



National
CHILDCARE
Scheme
Early Learning & Care

National Childcare Scheme

Policy Guidelines

Contents

1. Introduction and Glossary.....	3
2. Eligibility for Subsidies	10
3. Applying for the Scheme.....	15
4. Assessment of Income	19
5. Determination of Subsidy Award.....	27
6. Approved Childcare Service Providers.....	35
7. Registration.....	38
8. Approval and Payment of Subsidies	41
9. Fees Charged to Parents by Providers	50
10. Renewal of Subsidies	51
11. Change of Circumstances.....	53
12. Reviews Requested by Applicants or Service Providers	58
13. Appeals by Applicants and Providers.....	63
14. Sponsor Referrals.....	69
15. Governance and Compliance	75
16. Data Protection.....	82
Appendix 1: Application Proof of Incomes	89

1. Introduction and Glossary

This chapter provides a short introduction to the National Childcare Scheme and presents the key terms used throughout the document.

1.1 Introduction and overview of the Scheme

The National Childcare Scheme (legally known as the Affordable Childcare Scheme) is a national scheme of financial support for parents towards the cost of their childcare. The Scheme includes two types of subsidies towards the cost of quality childcare:

1. a **universal subsidy** is payable for children between the ages of 24 weeks and 36 months who are using childcare services with an approved childcare service provider. It is also payable for a child who is older than 36 months but does not yet qualify for the Early Childhood Care and Education programme. The universal subsidy is not means-tested and is available to all qualifying families of any income level. The universal subsidy will be made available to all families with children up to the age of 15 years from September 2022.
2. an **income-related subsidy** is payable for children from 24 weeks to 15 years of age who are using childcare services with an approved childcare service provider. The level of subsidy is determined by the family's reckonable income (i.e. gross income minus tax and other deductibles and minus any applicable multiple child discount- see chapter 4). The income-related subsidy is payable for qualifying families where the family's annual reckonable income is up to a maximum of €60,000.

A person can apply for the subsidy online at www.ncs.gov.ie or by post. Where they qualify, they will be provided with a unique code, called a CHICK (**Childcare Identifier Code Key**) which they can take to any registered childcare service provider participating in the Scheme. Once the parent and the provider have agreed the hours of childcare required, the provider will register the code on the Scheme's online system in order to redeem the subsidy. As part of redeeming the subsidy, the provider will enter the hours of childcare to be subsidised. The parent will be asked to confirm these hours and the subsidy can then be directly paid to the provider on the parent's behalf. No payment will be made until parental approval is confirmed.

1.2 Status and Purpose of these Guidelines

These Guidelines are issued under section 4 of the Childcare Support Act 2018 and have been approved by the Minister for Children, Equality, Disability, Integration and Youth.

The document is part of a suite of reference materials which provide information on the operation of the National Childcare Scheme.

The Childcare Support Act 2018 and associated regulations provide the legislative basis for the Scheme. The other key governance documents for the Scheme are:

- a) the formal designation of the Scheme Administrator by the Minister and the supporting Service Level Agreement¹,
- b) the agreements between the Minister and childcare service providers who have chosen to participate in the Scheme, and
- c) the agreements between the Minister and the public bodies who can refer children to the Scheme where childcare support is needed for child development, child welfare or other specified reasons (“sponsorship agreements”).

This Policy Guidelines document sets out the rules governing the Scheme, reflecting the primary and secondary legislation and contractual obligations.

There is also a series of guides detailing the Standard Operating Procedures, which act as operational manuals for the Scheme Administrator in running the Scheme.

A number of additional resources, including information booklets and frequently asked questions for both parents and childcare service providers, are available on www.ncs.gov.ie.

¹ The Service Level Agreement which sets out the terms and conditions for Pobal’s appointment as Scheme Administrator is termed a Performance Delivery Agreement and sits under an overarching Service Level Agreement which is in place between the Department of Children, Equality, Disability, Integration and Youth and Pobal.

1.3 Glossary

Please note that these definitions are not a legal interpretation of the National Childcare Scheme and are provided for information purposes only.

A

“Appeal” means an appeal made to an independent appeals officer in respect of a review decision made by the Scheme Administrator.

“Appeals officer” means a person appointed by the Scheme Administrator with the consent of the Minister to work independently to consider appeals against decisions made under the Scheme.

“Applicant” means a person seeking a subsidy on behalf of a child/children under the Scheme.

“Application” means an application made to the Scheme Administrator for a subsidy under the Scheme.

“Approval” means the number of hours of subsidised childcare per week, decided by the Scheme Administrator on the basis of the registered hours and the subsidy award.

“Approved childcare service provider” means a childcare service provider in respect of which there is an agreement between the provider and the Minister.

“Award” means the decision of either a non-income related or an income related assessment process in relation to an individual child, which results in a subsidy rate and is valid for a period of time. It includes an hourly subsidy amount and a maximum number of eligible hours that may be claimed. Every Award will have a unique reference number called a CHICK.

C

“Childcare Identifier Code Key” or “CHICK” means the unique reference number that the Scheme Administrator provides to a successful applicant for a subsidy in respect of a child. It may be thought of as the voucher code you use to redeem your subsidy.

“Childcare service provider” means the provider of a pre-school or school age childcare service, which is registered with Tusla on the register of childcare service providers maintained by Tusla under section 58C of the Child Care Act 1991. An Approved Provider who provides both early learning and care and school age childcare must have a valid Tusla registration for both service types.

“Claim” means the childcare hours claimed by a parent against the award and registered by a service provider on the National Childcare Scheme system for the purposes of receiving a subsidy.

“Cohabitant” shall be construed in accordance with section 172 (1) of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010.

“Couple” means two people who are habitually living together who are–

- (a) married to each other,
- (b) civil partners of each other, or
- (c) cohabitants.

“Co-payment” means the sum of money the parent must pay to an approved provider for childcare services. It is the fee agreed between a parent and a childcare provider (which must not be greater than the relevant published fee) less the subsidy payable under the Scheme. It is not permitted to charge a co-payment in respect of childcare provided under the sponsor arrangement as defined in Section 14 of the Act.

D

“Data Controller” means the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and means of the processing of personal data: where the purposes and means of such processing are determined by European Union or Member State law, the controller or the specific criteria for its nomination may be provided for by EU or Member State law. The Data Controller is the Department of Children, Equality, Disability, Integration and Youth, and will be referred to as DCEDIY in this document.

“Data Processor” means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller, but who is not an employee of the Department of Children, Equality, Disability, Integration and Youth. The Data Processor is Pobal and will be referred to as Pobal in this document.

“Data Subject” refers to an individual who is the subject of personal data, i.e. to whom the data relates either directly or indirectly.

“Day” means a working day, (unless otherwise stated). A Working Day means a day which is not a Saturday, Sunday or public holiday.

E

“Early Start” is a programme funded by the Department of Education that provides a year of free pre-school provision in a number of primary schools in designated disadvantaged areas.

“ECCE” means the Early Childhood Care and Education programme funded by the Department of Children, Equality, Disability, Integration and Youth. It is sometimes referred to as the ‘free pre-school programme’.

“Education status” means the stage of education the child is currently at (e.g. Junior Infants, first class of primary school, second year of secondary school).

“Eligible” means meeting the criteria to submit an application for the Scheme.

“Enhanced hours subsidy” means a subsidy of up to 45 hours per week.

“Enhanced hours criteria” means the suite of criteria which determine whether an applicant qualifies for an enhanced hours subsidy (as opposed to a standard hours subsidy) in respect of a child. The main criteria are whether an applicant is in work or study (see section 5.2.3 of these guidelines for further information).

F

“Family group” means the group of people whose information should be included on an application for an income-related subsidy. It comprises the applicant, the applicant’s partner where applicable, and any of their children under the age of 15 who live with them (including children for whom they are acting *in loco parentis*).

“Fee” means the sum of money that a provider charges a parent for childcare services before discount of any subsidy. It must be agreed in writing between the parent and the childcare service provider.

I

“Income-related subsidy” means a subsidy provided on the basis of an applicant’s reckonable income.

“In loco parentis” applies where a person is actively parenting the child on an ongoing basis including meeting the needs and expenses of the child. It includes circumstances without a formal arrangement approved by the court, as well as circumstances where the person has been appointed as a guardian.

M

“Manual” means where the application is processed by an officer of the Scheme Administrator as distinct from the application being dealt with through automated assessment processes. (It differs from the concept of online and paper-based applications as set out at section 3.1).

“Minister” means the Minister for Children, Equality, Disability, Integration and Youth.

N

“NCS” means the National Childcare Scheme.

