS Policy Guidelines**
Chapter 15.3 – Scheme Administrator Review

Under the NCS Provider Funding Agreement, where a provider commits a breach of any term or condition of the Agreement, they are required to remedy any such breach (where such breach is capable of remedy). Providers will be informed of all relevant and required rectification actions that they are required to take in relation to the specific non-compliances identified during the compliance inspection. This will be referred to as the 'Action Required' within the 'Non Compliance Detail' section of a provider's compliance report. Providers will also receive automated weekly reminders prompting you to review your compliance report and any relevant rectification actions within it.

There are two types of follow-up actions undertaken by the Compliance team:

- On-site follow-up inspection for certain attendance records or parent statement non-compliances identified.
- Desk-based follow-up for all other relevant non-compliance issues, where the provider is required to submit evidence of rectification action completed and/or

a self-declaration¹ that this non-compliance has been rectified and/or commitment to future compliance is agreed.

If the non-compliance relates to significant issues with attendance records the onus is on the provider to **immediately** apply rectification actions going forward. Rectifying issues in cases of inadequate attendance records has to take place with immediate effect as an on-site follow-up inspection will occur **within** 20 working days of the notification advising the provider their compliance report is available for review is issued to the them (a follow up inspection could extend beyond 20 days in exceptional cases e.g. extended closure periods).

Where the provider is found non-compliant in relation to parent statement requirements, and an on-site follow-up inspection is the action required, then this will take place after 30 calendar days of the compliance report issued to the provider.

All other non-compliances require a tick box self-declaration and a post-inspection submission of relevant evidence (where applicable). This must be completed by the provider, through the compliance report on the Hive, within 30 calendar days of the compliance report issued to them.

Each of the rectification actions submitted by the provider will be verified by the VO or the system. After this verification is completed a status update in relation to each non-compliance issue will be recorded on the compliance inspection record as:

- Rectified
- Not Rectified or
- N/A

This document makes reference to deadlines for rectification actions, follow up inspections, applying sanctions etc. It should be noted that these are all included with the caveat, that if an appeal of a review decision is received, the compliance process is paused, and these deadlines are adjusted accordingly.

3.5 Overclaims / Financial Corrections

As part of the inspection process, non-compliance in certain categories may result in a correction of claims(s).

For any claim/financial correction that is completed as a result of a non-compliance in the following three categories, a standard notification will be issued to the relevant applicant(s).

¹ A self-declaration is to be completed by the provider on the compliance report via the Hive. This declaration and tick box is available in the non-compliance detail of each relevant non-compliant outcome on the report.

3.5.1 Overclaims - Hive Returns

Section 4.6 below outlines the scenarios where overclaims can be identified in relation to Hive returns submitted.

3.5.2 Attendance Records

In cases where issues with attendance records are identified and the required rectification actions are not taken **immediately**, then:

- Where attendance records continue to be inadequate (e.g. use of ticks, patterns of attendance cannot be determined, etc.), 'minimum hours' of 1 hour per day will apply to the affected claims from the date of the notification of the compliance report being available to the date of the follow up inspection.
- Where attendance records continue to be not maintained, 'zero hours' will apply and the affected claims will be ended.

3.5.3 Closures

Section 4.2 below outlines scenarios when calendar closure adjustments may be identified which could result in claim corrections.

3.6 Sanctions

'Where a provider has been formally notified of an infringement and has failed to take all reasonable steps to correct that infringement within the notified timeframe....' a sanction may apply.

'In the case of infringements of a very serious nature, a provider's contract may be withdrawn. The circumstances in which this may occur are: (a) In cases of fraud. (b) In cases where there are three or more repeated instances of infringements which have a significant, material impact on Exchequer funds. This includes a failure to maintain records in the required form given the relationship between attendance and payment of subsidy.'



- **NCS Policy Guidelines**
Chapter 15.3 – Scheme Administrator Review

"The Minister shall be entitled at any time during the Term to terminate this Agreement immediately if any one or more of the following events occur:

(v) If the Approved Provider shall commit a breach of any term or condition of this Agreement and, if such breach is capable of remedy, shall not have remedied it

within 30 days after written notification thereof has been served on the Approved Provider;”



- **NCS Provider Funding Agreement**
Clause 9.3 (v)

After receiving a compliance report, the provider may be asked to apply rectification actions within a specified timeframe. **Where an approved provider has failed to take the required rectification action(s) within the specified timeframe, a sanction may apply.**



- **NCS Policy Guidelines**
Chapter 15.3 – Scheme Administrator Review

3.7 Compliance Outcomes – Appeals

As outlined in the CSA 2018, a provider has a legal right to appeal a compliance inspection outcome which relates to a “review” check. The remaining checks are contractual checks and while these cannot be appealed, the provider may contact the compliance team through the Hive to outline why they consider the outcome incorrect. These will be reviewed on a case-by-case basis.

‘A person (“the appellant) aggrieved by a decision of the scheme administrator under section 17 may appeal against the decision by giving the scheme administrator a notice in the specified form stating the reasons for the appeal.’



- **CSA (2018)**
Section 20, subsection (1)
- **NCS Policy Guidelines**
Chapter 13 – Appeals by Applicants and Providers

An appeal must be made within 30 working days from the date of receiving the compliance report. Valid appeals are assigned to an IAO.

The provider who requests an appeal must follow the appeals process, which is outlined in the NCS Appeals Policy. This policy along with the NCS Appeals form can be found on the Hive under the Resources tab.



- While a provider can appeal a compliance outcome, it cannot subsequently appeal any rectification status or sanction arising out of that outcome, which is actioned once the appeal deadline has passed.

- A provider may also contact the compliance team through the Hive to query any aspect of the compliance process, and these will be considered on a case-by-case basis. However please note, that this would not be a formal appeals process and the compliance team are not responsible if the subsequent appeal is not submitted within the required deadlines.

Appendix 5.3 distinguishes between checks considered as “reviews” (i.e. can be formally appealed) and those which are contractual checks.

4. Compliance Checks

This section gives details of compliance checks and possible non-compliant outcomes as well as the most common reasons for these outcomes. Examples have been given as a guide but please note it is not an exhaustive list and there may be additional reasons for particular outcomes which are not documented below.