“Net Income” means the combined income of the applicant and their partner (or sole income in the case of a one parent family) less income tax, PRSI, USC, and certain allowable deductions.

P

“Parent” should be understood to include a legal guardian or a person acting *in loco parentis*.

“Partner” means a spouse, civil partner or cohabitant, i.e. the person who is the other member of the couple.

“Personal Data” means any information relating to an identified or identifiable natural person (‘data subject’). An identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data,

an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person.

“Portal” means the online mechanism for the parent or the provider to access the Scheme’s computerised system.

“Primary Authorised User” means a person nominated by a childcare service provider to manage all interaction between the Scheme Administrator and a childcare service provider. This person also has the authority to sign contracts on behalf of their organisation.

R

“Reckonable income” means net income minus any multiple child discount, if applicable. Please see sections 4.7-4.9 of these guidelines for further detail.

“Registered hours” means the amount of hours of childcare to be provided by the childcare service provider, up to the maximum number of eligible hours specified in the award, as agreed between the provider and the parent and input on the provider portal.

“Registration” means the point at which the childcare service provider adds a child to the Scheme system (via the provider portal) using the CHICK as provided by the parent. This will ‘unlock’ or redeem the award for that specific child. The provider enters the registered hours of childcare for that particular child on the system. This marks the starting point from which parents can claim their subsidy.

“Renewal” refers to the process by which a parent who is already benefiting from a subsidy applies for a renewal of their subsidy. It involves a fresh assessment of the applicant’s eligibility and relevant circumstances.

“Review” a process that may be initiated by the applicant, the provider or the Scheme Administrator. The grounds for review are set out under section 17 (1) of the Act and include eligibility, information provided, number of hours of childcare and amount charged. A review is a step that takes place prior to an appeal being made to an appeals officer.

S

“Saver” for the purposes of the 2022/2023 programme year, means a person who was registered for the CCSP Saver programme on the 12th of March 2020 in the 2019/2020 programme year and was in attendance and retained a registration under the CCSP Saver Programme 2021/2022, and who did not leave the CCSP Saver Programme to register for NCS.

“Scheme” means the National Childcare Scheme.

“Scheme Administrator” means the organisation appointed to administer the Scheme. The Minister for Children, Equality, Disability, Integration and Youth has appointed Pobal as the Scheme Administrator.

“Special Categories of Personal Data” (as defined by GDPR legislation) means

- Personal data which reveals any of the following; Racial or Ethnic Origin; Political Opinions; Religious or Philosophical beliefs; Trade Union membership.
- The processing of genetic data, biometric data for the purpose of uniquely identifying a natural person;
- Data concerning physical or mental health, including the provision of health care services, which reveal information about the data subject's health status;
- Data concerning a natural person's sex life or sexual orientation.

“Sponsor” means a specified public body which refers a child to the Scheme because childcare is deemed necessary on grounds of child development, child welfare, family support or other specified grounds.

“Standard hours subsidy” means a childcare subsidy of up to 20 hours per week.

“Study” means any education or training programme that leads to an award on the National Framework of Qualifications and that is accredited by either Quality and Qualifications Ireland (QQI), the State Examinations Commission or is listed on the NARIC Ireland Foreign Qualifications Database.

“Subsidy” means the weekly amount of financial support paid by the Scheme Administrator to a childcare service provider on behalf of a successful applicant as financial support for childcare services for a child.

“Subsidy rate” means the subsidy per hour of childcare awarded.

U

“Universal subsidy” means a subsidy provided on the basis of the age of a child regardless of an applicant's reckonable income. The universal subsidy will be made available to all families with children up to the age of 15 years from September 2022.

W

“Work” means any form of employment, self-employment, apprenticeship, or participation in a statutory or State-sponsored labour market activation programme, that requires attendance or availability either every week or on a frequent and regular basis, including short-term periods of leave from any such work (including, but not limited to, sick leave, annual leave, maternity leave, paternity leave, parental leave, adoptive leave and carer's leave), but excluding career breaks.

2. Eligibility for Subsidies

This chapter explains who is eligible for subsidies. Section 2.1 sets out the basic eligibility requirements for applicants. Section 2.2 introduces the two types of subsidy: universal and income-related.

2.1 Basic eligibility requirements

An applicant's eligibility to apply for a subsidy depends on:

- their relationship to the child,
- their residency status,
- their possession of a PPS number, and
- the age of the child.

Each of these criteria is explained in detail below.

2.1.1 Relationship to child

An applicant is only eligible to apply for a subsidy if either the applicant or the applicant's current partner is a parent of the child or is acting *in loco parentis* to the child. A legal guardian is regarded as acting *in loco parentis*, as is somebody who has not been appointed a legal guardian but with whom the child lives and who has on-going care of the child. A relative or person who is only assisting with childcare, and has not taken on full rights and responsibilities in relation to the child, is not considered to be acting *in loco parentis*.

Examples: A foster carer who has temporary care of a child may be eligible for a subsidy. Similarly, a relative who has been providing for a child's day-to-day care for less than 12 months, and who therefore is not yet eligible to apply for guardianship, may also be eligible for a subsidy if they are acting in loco parentis.

In addition, only those parents who have custody or the day-to-day care of a child are eligible to apply for a subsidy. Where there is a shared parenting arrangement, an applicant is only eligible for a subsidy for those hours each week during which the applicant has custody or day-to-day care of the child.

Parents who are separated and share custody of the child may make separate applications for subsidies in relation to the hours for which each of them has custody of the child. Similarly, where a parent shares custody with a grandparent or other relative acting *in loco parentis*, two separate applications may be made. In all such cases, each parent (or person acting *in loco parentis*) is only eligible for a subsidy for the hours each week that the person has custody of the child.

When separated parents make separate applications for subsidies, the hours of childcare claimed at registration by each parent must not overlap, and the combined hours of subsidy of the two parents cannot exceed the limits specified under the Scheme in respect of a child. The combined hours will be checked automatically when the childcare service provider(s) registers the hours agreed with the second parent in relation to the child (see section 7.4 for more details). Please see chapter 14 for more information on situations where one parent is availing of a sponsorship arrangement.

2.1.2 Residence and status

To be eligible to apply for a subsidy, either the applicant or the applicant's partner must be one of the following:

- ordinarily resident in the State (this means that you have been living in the State for at least a year or that you intend to live here for at least a year and in either case have a right to reside in the State);
- an applicant within the meaning of section 2 of the International Protection Act 2015, i.e. an asylum seeker who has a valid temporary residence certificate issued by the Minister for Justice;
- a Programme Refugee within the meaning of section 59 of the International Protection Act 2015;
- a national of a Member State of the European Union or of the United Kingdom of Great Britain and Northern Ireland²;
- a national of the Swiss Confederation, or of a State which is a contracting party to the EEA Agreement (Iceland, Liechtenstein and Norway)
- formerly employed or self-employed in the State, provided that the formerly employed or self-employed person continues to be covered against one of the contingencies listed in Article 3 of Regulation 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, whether by means of a statutory entitlement under the Social Welfare Consolidation Act 2005 or through a voluntary contract of insurance.

These criteria will be reflected by means of the following questions on the application form:

² Citizens of the United Kingdom of Great Britain and Northern Ireland will be able to access the National Childcare Scheme on the same basis as Irish citizens..

YOUR ELIGIBILITY

Are you or is your partner (if you are living with a partner)

1. Ordinarily Resident in the Republic of Ireland with a legal right to live here: *	No	▼
2. A National of an EU member state: *	No	▼
3. A National of Switzerland, Iceland, Norway, Liechtenstein, or United Kingdom of Great Britain and Northern Ireland (this definition includes the Channel Islands and the Isle of Man): *	No	▼
4. An Asylum Seeker or Programme Refugee: *	No	▼
5. Formerly employed or self-employed in the Republic of Ireland AND still entitled to one of the following social security payments: *	No	▼

- Illness Benefit
- Maternity Benefit
- Invalidity Pension
- State Pension (Contributory)
- Widow's, Widower's or Surviving Civil Partner's (Contributory) Pension
- Guardian's Payment (Contributory)
- Jobseeker's Benefit
- Treatment Benefit
- Carer's Benefit

Next

2.1.3 PPS number

To be eligible to apply for a subsidy, the applicant must supply their own PPS number as well as the PPS number of the child or children to whom the application relates.

In addition, to be eligible to apply for an *income-related subsidy*, the applicant must supply the PPS numbers of:

- their partner (where applicable), and
- any children under the age of 15 who (a) reside with the applicant (or their partner) *and* (b) in relation to whom the applicant (or their partner) is a parent or is *in loco parentis* (even if the children do not use childcare³).