The following is not an exhaustive list of all possible outcomes and depending on circumstances during an inspection, additional checks may be required, and the outcomes/rationales may differ.

4.1 Pre-requisites

i. Programme Rules, Terms & Conditions:

‘Verification and other inspections may be carried out without prior notice being given to the Approved Provider.’

‘The Approved Provider shall permit authorised officers of the Scheme Administrator to attend at the premises of the Approved Provider and shall permit access to the Approved Provider’s premises and personnel for the purposes of inspection, as provided for in the Act. The Approved Provider shall permit access to relevant financial and other records (including attendance records) for this purpose and shall facilitate and co-operate with inspections as required.’



- **NCS Provider Funding Agreement**
Clause 8: *Right of Verification*
- **CSA (2018)**
Section 19, paragraph (d) and (f) of subsection (1)

All compliance inspections will only be undertaken during dates and operational hours when the service calendar submitted on the Hive indicates that the provider is open. It is important that all NCS documentation is kept on-site and available for review at any time.

ii. Compliance Check/s:

The VO will request access to a provider's premises to conduct a compliance inspection. If the VO is unable to gain access to the facility, this could result in a non-compliant outcome for that inspection². It is requested that the provider give details of the reason that the inspection is not being facilitated, which will be recorded on the form. The provider will be required to provide a signature confirming the information recorded.



- **Pobal compliance inspections are unannounced**, in that no notification will be made of the Pobal VO arriving at the provider's facility to conduct the on-site compliance checks.
- In the absence of a manager/owner on-site, it is important there is a designated staff member in the facility at all times who has access to the compliance file and responsibility for liaising with the Pobal VO.

iii. Possible Non-Compliance Outcomes

Inspection category	Compliance Outcome	Compliance categorisation	Reason for outcome
Pre-requisites	Approved provider did not facilitate the inspection - 1st occurrence	Major Non-compliant	Inspection could not proceed as admittance to provider's facility was not facilitated or provider was unable to facilitate the inspection.
Pre-requisites	Approved provider did not facilitate the inspection - 2nd occurrence	Major Non-compliant	Inspection could not proceed as admittance to provider's facility was not facilitated at the revisit or provider was unable to facilitate the revisit.

iv. Follow up action required

A revisit will occur if admittance is declined or no records are available for inspection. During the revisit the provider must grant the VO access to the facility and to the relevant records under review.

² If a provider is operating but no-one is on-site for good reason, e.g. outings, graduations, etc., this will not be deemed a non-compliant issue. Evidence of communication in relation to the event may be required at a later date to confirm the reason why no-one was on-site.

4.2 Service Reference Number and Tusla Registration

i. Programme Rules, Terms & Conditions:

'The Approved Provider must be registered with Tusla, the Child and Family Agency as a prescribed early years service and have an agreed contract under section 8 of the Act with the Minister for Children, Equality, Disability, Integration and Youth. An Approved Provider who provides both early learning and care and school age childcare must have a valid Tusla registration for both service types. This contract (the Agreement) will be administered via the Early Years Platform.'



- **NCS Provider Funding Agreement**
Appendix 1, Clause 2

Each facility/location operated must obtain a separate Service Reference Number and be subject to the appropriate Tusla inspection and Change of Circumstance requirements.

Approved providers must operate within the parameters of their Tulsa registration.

Pobal will notify Tusla where it cannot be determined if a provider is registered correctly with Tusla.

4.3 Service Calendar and Closures

i. Programme Rules, Terms & Conditions:

'The Approved Provider must submit a service calendar annually to the Scheme Administrator through the Early Years Platform, in such form as may be directed, in accordance with the Regulations. The service calendar must be displayed at all times in an area accessible to parents and also on any online platform maintained by the Approved Provider for the purpose of advertising its service. The Approved Provider agrees to allow the scheme administrator to publish their calendar online and in any other form, and to publish this data and use the data in aggregate form for the purpose of reporting on service calendars.'



- **NCS Provider Funding Agreement**
Appendix 1, Clause 8
- **NCS Policy Guidelines**
Chapter 6.2 – Contract

Approved providers are required to submit two calendars on the Hive with details of all days/weeks that they intend to operate for two consecutive programme years.

This is required as a CHICK’s approval applies to a period of 12 months from date of approval, which may span across two calendar years.

Payments are made to providers on a weekly basis for all children who are in receipt of an NCS subsidy.

The provider must notify Pobal immediately (no later than 5 days) where it is prevented from carrying out its obligations under the Agreement by reason of force majeure. Providers must also notify Pobal when the force majeure circumstances cease. If the force majeure circumstances last for more than 45 days, then the provider or DCEDIY has the right to terminate the Agreement by giving written notice.

ii. Compliance Check/s:

The VO will review a provider’s attendance records to verify that the records confirm the calendar opening days and times.

	<ul style="list-style-type: none"> • If force majeure has been approved (or applied for) the Authorised Officer will request evidence of the approval and/or application. • The VO will consider any subsidised closures³ recorded on the Hive service calendar to determine if a closures non-compliance relates to Paid or Unpaid Closures.
---	--

If the VO identifies any unreported paid closure days while reviewing the attendance records, this will be recorded as a non-compliance.

If the VO identifies any unreported unpaid closure days while reviewing the attendance records, this will be recorded as a calendar closure adjustment, which would result in claim corrections carried out by Pobal. Any claim corrections created will take effect affect 45 days from the date of the compliance report issued to the provider.

The provider will be required to ensure that the calendar on the Hive is up to date and reflects all closure days, subsidised and unsubsidised, going forward.

iii. Possible non-compliant outcomes:

Inspection category	Compliance Outcome	Compliance categorisation	Reason for outcome
Closures	Registered service calendar on the Hive is not up to date - i.e. does not reflect	Minor Non-compliant	One or more paid closures have been identified that were not reflected on the Hive calendar

³ Approved providers are entitled to claim up to 10 subsidised (paid) closure days in a given contract term.

	all identified paid closure days		
Closures	Registered service calendar on the Hive is not up to date - i.e. does not reflect all identified unpaid closure days.	Moderate Non-compliant Major Non-compliant	1 unpaid closure identified that was not reflected on the Hive calendar More than 1 unpaid closure identified that was not reflected on the Hive calendar

iv. Follow up action required:

The provider will be required to complete a self-declaration through the Hive to confirm that all closure days will be reflected in the Hive calendar going forward. This action must be taken by the provider within 30 days of receiving the compliance report.

Where the VO identifies any unreported unpaid closure days, Pobal will action a calendar correction/update. This may result in a claim adjustment. Any claim adjustments will come into effect 45 calendar days from the date the compliance report was issued. The provider should not update their service calendar in relation to unreported unpaid closures identified by the VO.

Where the VO identifies any unreported paid closure days, the provider will be required to update their calendar to reflect this closure, and submit photographic evidence of this.

4.4 Fees Table

i. Programme Rules, Terms & Conditions:

The provider sets their own fees but must notify the Scheme Administrator and the parents of eligible children of any change in fees at least 20 working days before the change comes into effect.

'The Approved Provider must publish a fees list, using a standard template specified by the Scheme Administrator, in accordance with the Regulations. The fees list must be displayed at all times in an area accessible to parents as well as on any online platform maintained by the Approved Provider for the purpose of advertising its service. The fees list must set out the fees charged by the Approved Provider for each level of service available in the service. Where the Approved Provider amends his or her fees, the revised fees list must be submitted to the Scheme Administrator without delay. The Approved Provider must give 20 Working Days' notice to Qualifying Applicants and to the Scheme Administrator of any increases in fees. The Approved Provider agrees to allow the scheme administrator to publish their fees online and in any other form, and to publish this data and use the data in aggregate form for the purpose of reporting on fees.'



- **NCS Provider Funding Agreement**
Appendix 1, Clause 9

Approved providers must complete a fees table when on-boarding. This must show details of all fees charged to parents, and include details of any additional charges, discounts, etc. applied by the provider. Please note, the fees outlined on the Fees Table should be weekly.

ii. **Compliance Check/s:**

For the purpose of the compliance inspection, the VO will check that the current fees table reflects fees charged i.e. any fee changes introduced are reflected in an updated fees table. Please note that partner services must comply with Core Funding requirements regarding any changes in fees.

iii. **Possible non-compliant outcomes:**

Inspection category	Compliance Outcome	Compliance categorisation	Reason for outcome
Fees Table	The Fees Table on the Hive does not comply with programme requirements.	Moderate Non-compliant	Fees table does not comply with requirements laid out in policy guidelines or programme guide documents and/or is incorrect or inaccurate. Examples (not exhaustive): <ul style="list-style-type: none">• All session types offered not included• Fees incorrect (e.g. weekly rate incorrectly calculated / fees have increased but fees table not updated)• Non-pro rata rates not included

iv. **Follow up Action required:**

The provider will be required to submit evidence of the updated fees table and a self-declaration through the Hive to confirm that the fees table is up to date in regard to fee changes/omissions and complies with programme requirements. This action must be taken by the provider within 30 days of receiving the compliance report.

Any fee change should be reflected in the parent statement, and shared with parents/guardians.

4.5 Parent Statements

i. Programme Rules, Terms & Conditions:



- Guidance on parent statements can be found under the Resources tab in the Help & Support section on the Hive.

Approved providers must have a signed and dated parent statement on file within the facility for each family availing of the NCS subsidy for their childcare. The parent statement must be signed by the parent/guardian and the provider. Please note, the parent statements need to be signed per family attending the facility. A new one does not need to be generated for each child.

ii. Compliance Check/s

The VO will check that there is a signed (by both parties) and dated parent statement on file in the facility for each family availing of NCS funded childcare.

iii. Possible Non-Compliance Outcomes

Inspection category	Compliance Outcome	Compliance categorisation	Reason for outcome
Parent Statement	Signed Parent Statements not on file for all currently registered children selected for inspection	Moderate / Minor non-compliant determined by the percentage of parent statements not signed/not on file.	All signed parent statements for current active registrations, not signed and on file or not made available for review at time of inspection.

iv. Follow up Action required:

The provider is required to ensure parent statements for the families of all currently registered children availing of the NCS funding are signed by both the parent/guardian and provider, dated and on file. This rectification action must be completed within 30 calendar days of receiving the compliance report and in some instances a post-inspection submission of evidence will be required. In addition, a self-declaration must be completed and submitted through the Hive by the provider within the same timeframe.

Alternatively, this may be followed by a further inspection (follow-up inspection to the facility) by a VO to establish whether the issue has been adequately rectified or whether a sanction should apply.

4.6 Fees Records and Parental Co-payment

i. Programme Rules, Terms & Conditions:

'All financial records, including attendance records, must be retained for a period of 6 years after the end of the year to which they relate.'

'The Approved Provider agrees to use the Subsidy provided under the Scheme to reduce fees charged to Qualifying Applicants for childcare services provided to eligible children by: ii) in the case of a sponsored child, the number of hours of childcare that will be provided to the child will be the number of hours indicated in the referral by the Sponsor within the rules for sponsors; no Co-payment may be charged in respect of a Sponsored Child; iv) charging the Qualifying Applicant, at a maximum, the difference between the relevant fee from the Approved Provider's published schedule of fees and the amount of the approved Subsidy.'

'Participation in the National Childcare Scheme is on the following basis: (...) x) The Approved Provider must retain evidence of the Co-payments received from Qualifying Applicants that can be used to confirm that the correct Co-payment is being charged in respect of each subsidised child. The evidence retained must allow the particular child and the period of time to which the payment relates to be identified.'