If an adult or child does not have a PPS number and wishes to apply for a subsidy under the Scheme, they may apply for a PPS number to the Department of Social Protection on the basis that they need a PPS number for their application.

For universal subsidy applicants, PPS numbers and dates of birth will be used to confirm identity and verify the child's age. For income-related subsidy applicants, PPS numbers will also be used

³ Information on other children in the family group is sought as higher subsidy-rates may be awarded to families with more than one child under 15 years. See section 4.9 on the Multiple Child Discount.

to gather data from the Revenue Commissioners and the Department of Social Protection as part of the assessment and verification of income.

2.1.4 Age of the child

To benefit from a subsidy under the Scheme, a child must be at least 24 weeks old. A parent may apply for a subsidy in advance of the child reaching 24 weeks, but the subsidy will only be paid from the minimum age of 24 weeks.

The upper age-limit for a universal subsidy is 36 months (or until the child qualifies for the Early Childhood Care and Education programme if later). In September 2022, the upper age-limit will increase to up to 15 years of age.

The upper age-limit for an income-related subsidy is 15 years. An application for an income-related subsidy may be made in respect of a child who is within 12 months of their fifteenth birthday, but the subsidy will only be payable up to the child's fifteenth birthday. No subsidy will be payable for a child after their fifteenth birthday.

2.2 Types of subsidies

The National Childcare Scheme offers two types of subsidies:

Universal subsidy

The universal subsidy is set at a rate of €1.40 per hour and is available for up to 45 hours per week for a child aged between 24 weeks and 36 months (or until the child qualifies for the ECCE programme, if later). In September 2022, the upper age-limit will increase to up to 15 years of age.

The universal subsidy is based on the child's age, and not on income. Parents do not have to undergo an assessment of income to avail of this subsidy.

Income-related subsidy

The income-related subsidy is available for children aged between 24 weeks and 15 years, and provides a higher rate of subsidy than the universal subsidy for an applicant with reckonable income below €60,000. The level of subsidy depends on (i) the child's age and education status and (ii) "reckonable income". See Chapter 4 for further detail on the process for assessing income.

Where both the applicant and the applicant's partner (where applicable) are engaged in work or study, or meet certain other enhanced hours criteria, an "enhanced hours subsidy" of up to 45 hours per week may be awarded. Where the applicant and their partner are not engaged in work or study (and do not qualify under other enhanced hours criteria), a "standard hours subsidy" of up to 20 hours per week may be awarded. See section 5.2.2 for further information.

3. Applying for the Scheme

This chapter relates to applying for the Scheme. Section 3.1 describes the application process. Section 3.2 outlines the information required of *all* applicants, whether they are applying for a universal or an income-related subsidy. Section 3.3 describes the additional information required of applicants who choose to apply for an income-related subsidy. The Scheme Administrator may seek supplementary information to support and/or verify an application and this is set out in section 3.4.

3.1 Process of applying

A parent will apply for a subsidy via the Parent Portal which is available on the Scheme's website (www.ncs.gov.ie). When a parent applies via the Parent Portal, their identity is verified through MyGovID.

It is also possible for a parent to apply by post via a paper-based application. In this case, their identity is verified by submitting a copy of their passport, Irish or UK driver's licence, National Identity Card for EU/EEA/Swiss citizens, Irish Certificate of Naturalisation, Irish travel document or Public Services Card (documents must be valid). A referral may also be made on behalf of a parent by a statutory sponsor body (see Chapter 14).

On the Parent Portal, the applicant can create a single application (universal or income-related) for their family group, i.e. they can apply for either an income-related or universal subsidy for all of their children from within a single application, rather than having to submit the same information multiple times.

Where an applicant has received an award for a universal subsidy in respect of a child and wishes to be assessed for an income-related subsidy for that child (or vice versa), they may submit a new application for an income-related subsidy. See section 11.2 for further information on switching between awards.

3.2 Information required of all applicants

At the application stage, applicants are asked whether they are applying for⁴:

- (a) a universal subsidy,
- (b) an income-related subsidy, or
- (c) a subsidy supported by a statutory sponsor body.

⁴ If a child is the subject of a sponsored referral by a relevant body, the applicant will select the option that they are submitting a sponsored referral (see Chapter 14).

All applicants are required to provide the information listed below. Additional information is required of applicants for income-related subsidies, as set out in section 3.3.

The information required in all applications is:

- 1) The names, PPS numbers and dates of birth of the applicant and of any child for whom the applicant is applying for a subsidy.
- 2) Contact information for the applicant (address, email, and phone number).
- 3) The education status of the child for whom the application is being made. (This is required in cases where the child is eligible for Early Start or school. If the child is eligible for ECCE, the education status is assigned by the system.)
- 4) Confirmation that the applicant will abide by the terms and conditions of the Scheme, including that they will only seek subsidised childcare for hours in any week during which the applicant has custody of the child.⁵

An applicant will also be provided with a privacy statement, which will explain how their data will be processed. This must be accepted before the application can proceed.

When an applicant applies through the Parent Portal and verifies their identity using MyGovID, the applicant will need to supply less information as MyGovID automatically provides the name, PPS number and date of birth of the applicant.

3.3 Additional information required for income-related subsidies

The following additional information is required for income-related applications:

- 1) The name, PPS number and date of birth of the applicant's partner, if applicable.
- 2) The names, PPS numbers and dates of birth of all children who (a) are less than 15 years old, (b) reside with the applicant or the applicant's partner, and (c) are children in relation to whom either the applicant or the applicant's partner is a parent or is *in loco parentis*. This information is required in order to assess whether the applicant is eligible for a 'multiple child discount' from their income (see section 4.9). Any child under 15 who lives with the applicant or the applicant's partner may be included, provided either the applicant or the applicant's partner has custody of the child (or is *in loco parentis* to the child) for at least part of each week.

⁵ Where parents are separated and share custody of a child, both parents may apply for subsidies in relation to the child. Each parent is only eligible for a subsidy for hours during which that parent has custody of the child. Details on the registration process in such situations can be found in section 7.4.

- 3) A declaration by the applicant as to whether the applicant and the applicant's partner, where applicable, are engaged in work or study, as well as the name and contact details of their employer or education/training provider. (See section 5.2.3 for definitions of work and study and full details on the criteria for Enhanced Hours).
- 4) A declaration by the applicant that they either:
 - a) wish for their income to be assessed automatically on the basis of information provided by the Revenue Commissioners and the Department of Social Protection; or
 - b) wish to supply income information supported by documentary evidence
- 5) Self-declaration of certain income information by the applicant/applicant's partner. While documentary evidence on these income-sources does not have to be supplied as part of the application, it must be retained by the applicant and provided if requested by the Scheme Administrator for verification purposes. The following income information is relevant here:
 - a) income submitted on Revenue Form 12, if the applicant or the applicant's partner has submitted a Form 12;
 - b) foreign income;
 - c) private pension contributions which are not paid through an employer (deductible from income);
 - d) maintenance paid (deductible from income); and
 - e) maintenance received (counts as part of income)

If the applicant chooses to supply income information (as per 4(b) above), they are required to provide a full account of income (equivalent to the income information that would be supplied by the Revenue Commissioner and the Department of Social Protection), and are also asked for documentary evidence, e.g. a completed NCS PAYE form. Section 4.8 provides further detail on these requirements.

In all cases, applicants for income-related subsidies will be provided with a privacy notice. This notice will advise the applicant that their PPS number (and their partner's PPS number if applicable) will be shared with the Revenue Commissioners and the Department of Social Protection, for the purpose of gathering income information for the income assessment, or to verify income information provided manually.

A privacy notice will also be sent to the partner of the applicant, where applicable. This will directly advise the partner of the planned processing of their data and of their rights in this regard. In particular, it will advise them of their right to object or opt-out and offer them this opportunity. An application will not be processed for 7 calendar days from the date of this notice in order to allow the partner an opportunity to object or opt-out. However, at any point during the 7 calendar days, the partner will be able to confirm that they wish to proceed and this will allow the application to immediately progress. If the partner has not raised an objection within the 7 calendar day period, then processing of the application will also proceed. This 'processing pause' will not apply to applications where the applicant indicates that they don't have a partner.

3.4 Request for further information

If an application is incomplete, or if income-information received from Revenue or the Department of Social Protection is incomplete, the Scheme Administrator may request supplementary information from the applicant. If the applicant does not supply all necessary information, an application may be refused⁶.

Finally, to support subsequent verification checks in relation to enhanced hours criteria, the applicant is required to agree to the Scheme Administrator contacting the employer or education or training provider to verify their work/study status. See **Chapter 15** for **further information on the recovery of overpayments**.

⁶ A subsidy is only payable after approval of the registered childcare hours.