- **NCS Provider Funding Agreement**
Clause 7.6
- **NCS Provider Funding Agreement**
Clause 5.1
- **NCS Provider Funding Agreement**
Appendix 1, Section 13(x)

Approved providers in receipt of the NCS funding are required to keep appropriate records of fees charged to parents and to make these records available for inspection.

ii. Compliance Check/s:

The VO will review the fee records to establish that they are maintained in a format which allows confirmation of co-payment and the correct fee (parental co-payment) is being applied. The fee records maintained should clearly outline the co-payment charged to the parent/guardian on a weekly/monthly basis, and the payment received each week/month. It must be possible for the VO to confirm that the subsidy received has been passed on to individual families in full.

iii. Possible non-compliant outcomes:

Inspection category	Compliance Outcome	Compliance categorisation	Reason for outcome
Fees Records	Fee records are not available for inspection onsite	Moderate Non-compliant	Fees records are not kept on-site or are not accessible on-site during the inspection.
Fees Records	Fee records are not adequate to allow compliance to be checked	Moderate Non-compliant	Fees records are on-site but are not adequate to allow VO to confirm that correct subsidy (in full) is being applied
Parental Co-payment	The co-payment charged to parent/guardian is not reflective of the full subsidy received	Moderate Non-compliant	Parent/guardian overcharged/full subsidy not passed on
Parental Co-payment	Service has charged a co-payment/fee for sponsored children	Major Non-compliant	Provider has charged for sponsored children

iv. Follow up Action required:

Fees Records - The provider is required to ensure all fees records for all current NCS registered children are available for review on-site and that records are maintained in an adequate format to allow compliance to be checked (allowing compliance to confirm the co-payments charged to parent/guardians and received). After receiving the compliance report, the provider will be required to complete a self-declaration and submit it through the Hive within 30 calendar days.

Parental Co-payment –provider is required to review all co-payments charged to parents/guardians to ensure they are reflective of the full subsidy received as per the Hive and to reimburse any parent/guardian that have been overcharged. In the case where there is a charge towards the parents/guardians of sponsored children, the provider must reimburse any charge. After receiving their compliance report, the provider will be required to complete a self-declaration and submit it through the Hive within 30 calendar days.

4.7 Attendance Records

i. Programme Rules, Terms & Conditions:

'In line with Tusla requirements, the service provider must maintain daily attendance records for each child specifying:

(iv) the child's name;

(v) date of attendance;

(vi) time of arrival;

(vii) time of departure; and

(viii) the person responsible for recording the child's arrival and departure.'

'In cases where the infringement relates to a failure to maintain attendance records, this is regarded as non-attendance.'

'Similarly, where records are not maintained in the required format (e.g. ticks rather than times against the child's name), the notification referenced at (a) above shall advise that, unless records are maintained in the required format with immediate effect, attendance denoted by ticks will be deemed as minimum attendance of one hour per day and an adjustment will be made by the Scheme Administrator 20 working days after the date of the notice.'

'The Approved Provider shall maintain an attendance record of Eligible Children that records the daily hours of attendance, showing the time of arrival at and the time of departure from the service of each child, recording non-attendance by Eligible Children and the person responsible for recording each arrival and departure....'



- **NCS Policy Guidelines**
Chapter 8.3 – Monitoring and recording attendance
Chapter 15.3 – Scheme Administrator Review
- **NCS Provider Funding Agreement:**
Clause 7.1

ii. Compliance Check/s:

Approved providers in receipt of the NCS funding must ensure all attendance records for a minimum of the previous **12 months** are available on-site for review at all times. The VO will request the records that are maintained by staff members in each of the rooms/sessions and completed as children arrive and depart the provider's facility. These are considered the source record. **The source records must be retained for inspection.** The source records are reviewed by the VO to establish that attendance records are adequate and to confirm:

- Attendance records for all rooms are available on-site for inspection

- Available attendance records are in an adequate format to allow compliance to be checked
- Attendance records are free from any gaps/inadequacies
- Provider's opening times/days/weeks are as per the calendar submitted on the Hive

Details of the minimum requirements for attendance records are laid out in detail in the Policy Guidelines.



Times of arrival and departure

The times during which the child is in the care of the provider, e.g. the time spent accompanying a child to, and collecting a child from, school is regarded as attendance. For example, if a child is collected from school at 3pm but does not arrive back at the provider's facility until 3.15pm, the child is considered to be in attendance in the provider's care from 3pm.

The provider must have a means of recording this additional time in order for it to be considered when reconciling attendance hours to the Hive claims.

iii. Possible non-compliant outcomes:

Inspection category	Compliance Outcome	Compliance categorisation	Reason for outcome
Attendance Records	Attendance records have gaps/inadequacies	Moderate Non-compliant	Attendance records do not meet requirements as laid out by DCEDIY but do allow the VO to track attendance of all registered children. Examples (not exhaustive): <ul style="list-style-type: none"> • Number of gaps during the programme cycle of times in/out but pattern of attendance could be established. • Absences are not recorded
Attendance Records	Attendance records for prior periods do not exist (e.g. destroyed, lost or never kept)	Major Non-compliant	Attendance records have not been maintained (e.g. destroyed, lost or never kept)
Attendance Records	Attendance records for all rooms are not available on-site for	Major Non-compliant	Attendance records are maintained, however, records for all rooms are

	inspection on day of initial inspection.		not available/kept on-site on day of inspection
Attendance Records	Attendance records for all rooms are not available on-site for inspection on day of revisit.	Major Non-compliant	Attendance records are maintained, however, records for all rooms are not available/kept on-site on day of revisit
Attendance Records	Attendance records are not in an adequate format to allow compliance to be checked	Major Non-compliant	Attendance records do not meet requirements as laid out by DCEDIY. Compliance with policy guidelines cannot be confirmed. Examples: <ul style="list-style-type: none"> • Records do not allow the VO to accurately track attendance of all registered children • Records maintained in a format that does not allow VO to confirm compliance (e.g. ticks) • Attendance is recorded in advance

iv. Follow up Action required:

The provider must maintain attendance records in the required format with **immediate effect** and a non-compliance will be issued. This will be followed up by a further inspection by a Visit Officer within the next 20 working days, to establish whether the issue has been adequately rectified. If not, the claims for the affected children will be ended (or reduced to minimum hours where actual level of attendance cannot be determined e.g. ticks used). In instances where attendance records were not available/never kept or not maintained in an adequate format, this may be regarded as non-attendance and a non-compliance outcome will apply (where ticks are used, an assumption of one hour attendance per day will be applied).