4. Assessment of Income

This chapter concerns the assessment of income under the National Childcare Scheme. Section 4.1 summarises the role of income assessment within the Scheme. Section 4.2 clarifies the persons who are subject to the income assessment, and explains the Scheme's provisions in relation to separated parents who wish to make separate applications in respect of the same child. Section 4.3 describes the applicant's right to choose an automated or manual income assessment, as well as the circumstances in which a person will have to be manually assessed. Section 4.4 explains the year on which the assessment of income will be based, while section 4.5 sets out the requirements which apply in the case of income assessment based on the current year. Section 4.6 concerns the collection of income data, while section 4.7 describes the types of income included. Section 4.8 lists deductions from income and section 4.9 outlines the multiple child discount. Section 4.10 details the frequency of income assessments, while section 4.11 sets out requirements in relation to changes in income.

4.1 Role of income assessment within the Scheme

Parents who choose to apply for an income-related subsidy will undergo an income-assessment.

The calculation of **reckonable income** is the first step in assessing the level of income-related subsidy for which the parent may qualify. This is the combined income of the applicant and their partner (or sole income in the case of a one parent family) less income tax, PRSI, USC, certain allowable deductions⁷ and less any multiple child discount if applicable.

The applicant's reckonable income, along with the age and education status of the child, will determine the hourly subsidy rate to be applied (see chapter 5).

4.2 Persons assessed

The income of the applicant and the applicant's partner (spouse, civil partner, or cohabitant) is assessed. A partner's income is assessed even if the partner is temporarily living apart from the applicant (e.g., for work or study reasons). The income of the applicant's partner is also assessed even if the partner is not a parent or guardian of the child.

If the applicant lives in a household with another adult who is not their partner, for example a parent of the applicant or an adult child of the applicant, the income of these other adults is not assessed.

⁷ The combined income of the applicant and their partner (or sole income in the case of a one parent family) less income tax, PRSI, USC, certain allowable deductions is also known as net income. To arrive at reckonable income the multiple child discount is deducted from the net income figure.

For separated parents making parallel applications for income-related subsidies for the same child, the income of each parent (combined with the income of any current partner each parent may have) will be assessed separately.

4.3 Automated versus manual income assessment

With the applicant's agreement, the income assessment can be carried out **automatically**, primarily using income information that is obtained from the Revenue Commissioners and the Department of Social Protection (DSP). This information will be provided on the basis of the PPS numbers of the applicant and their partner, and will be supplemented by some income-information that will be self-declared by the applicant (and subject to sample verification checks).

However, income must be assessed manually if the Revenue and DSP data-feeds provide **insufficient information** for the purposes of calculating income. In such cases, some data may be obtained through automated data-feeds; however, an applicant will be required to make a declaration of other elements of their income and provide supporting documentary evidence⁸.

In addition, an applicant **may request** that their income be assessed manually. This means that it will be examined by an officer of the Scheme Administrator and based on information declared by the applicant (rather than supplied through the automated data-feeds⁹).

In the case of manual income assessment, an applicant will be required to make a declaration of their income and to provide the supporting documentary evidence ("income proofs"). Documentary evidence will not be required in the case of self-declared income, i.e. income which would be self-declared under an automated income assessment. Furthermore, some income may still be obtained through automated data-feeds, where this is feasible and reflects the preference of the applicant.

4.4 Year assessed

In general, the income assessment will relate to a previous tax year, although a person will have a right to seek a manual income assessment based on either the previous year (Y-1) or the current year.

In relation to **automated income-assessments**, income will be assessed based on the most recent year for which income-data is available from Revenue, subject to this being within the previous two tax years. However, the automated income assessment can be based on the current year where both the applicant and the applicant's partner declare that *all* their income is received through DSP or is self-declared on the application form.

⁸ For consistency and equity, supporting documentary evidence is not required for income elements which are self-declared and subject to verification checks in the automated assessment process.

⁹ Where possible, the Scheme Administrator will verify the information provided by the applicant by reference to information provided through the automated data feeds.

The tax-year for which income is assessed **may differ between partners**, depending on whether either partner is required to submit a Form 11 or Form 12 to Revenue and whether their tax is treated separately or jointly. In all cases where a couple are jointly or separately assessed for tax purposes, they will be assessed on the same tax year¹⁰. If an applicant and their partner are (a) unmarried, (b) not civil partners, (c) separately treated, or (d) were jointly assessed or separately assessed with someone not listed on the application form, then they may be assessed on separate years.

4.5 Current year assessments

As noted in section 4.4 above, a person can seek an income assessment based on their income in the current year. Current year assessments can take one of two forms as follows:

1. Year-to-date Assessment

Application Criteria: An applicant will be entitled to apply for a “year-to-date” assessment from 1 March in all circumstances.

Income Assessment rules: The income earned in the current year will be extrapolated out to a full year¹¹. All income in a year-to-date assessment will be from the current year. All applicants assessed on a year-to-date assessment will receive a 12 month award.

2. Sudden Change Assessment:

Application criteria: An applicant will be eligible to apply for a sudden change assessment where they declare that they have had an ongoing change in their income. This applies to people who have lost a job or had a reduction in their income for an indefinite duration. It does not apply to somebody who is on term-time, shorter working year etc.

A sudden change assessment is also available to applicants who apply in January or February and who have not had an ongoing change in income but wish to have their income assessed based on the current year.

Income Assessment: The assessment is based on the four weeks prior to application extrapolated out to a full year. Income in a sudden change assessment can straddle two years, i.e. an applicant can apply in the first week of January and be assessed on three weeks from December and one in January. All applicants assessed on a sudden change assessment will receive a 6 month award.

¹⁰ This is necessary as it will not be possible to understand the allocation of tax credits across years and, as such, inequities could arise vis-à-vis the assessment of other applicants.

¹¹ For example, if in week 26, the income will be divided by 26 and multiplied by 52 to see an average income over 52 weeks.

4.6 Collection of income data

For automated income assessments, most information is provided on an automated basis by Revenue and DSP, on the basis of PPS numbers submitted by applicants.

In addition, a small number of questions on the application form will allow applicants to self-declare income information. These additional questions will cover the following issues:

- Income which is required to be submitted on Form 12
- Maintenance paid (which is deductible from income)
- Maintenance received (which counts as part of income)
- Foreign income
- Pension contributions that are not (a) paid through an employer or (b) declared on a Form 11 or Form 12. (these may be deductible from income)

Where an applicant seeks a manual assessment, income information, which would normally be obtained via the automated data-feeds, is instead declared manually. In this instance, the applicant will have to support the declaration by means of the documentary evidence.

4.7 Types of income included

Income from the following sources will be taken into account when assessing income:

- Income from an employment, trade, profession or vocation
- Rental income
- Income from holding of an office or directorship
- Income from a pension (whether under the social welfare code or otherwise)
- Social welfare payments, including child benefit, subject to certain exclusions (see below)
- Income from fees, commissions, dividends, interest, or income of a similar character
- Payments under a settlement, covenant or estate¹²
- Maintenance payments received (both spousal maintenance and child maintenance)
- Other forms of benefit as may be prescribed in regulations under the Scheme.

¹² These are on-going payments, e.g. interest payments arising from an estate, rather than capital gains or capital acquisitions (gifts / inheritance).

Income includes benefits-in-kind where these are treated as income by Revenue and are therefore subject to taxation.¹³

Income includes both income arising in the State and income from outside the State.

Capital (e.g. property, savings, investments) is not included in the assessment, nor are capital gains or capital acquisitions (gifts and inheritances), as the income assessment is based on income rather than assets. However, income deriving from capital is included, e.g. rental income, interest from savings, and dividends from shares.

Rental income is included on the same basis that Revenue assesses rental income for the purpose of tax, i.e. rental income is included within the income-assessment subject to deductibility of certain expenses.¹⁴ Repayment of the capital on a loan for the property cannot be deducted from rental income for income-tax purposes and, therefore, will not be deductible from income for the purpose of the National Childcare Scheme income-assessment.

Lump-sum / non-recurring payments (e.g. redundancy payments, overtime) are counted in full as income in the year in which they are received, rather than being spread across years.

4.8 Deductions from income

When assessing income, the following deductions may be made from gross income to arrive at a measure of net income:

- a) **Income tax paid** (excluding income tax on which a person is entitled to claim an exemption, relief or allowance or repayment of tax already paid)
- b) **PRSI**
- c) **USC**
- d) **Pension contributions**, to the limit allowed by the Revenue Commissioners for deductions from tax. (This includes the Public Service Pension Related Deduction as it is regarded as a form of pension contribution.)
- e) **Maintenance payments** that are made by the person whose income is being assessed. This deduction is allowable on the grounds that these are, in effect, a transfer from the applicant's family to another family, and should therefore count towards the reckonable income of the second family, rather than the applicant's family. In general, maintenance payments will be self-declared (though Revenue receives some data, which may be used as a validation check).