Where attendance records were available during the Compliance Inspection but the VO evidenced some gaps/inadequacies, the provider must ensure all attendance records are maintained in the required format for all children, with **immediate effect**. Additionally, the provider must complete a self-declaration, confirming the maintenance of attendance records in the required format, through the Hive within 30 calendar days of receiving the compliance report.

4.8 Overclaims

i. Programme Rules, Terms & Conditions:

‘The Approved Provider agrees to use the Subsidy provided under the Scheme to reduce fees charged to Qualifying Applicants for childcare services provided to eligible children by: v) confirming the registration of each eligible child on the Early Years Platform in accordance with the Regulations.’

‘The Approved Provider must adhere to the procedures set out in the Regulations and the Policy Guidelines when registering a child on the Scheme, and when confirming registrations on the Early Years Platform.’

‘Where the Scheme Administrator determines that an overpayment of a subsidy has occurred, it shall calculate the amount of the overpayment and notify the applicant of same via the Applicant Portal (or by post). It shall seek the immediate repayment of the amount overpaid from the applicant, i.e. repayment on demand, and will provide details for how this can be done, as well as a deadline within which to respond to the notification.’



- **Provider Funding Agreement**
Clause 5, 5.1(v)
Appendix 1, Section 7
- **NCS Policy Guidelines**
Chapter 15.4 Governance arrangements for applicants/guardians

ii. Compliance Checks

The VO will review the claims, based on the Hive returns submitted, and the attendance records of each registered child for a sample chosen to confirm that the sampled children are attending hours as claimed. The attendance record maintained by staff is the only record that is used to establish attendance. If an approved provider confirms a child has attended, but the child has not been recorded in the attendance record, this will be identified as a non-compliance.

The VO will highlight to the staff member facilitating the inspection each incorrect claim identified within the sample of records reviewed, if any, with reference to the attendance records (note that this is subject to a QA desk-based assessment, post on-site inspection, and may change if deemed appropriate).

iii. Possible Non-Compliance Outcomes

Inspection category	Compliance Outcome	Compliance categorisation	Reason for outcome
Overclaims	Hive returns were not reflective of all absenteeism and/or leavers	Major / Moderate / Minor non-compliant determined by the percentage of incorrect registrations identified.	<p>Child has been absent for 4 or more consecutive weeks and a special circumstance exemption has not been approved.</p> <p>Leavers not updated on the Hive or incorrect leave date entered.</p>
Overclaims	Hive returns were not reflective of all under-attendance of 8 to 12 weeks	Minor non-compliant	Attendance differs from hours claimed in a consistent pattern of 8 to 12 consecutive weeks which was not reported on the Hive e.g. child registered for 40 hours per week but consistently attending less
Overclaims	Hive returns were not reflective of all under-attendance of greater than 12 weeks	Major / Moderate / Minor non-compliant determined by the percentage of incorrect registrations identified.	Attendance differs from hours claimed in a consistent pattern of more than 12 consecutive weeks which was not reported on the Hive e.g. child registered for 40 hours per week but consistently attending less
Overclaims	Hive was not reflective with regards to actual start dates of child/ren	Major / Moderate / Minor non-compliant determined by the percentage of incorrect registrations identified.	Registration start date incorrect.
Overclaims	Ineligible claims identified as child/ren did not take up their place in the service	Major / Moderate / Minor non-compliant determined by the percentage of incorrect registrations identified.	Child registered but did not take up a place.

Overclaims	The Hive claims were incorrect with regards to facility the children are attending	Major / Moderate / Minor non-compliant determined by the percentage of incorrect registrations identified.	A child is attending a different/sister DCEDIY registered facility to which they are registered.
Overclaims	Not all registered Hive children have been evidenced in the attendance records	Major / Moderate / Minor non-compliant determined by the percentage of incorrect registrations identified.	Child does not appear in the attendance record.

iv. Follow up Action required:

Pobal will action a claim correction in relation to all identified overclaims. The claim corrections will come into effect 45 days from the date the compliance report was issued to the provider.

The provider will be required to ensure all future returns on the Hive are submitted based on actual attendance as per the attendance records maintained and are reflective of:

- absenteeism and/or leavers,
- under-attendance
- correct start dates
- correct facility to which the child is attending
- children who have taken up their place with the approved provider

The approved provider will also be required to complete a self-declaration to this effect through the Hive within 30 calendar days of receiving the compliance report.

5. APPENDICES

5.1 NCS Compliance Checklist

**6. National Childcare Scheme (NCS)
7. Compliance Inspections 2023/2024
8. Compliance Checklist for ELC and SAC Approved Providers***

*** NOTE TO PROVIDERS:** It is the responsibility of the approved provider to ensure compliance with their regulatory and contractual requirements. This checklist is intended for information purposes only and is not exhaustive. It is essential that approved providers are familiar with the scheme information including the NCS Provider Funding Agreement (including all appendices), NCS Policy Guidelines, and relevant guidance documents and resources available on the Hive. For further information please refer to the NCS Compliance Guide for Approved Providers available on the Hive.

Please tick

The following points are a guide as to the types of information that Visit Officers will seek to review during a Compliance Inspection.		
Compliance File		
1	To minimise disruption to the provider's operation, Pobal recommend that providers collate information for review on these inspections in a <u>Compliance Folder/File which is readily available and on-site at all times</u> . This Folder/File should not contain any information which is not relevant to the Compliance checks as outlined below (e.g. staff files, etc.). Attendance Records and Fee Records should also be easily accessible.	Yes <input type="checkbox"/>
Tusla Registration		
2	Is the most up to date Tusla Registration Certificate available for review?	Yes <input type="checkbox"/>
	Is the provider operating in line with their current Tusla registration levels?	Yes <input type="checkbox"/>
Attendance Records		
3	Are there adequate attendance records on-site for each session and/or room for the period under review? Attendance records are to be maintained by staff in each room, recording the children's times in and out as they arrive and depart the care of staff as well as any non-attendance (e.g. absences). If the information recorded in these records is transcribed to an office record or master sheet, the original record must be maintained and available for inspection. Note: Approved providers are to ensure all attendance records for a minimum of the previous 12 months, are available on-site at all times.	Yes <input type="checkbox"/>
4	Are the attendance records (e.g. Roll Books, Weekly Attendance Sheets) maintained and structured adequately to allow for easy and efficient monitoring of child attendance in each session and/or room? Do the attendance records enable the easy and efficient completion	Yes <input type="checkbox"/>