¹³ Income foregone through a salary sacrifice arrangement that is approved by Revenue and specified within Section 118B of the Taxes Consolidation Act 1997 (e.g. 'taxsaver' travel passes and the Cycle to Work Scheme) is treated as a benefit rather than income, but these benefits are not prescribed under the Scheme's Regulations. They are, therefore, not counted as income for the purpose of the Scheme.

¹⁴ Deductible expenses are: interest on loans for the property (85% for 2018 interest; 75% for earlier years); local authority rates; ground rent; utilities such as gas, electricity, telephone rental that are not paid by the tenant; maintenance of the property; insurance; mortgage protection; management, legal and accountancy fees; repairs; and 12.5% allowance (for 8 years) for wear and tear on furnishings.

The basis of assessing deductibility may be a sworn affidavit or other documentary evidence as outlined in the Directory of Income Proofs.

f) **Specific social welfare and related payments** are deductible from income where these:

- Facilitate the participation of a person in employment or self-employment and are intended to be of limited duration,
- Are intended to support the participation of a person in education or training, or
- Are intended to enable a person to meet certain expenses that arise as a result of exceptional family or social circumstances of the person.

Relevant payments are specified in Regulations made under the Act (see below).

List of deductible payments	
Aftercare Allowance	Further Education and Training (FET) training allowance
Back to Education Allowance	Guardian's Payment
Back to School Clothing and Footwear Allowance	Humanitarian Assistance Scheme payment
Back to Work Enterprise Allowance	Mobility Allowance payment
Back to Work Family Dividend	Foster Care Allowance
Blind Welfare Allowance	Personal Reader Grant
Caranua payment	Rent Supplement
Carer's Support Grant	Short-Term Enterprise Allowance
Constant Attendance Allowance	Springboard+ eligible payments
Department of Education Third Level Bursary Scheme payment	Student Assistance Fund payment
Diet Supplement payment	Student grant (SUSI)
Domiciliary Care Allowance	Vocational Training Opportunities Scheme (VTOS) training allowance
Exceptional Needs Payments	Youthreach allowances

4.9 Multiple child discount

Having calculated net income, the Scheme then applies a multiple child discount to arrive at **reckonable income**. Families with more than one child under 15 years will benefit from the "multiple child discount".

Following the income assessment, the "multiple child discount" will be applied to an applicant's net income (or where the applicant is a member of a couple, the couple's combined net income) to arrive at the measure of reckonable income:

- Families with two children aged less than 15 will have their income reduced by €4,300.
- Families with three or more children aged less than 15 will have their income reduced by 2 x €4,300, i.e. a total discount of €8,600.

Children who will count for the purpose of the multiple child discount are *all* children under the age of 15 years who reside with the applicant or the applicant's partner and to whom the applicant or the applicant's partner is a parent or is *in loco parentis*. In other words, the multiple child discount takes account of all relevant children and not just those for whom a subsidy is sought. The multiple child discount is calculated at the time of assessment and remains for the period of the award to which the assessment relates.

In the case of separated parents, a multiple child discount relating to a child can be applied to both family groups, provided the child resides with each parent for part of the week.¹⁵

4.10 Frequency of income-assessments

After the income-assessment is undertaken and the subsidy rate calculated, the income assessment underpinning this rate remains valid until the application renewal date. When the renewal date is reached, income will be reassessed (if an applicant wishes to remain on the Scheme).

In general, the application renewal date will be 12 months from the date on which the subsidy-rate is notified to the applicant. However, there are three situations in which a 6-month renewal date will be set:

1. Applicants whose assessed income relates to two years previously.
2. Applicants whose assessed income is based on a manual income assessment for the previous year, where insufficient income information for the purposes of calculating income has been received through the data feeds.
3. Applicants whose assessed income is based on a sudden change. (It is expected that applicants assessed on the basis of a sudden change will most likely be assessed on the basis of a year-to-date assessment at renewal stage.)

¹⁵ In principle, it might be regarded as more equitable if a single Multiple Child Discount were shared between the two family groups. However, at the time a person applies for an NCS subsidy, the Scheme Administrator may know nothing about a separated parent of the child, and even if another parent has already made an application for that child that other parent may not yet have started using the NCS award. To ensure that subsidy-rates are awarded solely on the basis of information relating to the applicant, the Multiple Child Discount will be awarded in full even in cases where care of a child is shared between separated parents.

4.11 Changes in income

Following the award of a subsidy, applicants **will not be required** to inform the Scheme Administrator of a change in their income, though they will be allowed to do so. New income assessments will only be carried out at the request of the applicant.

5. Determination of Subsidy Award

This chapter concerns the determination of the subsidy award. Section 5.1 sets out how the rate per hour is calculated, while section 5.2 describes how the number of hours is determined. Section 5.3 deals with the notification of the award. Section 5.4 concerns the duration of the award, while section 5.5 deals with reassessment and new awards.

5.1 Subsidy rate per hour

Universal subsidy

The universal subsidy is payable at a rate of €1.40 per hour.

Income-related subsidy

The rate for income-related subsidies depends on the applicant's reckonable income. The table below shows the maximum and minimum income-related subsidy rates per hour, which vary according to the child's age and the child's education status.

Child's age	Minimum subsidy per hour (NS)	Maximum subsidy per hour (XS)
Less than 12 months old	€1.40	€5.10
12 to 24 months	€1.40	€4.35
3 years+	€1.40	€3.95
At school (or older than 6 years of age and less than 15 years of age)	€1.40	€3.75

- Income below €26,000
Applicants with reckonable income (inclusive of any partner's income) at or below €26,000 per annum qualify for the maximum hourly rate of subsidy towards childcare costs (column XS in the table).
- Income between €26,000 and €60,000
For applicants with reckonable income (inclusive of any partner's income) between €26,000 and €60,000 per annum, the subsidy rate tapers downward as reckonable income rises,

declining evenly from the maximum subsidy rate (column XS in the table) to the minimum subsidy rate (column NS in the table). €60,000 is the maximum income threshold for the income-related subsidy. The following formula is used to determine the rate of subsidy:

$$\text{Rate per hour} = NS + \left(\frac{(XS - NS)(MT - RI)}{(MT - BT)} \right)$$

NS = the minimum subsidy rate (either €0 or €1.40),

XS = the maximum subsidy rate (which varies by age and education status),

MT = the maximum income threshold (€60,000),

BT = the base income threshold (€26,000), and

RI = the reckonable income.

A family applying for an Income Assessed subsidy whose income exceeds the maximum threshold will receive a subsidy of €1.40 per hour in respect of each child on the application for whom a subsidy has been requested.

5.2 Number of hours of subsidy per week

NCS subsidised hours can only be claimed for the hours that a child attends the service, and cannot be claimed for the hours a child is in ECCE or school.

NCS subsidised hours can only be claimed for the hours that a child attends the service – hours claimed cannot exceed the operating hours of the service.

5.2.1 Universal subsidy

Any applicant whose child qualifies for a universal subsidy is awarded that subsidy for each hour of childcare registered up to a maximum of 45 hours per week.

5.2.2 Income-related subsidy

If an applicant qualifies for an income-related subsidy, the applicant is awarded either an enhanced-hours subsidy or a standard-hours subsidy. An **enhanced-hours subsidy** is up to a maximum of **45 hours per week**, whereas a **standard-hours subsidy** is up to a maximum of **20 hours per week**.

Section 5.2.3 sets out the criteria for determining whether an applicant qualifies for enhanced hours.

Standard hours

Minimum Hours and Unsubsidised Hours

There is no minimum amount of childcare a parent can seek, subject to agreement between the parent and the childcare service provider. However, subsidies are only available on a whole-hour basis. See section 8.3.2 for more information on recording of part hours.

Subsidies are awarded for a maximum number of hours per week. A parent and provider can arrange additional hours of childcare over and above this maximum number of subsidised hours but the Scheme will not pay any further subsidies in respect of these additional hours.

5.2.3 Criteria for enhanced hours

As part of the application process, the applicant will make a declaration on behalf of themselves and their partner in relation to the criteria to qualify for enhanced hours. In order to qualify for enhanced hours **both** the applicant **and** the applicant's partner, if applicable, must meet **at least one** of the following criteria:

- a) In work
- b) In study
- c) Transitioning into, or out of, work or study
- d) Unavailable to care for the child

While eligibility for enhanced hours is based on self-declaration, the applicant must be in a position to provide documentary evidence, if requested, in order to satisfy the Scheme Administrator of their eligibility for enhanced hours of childcare.

a) Work is defined as:

“any form of employment, self-employment, apprenticeship, or participation in a statutory or State-sponsored labour market activation programme, that requires attendance or availability either every week or on a frequent and regular basis, including short-term periods of leave from any such work (including, but not limited to, sick leave, annual leave, maternity leave, paternity leave, parental leave, adoptive leave and carer’s leave), but excluding career breaks”.

The definition of work includes:

- Full and part-time employment, with no minimum number of hours per week. This may also include week on/week off arrangements
- Self-employed
- Labour market activation programmes – Community Employment Schemes, Springboard, Tús
- Apprenticeships

- Internships
- Casual hour, flexible hour and relief contracts (where a parent is required to be available for work on a regular and frequent basis, even if the pattern of actual work is irregular)

Where an applicant or their partner is seeking work, but not currently in any form of work, they will not satisfy the criteria for being in work and therefore are not eligible for enhanced hours on these grounds. However, the applicant or their partner may be eligible for enhanced hours on the basis that they are transitioning into or out of work (see category (c) below).

Proofs

The applicant or their partner, where applicable, must supply proof of work status on request from the Scheme Administrator.

For PAYE workers, this should take the form of a letter on official letterhead from their employer certifying their work status in order to satisfy the Scheme Administrator that they meet the criteria for work. The Scheme Administrator may also approach the employer directly for confirmation.

In relation to a self-employed person, proof of self-employment may take the following forms:

- a copy of the most recent acknowledgement or notice of self-assessment (as issued by the Office of the Revenue Commissioner),
- a current redacted business invoice from the past month,
- evidence of payment to the applicant of the Back to Work Enterprise Allowance or Short-Term Enterprise Allowance or
- an end of year statement from Revenue or Employment Detail Summary (formerly known as P60)¹⁶ where the self-employed person is an employee of their own company.

b) Study is defined as:

“Any education or training programme that leads to an award on the National Framework of Qualifications and that is accredited by Quality and Qualifications Ireland (QQI), the State Examinations Commission or is listed on the NARIC Ireland Foreign Qualifications Database.”

This is inclusive of associated exam periods (date of final exam) and dissertation deadline.

Proofs

Should the Scheme Administrator request proof in respect of an education or training course, the applicant or their partner, where applicable, must supply confirmation from the education or training provider, in the form specified by the Scheme Administrator, certifying the course title and the start and end dates of the course.

The Scheme Administrator may also approach the education or training provider directly for confirmation.

¹⁶ In respect of years prior to 2019.

If the applicant is in receipt of one of the following education related payments, this will also constitute proof of education:

- Back to Education Allowance (full time or part time)
- Back to College Initiative – labour market activation fund (finished)
- DES Third Level Bursary Scheme
- Further Education Training and Allowances provided by Training Boards
- Momentum
- Solas (FET) Training Allowance
- Springboard (full time or part time)
- Student Assistance Fund
- SUSI Grant
- VTOS
- Youth Reach Allowance

c) Transitioning into, or out of, work or study:

The applicant or their partner can qualify for enhanced hours for a period of up to 4 weeks in advance of “work” or “study” starting.

Proofs

If requested by the Scheme Administrator, they must supply a letter from their employer with the job offer and the start date in the case of work, and/or a letter from the education or training provider with the course title and start and end dates in the case of study.

The applicant or their partner is also entitled to enhanced hours for a period of up to 4 weeks following the end of a period of work or study. Following this transitional period, they will revert to standard hours unless they meet one of the other criteria for enhanced hours.

Proofs

If requested by the Scheme Administrator, the employer or education or training body must supply confirmation of the end date of the employment, education or training.

An applicant may combine both transition periods to bridge between exiting and entering periods of work and study for up to 8 weeks of enhanced hours (e.g. a person finishes study and avails of the 4 week transition period allowed for transitioning out of study and has a job offer which enables them to follow this with the 4 week period permitted for transitioning into work, at which point they will meet the criteria for being in work and will retain the enhanced hours).

Where an application indicates that the basis for awarding enhanced hours is expected to change before the renewal date of the subsidy (i.e. where the applicant is transitioning out of work/study), the award determination may provide for enhanced hours until the expected change of circumstances and standard hours thereafter.

d) Unavailable to care for the child is defined to mean where a parent or their partner is:

- i. In prison custody¹⁷ sentenced to a term of imprisonment for a minimum period of 30 days or where prison custody relates to a remand period of 30 days or more
- ii. In hospital and expected to remain in hospital for a minimum period of 30 days
- iii. Suffering from a significant illness or ongoing disability that prevents them from providing childcare for the child
- iv. Caring for a child of the applicant or their partner where that child is suffering from a significant illness or ongoing disability which prevents the applicant or partner from providing childcare for the child in respect of whom the application is made

Proofs

If requested by the Scheme Administrator, the applicant or their partner, where applicable, must supply the following information in relation to the categories above:

i: letter from the Prison Service certifying prison custody start and end date

ii: proof from a registered medical practitioner certifying that the person is under their care in hospital and is expected to remain there for the minimum period

iii: proof from a registered medical practitioner certifying that the person is under their care and by reason of a significant illness or ongoing disability, they are incapable of providing childcare for the child who is the subject of the NCS application

iv: proof from the Department of Social Protection that a person is in receipt of Carers Allowance, Carers Benefit or Domiciliary Care Allowance in respect of a child in their care, or proof from a registered medical practitioner relating to the condition of the child with the significant illness, their need for ongoing full-time care and their understanding that this is being provided by the applicant

5.3 Notification of award (i.e. qualification for a subsidy)

When the Scheme Administrator has received all relevant information for an application, including any additional information requested, the Scheme Administrator informs the applicant of the following:

- whether the applicant qualifies for the subsidy they applied for, i.e. a universal subsidy or an income-related subsidy,
- the subsidy rate, if any, for which the applicant qualifies,
- the number of hours per week of subsidised childcare for which the applicant qualifies,
- any expected changes to the subsidy rate or the number of hours of subsidy (e.g. following the birthday of a child or a change in education status), and
- the duration of the award and its expiry date (which will be at most 12 months from the date of notification of the subsidy award).

¹⁷ "Habitually living with a partner" includes situations (including imprisonment) where the relationship continues notwithstanding that the couple is temporarily living apart.

The award notice will also contain a Childcare Identifier Code Key (CHICK) that is unique to that award for a subsidy in respect of that child. The CHICK can be thought of as equivalent to a voucher code which is redeemed when the applicant has chosen their preferred childcare service provider and the latter has registered the child (with the approval of the applicant). A successful applicant can use the CHICK at any time before the expiry date.

If an application is for two or more children, an individual award and CHICK will be issued in respect of each child as different subsidies may apply.

5.4 Duration of subsidy award

In general, the validity of a subsidy award is 12 months but it may vary as determined by the Scheme Administrator.

In particular, a 6-month award is made for income-related subsidies in situations where an income-assessment is only valid for 6 months. See section 4.10 for more detail on such situations.

5.5 Reassessment and new subsidy awards

Where an applicant's circumstances change after a subsidy award has been granted, they will be able to notify these changes and have their subsidy adjusted accordingly.

Where applicants notify the Scheme Administrator of a change in circumstances relating to their children or their work/ study status, this will generate a reassessment and a new subsidy award. However, there will be no requirement for a new income assessment as part of this overall reassessment¹⁸.

For example, there will be no requirement that an applicant inform the Scheme Administrator if the applicant takes up employment (or starts a training course) having previously been unemployed. However, on the basis of their new work/study status, the applicant, depending on the work/study status of their partner (if applicable), will have grounds to seek an increase in their hours of childcare subsidy from standard (max 20) to enhanced (max 45). If they do so, while the hours of subsidy awarded will reflect their new work/study status, there will be no requirement that their income be reassessed (until the renewal date). This is consistent with the approach that would be taken if the applicant instead made a *new* application, i.e. that the income-assessment would be made on income from the *last complete tax year*, while *current work/study status* would determine maximum hours of subsidy. This approach – not requiring

¹⁸ Applicants should be aware that any change which results in an overall reassessment could adjust their reckonable income by virtue of changes which affect the multiple child discount. For example, a parent may signal a change in employment which generates a fresh award with enhanced hours. However, if, at the same time, they now have a child who has turned 15 and no longer counts towards the multiple child discount, then this will change the reckonable income on which the award is based.

an income-reassessment for people taking up employment until their renewal date – has the added benefit of facilitating the transition into employment.