	<p>of weekly Hive returns and the identification of any registration amendment requirements in line with the NCS guidelines? The same applies if attendance records are maintained in an <u>electronic format/software package</u>. The package should have the functionality to generate weekly or monthly attendance reports either by programme, child, or room. Attendance Reports for a minimum of the previous 12 months should be maintained and easily accessible.</p> <p>Please ensure that where NCS registered children avail of Breakfast Clubs and occasional camps (e.g. during Halloween, Easter, Summer holidays) that attendance records are maintained and available for review at compliance inspections.</p>	
Hive Claims		
5	Are all NCS Claims on the Hive accurate and reflective of actual levels of attendance e.g. correct start/end dates, correct number of weekly hours claimed i.e. hours actually attended?	Yes <input type="checkbox"/>
6	Did all NCS children registered on the Hive take up their place in the registered facility?	Yes <input type="checkbox"/>
7	Are all NCS registered children attending the facility they are registered on the Hive to attend?	Yes <input type="checkbox"/>
8	Are all NCS children who are registered on the Hive and attending the facility, recorded in the attendance records?	Yes <input type="checkbox"/>
9	Are all weekly Hive reporting returns completed and up to date?	Yes <input type="checkbox"/>
10	Have weekly Hive returns been submitted accurately by the approved provider, reporting on all leavers, absenteeism of 4 or more consecutive weeks, and/or under attendance of 8 or more consecutive weeks as per the attendance records maintained?	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
11	Has approval for special circumstances been sought in relation to extended absences and/or under-attendances, in line with the Policy Guidelines? Exemption application forms are available in the NCS Documents section of the Hive.	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Parent Statements		
12	Is there a signed and dated parent statement on file per family of all currently registered children? Note: Parent statements should be signed by both the approved provider and the parent/guardian.	Yes <input type="checkbox"/>
Hive Fees Table		
13	Is the most up to date Hive Fees Table, displayed in the facility in a location easily accessible to all parents?	Yes <input type="checkbox"/>
14	Is the most up to date Hive Fees Table, published on any online platform(s) maintained by the provider for the purpose of advertising its services?	Yes <input type="checkbox"/>

15	Does the Hive Fees Table comply with programme requirements and accurately reflect the actual fees charged for each childcare place?	Yes <input type="checkbox"/>
Fee Records/Fees Charged (Co-Payment)		
16	Are there adequate fee records on-site for each child for the period under review, which will enable confirmation of the co-payments charged to parent/guardians? Fee Records maintained should clearly demonstrate the co-payment received each week/month. If direct debit is applicable, access to records must be available on-site (this can be online access).	Yes <input type="checkbox"/>
17	Is the co-payment (fee) charged to parents in line with the Hive registered fees minus the subsidy received?	Yes <input type="checkbox"/>
18	Are parents/guardians of sponsor referral children benefiting from subsidised childcare without having to pay any co-payment, including charges for optional extras?	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Service Calendar/Closures		
19	Is the most up to date Hive Service Calendar displayed in the facility in a location easily accessible to all parents?	Yes <input type="checkbox"/>
20	Is the most up to date Hive Service Calendar published on any online platform(s) maintained by the provider for the purpose of advertising its services?	Yes <input type="checkbox"/>
21	Does the Service Calendar on the Hive reflect the current opening and closing times of the provider? Note: Please remember to ensure your Hive registered Service Calendar is up to date and in line with changes to operating times i.e. changes at mid-term, Summer time, etc.	
22	Does the Service Calendar on the Hive reflect all planned and unplanned closure days (subsidised and/or unsubsidised) as evidenced from the attendance records? Note: Please remember to ensure your Hive registered Service Calendar includes all future closure dates that will occur throughout the year. In the event of closures for force majeure/exceptional circumstances please retain evidence of your Force Majeure application submitted in line with the Clause 11 of the NCS Provider Funding Agreement 2023/2024 (Force Majeure application form available in the NCS Documents section of the Hive). If you have forgotten to add a closure that occurred in the past and you have already submitted a return for that week, please contact the Early Years Provider Centre for assistance on this matter as soon as possible. Unreported closures will result in a non-compliance outcome.	Yes <input type="checkbox"/>
23	Tusla/HSE directed closures: If applicable, is evidence on-site of any Tusla/HSE directions to close as a result of a public health concern.	Yes <input type="checkbox"/>

5.2 Rectification actions required

	Non-Compliant Outcome Reasons	Non-Compliant categorisation	Rectification Action for Provider
PRE-REQUISITES			
1.	Approved provider did not facilitate the inspection – 1 st occurrence	Major non-compliant	<ul style="list-style-type: none"> Facilitate future compliance inspections immediately
2.	Approved provider did not facilitate the inspection – 2 nd occurrence	Major non-compliant	<ul style="list-style-type: none"> Facilitate any future compliance inspections. Please note, that given the seriousness of this outcome, all instances will be escalated accordingly.
PARENT STATEMENTS			
3.	Signed Parent Statements not on file for all currently registered children selected for inspection (greater than or equal to 90% but less than 95% on file)	Minor non-compliant	<ul style="list-style-type: none"> Ensure all parent statements are signed and on file within 30 calendar days of receiving notification that compliance report is available for review. The parent/guardian and the approved provider must sign the parent statement. Upload copies of signed parent statements, identified as not signed/on file at initial inspection, on the Hive within 30 calendar days of receiving notification that compliance report is available for review using the upload/create button Complete self-declaration within the compliance report on the Hive within 30 calendar days of receiving notification that compliance report is available for review. NB All relevant parent statements should be uploaded at the one time before completing the self-declaration.
4.	Signed Parent Statements not on file for all current registered children (< 90% available) - Conditional follow up	Moderate non-compliant	<ul style="list-style-type: none"> Ensure all parent statements are signed and on file within 30 calendar days of receiving notification that compliance report is available for review. To be reviewed at an on-site follow up inspection. The parent/guardian and the approved provider must sign the parent statement.
5.	Signed Parent Statements not on file for all current registered children (< 90% available) - Submit Evidence	Moderate non-compliant	<ul style="list-style-type: none"> Ensure all parent statements are signed and on file within 30 calendar days of receiving notification that compliance report is available for review. The parent/guardian and the approved provider must sign the parent statement. Upload copies of signed parent statements, identified as not signed/on file at initial inspection, on the Hive within 30 calendar days of receiving