Applicants will be required to inform the Scheme Administrator of a loss of eligibility (e.g. custody, residency) or the loss of employment or exit from an education/training course that impacts on the hours of subsidy to which the applicant is eligible.¹⁹ If hours of subsidy are reduced as a result of loss of employment, there will be no requirement for a new income assessment (until the renewal date), but applicants will be notified that they can seek an income reassessment on the basis of the current (unemployment) income, and they are likely to take up this opportunity given the loss of income on losing employment.

Requirements in relation to notifying changes of circumstances are described in Chapter 11 of these Guidelines.

6. Approved Childcare Service Providers

6.1 Approved providers

An approved provider is a childcare service provider that has been approved for participation in the Scheme. In order to be an approved provider, a childcare service provider must meet two conditions:

- It must be registered with Tusla under section 58C of the Child Care Act 1991 to provide early years services at that address. (An Approved Provider who provides both early learning and care and school age childcare must have a valid Tusla registration for both service types)
- There must be a Funding Agreement in force between the Minister and the childcare service provider in relation to the provision of childcare services under the National Childcare Scheme (see section 6.2).

¹⁹ Section 13 of the Childcare Support Act 2018 allows a temporary (strictly time-limited) transition-period following exit from employment/training during which there will be no change in hours of subsidy. This avoids frequent changes of hours – and disruptive changes in children’s childcare arrangements – in cases for example where an applicant loses a job but rapidly finds another job.

A list of approved providers offering the National Childcare Scheme is maintained on the National Childcare Scheme website (www.ncs.gov.ie).

6.2 Contract

The contract is for a 12 month period, and is renewable.

In addition to standard contractual conditions, some key elements of the contract are as follows:

Fees, Opening Hours and Service Calendar

Childcare service providers must -

- Publish their up to date fees, opening hours and service calendar using a standard template and in the format required by the Scheme Administrator. All of these documents must be published in an area of the service accessible to parents, as well as on any online platform maintained by the provider for the purpose of advertising its services.
- Consent to the submission of their fees list to the Scheme Administrator, and the online publication of this list by the Scheme Administrator.
- Not charge Scheme applicants any sum in excess of the difference between the agreed fee (having regard to the relevant published fee for the service being provided to the child) and the subsidy payable. The sum charged to the applicant is the “parental co-payment”. The provider must retain adequate records to satisfy the Scheme Administrator in relation to the parental co-payment. It is not permitted to charge children sponsored under Section 14 of the Act a co-payment.

Attendance

Childcare service providers must -

- Record each child’s attendance in the service every day, as set out in the contract. This record must include the child’s name, the date of attendance, the time of arrival and the time of departure, ensuring that children with the same name can be separately identified. Records may be retained manually or electronically once all associated reporting requirements are met.
- Monitor and report each child’s attendance in accordance with the attendance rules set out in regulations and in chapter 8 of these guidelines.
- Submit a reporting return in respect of attendance on the Early Years Platform Provider Portal each week in respect of the previous week. Failure to submit the return will result in subsidy payments being suspended.

Declarations and Compliance

Childcare providers must complete an annual financial declaration confirming that they –

- (a) have submitted their annual accounts in line with CRO and Revenue deadlines.
- (b) have clearly disclosed all National Childcare Scheme funding within the annual accounts as a discrete line item.
- (c) will make the accounts available to the Scheme Administrator on demand.
- (d) have offset subsidies in full against the agreed fees.
- (e) have a valid tax clearance certificate.
- (f) will facilitate authorised officers appointed by the Scheme Administrator in the course of their compliance functions.

6.3 Approval process

There are two stages to the contracting and approval process for the National Childcare Scheme.

The first part is a once off on-boarding process to establish the childcare service provider on the Early Years Platform (EYP). It includes gathering, reviewing and approving details of the organisation's legal structure, its facilities (known as "Service Providers"), and its "Primary Authorised User" (PAU), who has authority to enter contracts on behalf of the organisation.

The on-boarding process for new organisations is initiated by the organisation via the Provider Portal on the platform. The process includes online validation using Revenue and, where appropriate, CRO data, a two-step user authentication process and mandatory review and approval steps.

Once reviewed and approved, the Organisation's PAU has access to the Provider Portal. Through this, they will be able to keep their organisation information up to date and ensure that bank account details are added, removed and/or linked to schemes and programmes to facilitate payments.

The provider applies for entry onto a scheme or programme by applying for a Programme Call. In completing the application, the provider's Tusla registration is checked²⁰, and they enter their fees list and service calendar. The Funding Agreement is then made available to the provider for electronic signature.

²⁰ . An Approved Provider who provides both early learning and care and school age childcare must have a valid Tusla registration for both service types.

7. Registration

This Chapter explains how a subsidy award is registered in order to redeem payment of the subsidy. Section 7.1 deals with finding a childcare service provider and section 7.2 describes the registration process. Section 7.3 concerns arrangements for amendment and end-dating of registrations. Finally, section 7.4 relates to registration of two awards in respect of the same child.

7.1 Finding a childcare service provider

Once a parent has been given their Childcare Identifier Code Key (CHICK), they may take this code to any approved provider of their choosing. A list of approved providers can be found on the National Childcare Scheme website (www.ncs.gov.ie) and it is open to a parent to choose any approved provider that meets their needs and that has a place available.

If a parent arranges to use childcare from two different providers for a single child (e.g. different providers on different days of the week, or one provider in the mornings before school and another provider after school), the parent may use a single CHICK for both providers.

If parents are separated and each is awarded a subsidy in relation to the same child, the parents receive different CHICKs.

Neither the Scheme Administrator nor the Department of Children, Equality, Disability, Integration and Youth is liable if a parent is unable to find a childcare service provider that meets their needs or that can provide the amount of childcare for which the parent qualifies. Neither the Scheme Administrator nor the Department of Children, Equality, Disability, Integration and Youth has any role in mediating between parents and childcare service providers.

While the subsidy award specifies the maximum number of hours of childcare for which a subsidy is payable under the Scheme, it is a matter for the parent and provider to agree on the total amount of childcare to be provided. It is at the discretion of the childcare service provider how many hours of childcare the provider offers and how the provider's timetable is structured.

7.2 Registration process

Once the parent and provider agree on the childcare to be provided, the parent must inform the childcare service provider of the child's full name, CHICK and date of birth in order for the child to be registered for a subsidy under the Scheme. The child's full name, CHICK and date of birth must match in order that the service provider can retrieve the subsidy details for the child and proceed with the registration. **There is no requirement or need for parents to provide PPS numbers to childcare service providers.**

The provider can use the CHICK to register the child at any time up until the award expiry date. Subsidies are payable from the start of the week in which the child is registered by the childcare service provider, subject to approval of the registration by the parent. Subsidies cannot be paid for a time before this point as backdating is not permitted. As the Scheme's systems operate on a weekly basis, payment will be made for the week regardless of what day the registration is made. The start date registered by the provider can be at any point in the future but can never precede the date of notification of the award, i.e. there is no backdating prior to the date of receiving the award.

When the provider enters the child's name, date of birth and CHICK into the Provider Portal, the provider is informed of:

- the subsidy rate per hour for which the child qualifies;
- the maximum number of hours per week for which the parent may claim an NCS subsidy;
- any expected changes in the subsidy rate per hour and/or maximum hours per week before the renewal date (for example, the child's birthday, if that will result in a change of subsidy rate); and
- the expiry date of the subsidy.

The provider may use this information to calculate the co-payment that the parent must make. Details in relation to fees and co-payments can be found in Chapter 9.

The provider must then enter the weekly hours of childcare for which a subsidy is sought, as agreed between the provider and the parent(s).

If the hours registered are the same or less than the parent's maximum hours of subsidy per week awarded, then a subsidy is payable for all the hours registered, unless a subsidy is already being paid for the child in relation to another parent (see section 7.4).

If the hours registered are more than the parent's maximum hours of subsidy awarded, then a subsidy is payable for the maximum hours of subsidy, unless a subsidy is already being paid for the child in relation to another parent (see section 7.4). The additional, unsubsidised hours are a matter for the parent and no NCS subsidy will be paid by the Scheme Administrator in respect of these hours.

The provider enters the following information in the Provider Portal:

- Total number of hours of childcare each week for which a subsidy is sought.
If the hours are expected to differ for holiday periods, the weekly hours of childcare should be entered separately for holiday periods. If the provider and the parent have agreed to any regular variation from the standard pattern (e.g. week-on / week-off arrangements), this variation should also be entered by the provider when registering the subsidy award.
- The date on which the childcare arrangement is due to end, or the subsidy end-date, whichever is sooner.