			<p>notification that compliance report is available for review using the upload/create button.</p> <ul style="list-style-type: none"> • Complete self-declaration within the compliance report on the Hive within 30 calendar days of receiving notification that compliance report is available for review. • NB All relevant parent statements should be uploaded at the one time before completing the self-declaration.
FEES TABLE			
6.	The Fees Table on the Hive does not comply with programme requirements	Moderate non-compliant	<ul style="list-style-type: none"> • Update fees table on the Hive immediately to comply with programme requirements and ensure correct/updated version is displayed in the facility, and published online if applicable. • Upload photographic evidence on the Hive of updated fees table within 30 calendar days (e.g. screenshot of fees table and URL link if applicable) using the upload/create button. • Complete self-declaration within the compliance report on the Hive within 30 calendar days of receiving notification that compliance report is available for review.
FEES RECORDS			
7.	Records in relation to fees not available for inspection on site	Moderate non-compliant	<ul style="list-style-type: none"> • Ensure all fee records for all current children are available on-site immediately. • Complete self-declaration within the compliance report on the Hive within 30 calendar days of receiving notification that compliance report is available for review.
8.	Fee records not adequate to allow compliance to be checked	Moderate non-compliant	<ul style="list-style-type: none"> • Ensure all fee records for all current children are maintained in an adequate format to allow compliance to be checked immediately. • Complete self-declaration within the compliance report on the Hive within 30 calendar days of receiving notification that compliance report is available for review.
PARENTAL CO-PAYMENT			
9.	The co-payment charged to parents/guardians is not reflective of the full subsidy received	Moderate non-compliant	<ul style="list-style-type: none"> • Ensure all co-payments charged are reflective of the full subsidy received. • Review all co-payments charged to parents/guardians and reimburse any parents/guardians that have been overcharged. • Complete self-declaration within the compliance report on the Hive within 30 calendar days of receiving notification that compliance report is available for review.

10	Service has charged a co-payment/fee for sponsored children	Major non-compliant	<ul style="list-style-type: none"> • Ensure no co-payment/fee is charged to any parent/guardian of sponsored children immediately. • Review records of all sponsored children and reimburse the parents/guardians of any sponsored children who were charged any co-payment/fee. • Complete self-declaration within the compliance report on the Hive within 30 calendar days of receiving notification that compliance report is available for review.
ATTENDANCE RECORDS			
11	Attendance records for prior periods do not exist (e.g. destroyed, lost or never kept)	Major non-compliant	<ul style="list-style-type: none"> • Attendance records to be maintained immediately and in the required format that will allow compliance to be checked. To be reviewed at an on-site follow up inspection within 20 working days from receiving notification that compliance report is available for review.
12	Attendance records for prior periods do not exist (e.g. destroyed, lost or never kept) – historical issue	Major non-compliant	<ul style="list-style-type: none"> • Complete self-declaration within the compliance report on the Hive within 30 calendar days of receiving notification that compliance report is available for review.
13	Attendance records for all rooms are not available on-site for inspection on day of <u>initial inspection</u> Note: this outcome reason will not be issued to the provider until a revisit has been conducted	Major non-compliant	<ul style="list-style-type: none"> • Retrieve records immediately. To be reviewed at an on-site <u>revisit</u> inspection within 5 working days of initial inspection.
14	Attendance records for all rooms are not available on-site for inspection on day of revisit	Major non-compliant	<ul style="list-style-type: none"> • Attendance records to be maintained immediately and in the required format that will allow compliance to be checked. To be reviewed at an on-site follow up inspection within 20 working days of receiving notification that compliance report is available for review.
15	Attendance records for all rooms are not available on-site for inspection on day of revisit – historical issue	Major non-compliant	<ul style="list-style-type: none"> • Complete self-declaration within the compliance report on the Hive within 30 calendar days of receiving notification that compliance report is available for review.
16	Attendance records not adequate to allow compliance to be checked	Major non-compliant	Attendance records to be maintained in the required format that will allow compliance to be checked immediately. To be reviewed at an on-site follow up inspection within 20 working days of receiving

			notification that compliance report is available for review.
17	Attendance records not adequate to allow compliance to be checked – historical issue	Major non-compliant	<ul style="list-style-type: none"> • Complete self-declaration within the compliance report on the Hive within 30 calendar days of receiving notification that compliance report is available for review.
18	Attendance records available but some gaps/inadequacies identified	Major non-compliant	<ul style="list-style-type: none"> • Attendance records to be immediately maintained in the required format that will allow compliance to be checked. • Complete self-declaration within the compliance report on the Hive within 30 calendar days of receiving notification that compliance report is available for review.
OVERCLAIMS			
19	Hive returns were not reflective of all absenteeism and/or leavers	Determined by the % of incorrect registrations identified in the sample checked i.e. <5% Minor non-compliant ≥5% but <20% Moderate non-compliant ≥20% Major non-compliant	<ul style="list-style-type: none"> • Ensure all future returns on the Hive are submitted based on actual attendance. • Complete self-declaration within the compliance report on the Hive within 30 calendar days of receiving notification that compliance report is available for review. <p>Note: any claim corrections recorded to be actioned by Pobal.</p>
20	Hive returns were not reflective of all under attendance of 8 to 12 weeks	Minor non-compliant	<ul style="list-style-type: none"> • Ensure all future returns on the Hive are submitted based on actual attendance. • Complete self-declaration within the compliance report on the Hive within 30 calendar days of receiving notification that compliance report is available for review.
21	Hive returns were not reflective of all under attendance of greater than 12 weeks	Determined by the % of incorrect registrations identified in the sample checked i.e. <5% Minor non-compliant ≥5% but <20% Moderate non-compliant ≥20% Major non-compliant	<ul style="list-style-type: none"> • Ensure all future returns on the Hive are submitted based on actual attendance. • Complete self-declaration within the compliance report on the Hive within 30 calendar days of receiving notification that compliance report is available for review. <p>Note: any claim corrections recorded to be actioned by Pobal.</p>

22	Hive was not reflective with regards to actual start dates of child/ren	See above	<ul style="list-style-type: none"> • Ensure all future returns on the Hive are submitted based on actual start dates. • Complete self-declaration within the compliance report on the Hive within 30 calendar days of receiving notification that compliance report is available for review. <p>Note: any claim corrections recorded to be actioned by Pobal.</p>
23	Ineligible claims identified as child/ren did not take up place in the service	See above	<ul style="list-style-type: none"> • Ensure all future returns on the Hive are submitted based on actual attendance. • Complete self-declaration within the compliance report on the Hive within 30 calendar days of receiving notification that compliance report is available for review. <p>Note: any claim corrections recorded to be actioned by Pobal.</p>
24	The Hive claims were incorrect with regards to facility the children are attending	See above	<ul style="list-style-type: none"> • Ensure all future returns on the Hive are submitted based on actual attendance in the facility. • Complete self-declaration within the compliance report on the Hive within 30 calendar days of receiving notification that compliance report is available for review. <p>Note: any claim corrections recorded to be actioned by Pobal.</p>
25	Not all registered Hive children have been evidenced in the attendance records	See above	<ul style="list-style-type: none"> • Ensure that all registrations on the Hive are kept up to date in line with the rules of the programme and all registered children are recorded in attendance records. • Complete self-declaration within the compliance report on the Hive within 30 calendar days of receiving notification that compliance report is available for review. <p>Note: any claim corrections recorded to be actioned by Pobal.</p>

CLOSURES

26	Registered service calendar on the Hive is not up to date – i.e. does not reflect all identified <u>paid</u> closure days	Minor non-compliant	<ul style="list-style-type: none"> • Update calendar on the Hive immediately, in relation to <u>paid</u> closures, and ensure correct/updated version is displayed in the facility, and published online if applicable. • Upload photographic evidence of updated calendar using the upload/create button. • Complete self-declaration within the compliance report on the Hive within 30 calendar days of receiving notification that compliance report is available for review. • Ensure the calendar on the Hive reflects all subsidised and unsubsidised closures going forward.
----	---	---------------------	--

27	Registered service calendar on the Hive is not up to date – i.e. does not reflect all identified <u>unpaid</u> closure days: 1 day closure not reflected on calendar	Moderate non-compliant	<ul style="list-style-type: none"> • Complete self-declaration within the compliance report on the Hive within 30 calendar days of receiving notification that compliance report is available for review. • Ensure the calendar on the Hive reflects all subsidised and unsubsidised closures going forward. <p>Note: any claim corrections (from calendar closure adjustments recorded) to be actioned by Pobal</p>
28	Registered service calendar on the Hive is not up to date - i.e. does not reflect all identified unpaid closure days: more than 1 day closure not reflected on calendar	Major non-compliant	<ul style="list-style-type: none"> • Complete self-declaration within the compliance report on the Hive within 30 calendar days of receiving notification that compliance report is available for review. • Ensure the calendar on the Hive reflects all subsidised and unsubsidised closures going forward. <p>• Note: any claim corrections (from calendar closure adjustments recorded) to be actioned by Pobal</p>

5.3 Review (Regulatory) checks and Contractual checks

REVIEW CHECKS
Fees records
<ul style="list-style-type: none"> • Are fee records available for inspection on site? • Are fee records adequate to allow compliance to be checked?
Parental Co-Payment
<ul style="list-style-type: none"> • Is the co-payment charged to parents/ guardians reflective of the full subsidy received? • Are parents/guardians of sponsored children benefiting from subsidised childcare without having to pay a co-payment?
Attendance Records
<ul style="list-style-type: none"> • Do attendance records for the period under review exist? • Are attendance records for all rooms available on-site for inspection? • Are the available attendance records in an adequate format to allow compliance to be checked? • Are the attendance records free from any gaps/inadequacies?
Overclaims
<ul style="list-style-type: none"> • Do the Hive returns reflect all absenteeism and/or leavers as per the attendance records evidenced on site? • Do the Hive returns reflect all under-attendance of 8 to 12 weeks, as per the attendance records evidenced on site? • Do the Hive returns reflect all under-attendance greater than 12 weeks, as per the attendance records evidenced on site? • Are all claims, as per sample reviewed, correct with regard to start date, as evidenced by attendance records? • Did all children, as per sample reviewed, take up their place within the Service? • Are all Hive claims, as per sample reviewed, reflective of the correct facility the child/ren attending? • Were all Hive registrations evidenced in the attendance records?
CONTRACTUAL CHECKS
Pre-requisites
<ul style="list-style-type: none"> • Did Approved Provider facilitate the inspection?
Service calendar
<ul style="list-style-type: none"> • Is the Approved Provider displaying the most up to date Calendar, as per the Hive, within the Service in an area accessible to parents? • Has the Approved Provider published its most up to date calendar, as per the Hive, on its online platforms?
Parent Statement
<ul style="list-style-type: none"> • Is there a signed Parent Statement on file for currently registered children selected for inspection?
Fees Table
<ul style="list-style-type: none"> • Is the Approved Provider displaying the most up to date fees table (as per the Hive) within the Service in an area accessible to parents? • Has the Approved Provider published its most up to date fees table (as per the Hive) on all its online platforms?

<ul style="list-style-type: none">• Do the fees on the Hive comply with programme requirements?
Closures
<ul style="list-style-type: none">• Does the Approved Provider's registered calendar on the Hive reflect all paid closure days as noted from the attendance records?
<ul style="list-style-type: none">• Does the Approved Provider's registered calendar on the Hive reflect all unpaid closure days as noted from the attendance records?