Once the provider has completed the registration, the Scheme Administrator notifies the parent to check that the information entered is correct. The parent must confirm that the registration details are correct in order to complete the registration process and for the subsidy payment to begin.

Information on referrals made by sponsors can be found in Chapter 14.

7.3 Amendment and end-dating registrations

After a child has been registered with a provider on the Provider Portal, it may be necessary to change the registration before the renewal date. This could arise where a parent's childcare needs change and they agree revised hours with the provider. In such a case, the provider must amend the registration details and a notification is sent to the parent, who must approve the amended hours in order for them to take effect.

A provider may also amend a registration in cases where there is persistent under-attendance relative to the hours registered. (Thresholds and the process for reporting persistent under-attendance are set out in Chapter 8.)

Where a child leaves a service, the service provider must notify the Scheme Administrator by end-dating the claim. It is only when the claim is end-dated that the child can be registered with a new service. The service provider will also end date a claim where the parent presents a new CHICK with a view to claiming a new subsidy award. (Details in relation to departures from a service can be found in section 8.3.3.)

7.4 Registration where more than one application per child

Parents who are separated and share custody or day-to-day care of the child may register separate subsidy awards in respect of the hours they each have custody of the child. Each hour of childcare approved by the Scheme Administrator may only be subsidised once. If a child is already registered with another provider for a particular time period, the child cannot be registered with a second provider for these hours.

Each application produces a CHICK which may be used to register for childcare with a chosen provider. Each provider enters in the Provider Portal the hours of childcare agreed with the parent. The registration system then compares the hours entered with any hours already registered for the child to ensure that the combined hours do not exceed the Scheme limits of:

- 45 hours per week in respect of a child in cases where a parent has been awarded a universal subsidy or an income-related enhanced hours subsidy.
- 20 hours per week in respect of a child in cases where parents have been awarded an income-related standard hours subsidy.

Where separated parents are applying individually, it is the parents' responsibility to agree the hours each parent will register subject to the maximum hours of the childcare award. In line with this approach, a child's maximum hours under the Scheme will be allocated on a "first come, first served" basis between the separated parents. The first parent to register is unrestricted in the hours they may register, subject to the maximum hours awarded to that parent under the Scheme. The second parent may register for any remaining hours that are unused from the maximum combined hours (subject to the limit of the maximum hours awarded to that parent).

If the maximum combined hours under the Scheme are reached, the parents must agree the allocation of hours between themselves and if necessary amend their registrations through their childcare service providers.

Claims Ending Notifications

At least 30 working days before the expiry of claims, the Scheme Administrator will send the service provider a list of all active claims with a claim end date within 30 working days.

At least 30 working days before the expiry of an award, the Scheme Administrator will send the parent a notification to notify them of the award end date and shall inform the parent of the process for renewing the award. At least 10 working days before the expiry of claims, the Scheme Administrator will send the service provider a list of all active claims with a claim end date within 10 working days.

At least 10 working days before the expiry of an award, the Scheme Administrator will send the parent a notification to notify them of the award end date and shall inform the parent of the process for renewing the award.

To minimise the risk of a break in subsidy, parents are advised that they should log into their account on the Parent Portal as soon as possible to confirm that they would like to renew the current application or create a new application.

Offline applicants are advised to contact the Parent Support Centre as soon as possible.

8. Approval and Payment of Subsidies

This chapter describes the process for approval and payment of subsidies. Section 8.1 sets out how subsidies are approved and notified. Section 8.2 concerns payment of subsidies, while section 8.3 details the requirements on recording and reporting attendance which form the fundamental basis for the payment of subsidies. Section 8.4 deals with cessation of payments.

8.1 Approval and approval notification

Where a provider has completed the registration process described in Chapter 7 and the registered hours have been confirmed by the applicant, the Scheme Administrator shall approve a weekly subsidy based on the awarded subsidy rate and the registered hours (up to the maximum hours awarded). Through the Provider Portal, the provider will see the approved status, the subsidy to be paid each week (rate per hour and number of hours per week) and the number of weeks for which the subsidy will be paid until the renewal date.

The same approval process will apply in a situation where the parent and provider decide to make changes to the number of hours registered at a later date.

8.2 Payment of subsidies

Subsidies will be paid by the Scheme Administrator with effect from the start date specified in the registration process as described in Chapter 7 of these Guidelines.

The Scheme Administrator makes payments to providers on a regular basis in respect of all children who are in receipt of an NCS subsidy. Payment is based on the child's registered hours of childcare, subject to the rules on non-attendance (i.e. payments will be based on the child's attendance rather than on their registration with the service - see section 8.3 of this chapter and Chapter 15 for more information).

A service provider will be paid for ten closed days, excluding bank holidays, in a contract period. The level of payment will reflect the claims levels applicable within the relevant period. In the case of unforeseen or emergency circumstances, force majeure rules²¹ will continue to apply.

Using the Provider Portal, providers are able to see details of weekly and cumulative payments, as well as subsidy details for each child registered.

²¹ The rules for Force Majeure are the same for all DCEDIY schemes. Please refer to the Funding Agreement for further details.

8.3 Monitoring and recording attendance

When initially registering a child on the Provider Portal, a provider must submit the following information:

- (i) child's date of birth;
- (ii) childcare identifier code key (CHICK);
- (iii) total number of hours per week of childcare, as agreed with the parent, to be subsidised ('registered hours').

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.

These daily records must be maintained by the provider in accordance with mandatory regulations. They are not logged on the Provider Portal but do form the basis for the weekly reporting returns made by providers on the portal.

8.3.1 Certification by providers

In respect of every child attending the service for whom financial support is paid under the National Childcare Scheme, the provider must report via the Provider Portal:

- a) the departure of a child from the service;
- b) any absence for a continuous period of four or more consecutive weeks;
- c) any persistent under-attendance as described below.

This reporting return must be completed by a set time every week via the Provider Portal. The return will have an explicit link to payments and will form the basis for any adjustments

to payments which arise from the departure, absence or persistent under-attendance of children.

When making the reporting return, the service provider will be required to report any of the following events:

- A child has left the service;
- A child been absent for four or more consecutive weeks;
- A child's attendance been less than their NCS subsidised hours every week for eight consecutive weeks.

As part of the reporting return, the provider must also update a child's registration details where a change in the hours of childcare to be subsidised has been agreed between the provider and the parent.

If a service provider fails to submit a return within the required timeframe, all subsidy payments will be suspended until the return is submitted and the system will issue a notification to this effect.

Where a provider has failed to submit a return within the required timeframe, they may request a "grace period" payment. A request for this payment must be made to the Scheme Administrator. In such circumstances, the "grace period" payment will be based on the latest reporting return.

A request for a "grace period" payment can only be made on up to two occasions within the contracting period, and may not be made consecutively.

8.3.2 Recording of part hours

The Scheme Administrator will pay an NCS subsidy for all hours or part-hours up to the approved maximum per week, i.e. any part of an hour gets rounded up. For example, if a parent needs 6.5 hours of care each day, then the provider may register this as 7 hours of care each day or 35 hours per week. Similarly, if the total hours of attendance recorded for a child is 7 hours and 15 minutes, this can be taken as 8 hours for the purpose of monitoring attendance but the provider can only be paid for services provided in the hours they are open. This approach recognises that, in practical terms, parents are constrained by commuting schedules, train timetables, traffic etc.

8.3.3 Departure from service

As part of the return, providers will be required to report each child who has left the service and the date on which the child left the service. Payment of financial support for a child will cease from the day following the day the child leaves the service and written confirmation of this will be sent by the Scheme Administrator to the parent either via the Parent Portal or by

post. The provider will similarly receive confirmation via the Provider Portal that the subsidy is not payable beyond the date of leaving the service.

Parents should give providers four weeks' notice of a departure from a service. This will allow providers to notify the Scheme Administrator of a child's departure in advance, with payment ceasing on the actual date of departure. Where a child is moving to a new childcare service, the new provider will similarly be able to record the date of arrival in advance and then be paid from that date. However, this will only be permitted where the previous provider has recorded a date of departure and this date does not conflict with the commencement date in the new service (i.e. there is no overlap²²). Where no notice of departure is given by a parent, the provider may claim up to 4 weeks subsidy in lieu of notice. (The provider may not claim payment in lieu of notice immediately following a 4 week absence. For example, if a child has been absent for 4 weeks from Monday 15 April to Sunday 12 May, the provider may not claim a further 4 weeks payment from Monday 13 May.)

Where a provider is claiming 4 weeks payment in lieu of notice, a new provider will not be able to register the child until the 4 weeks has elapsed and the original provider has ended the subsidy registration. Where the new provider is blocked from registering the child because of this issue, it will be a matter for the parent to liaise with the previous provider in relation to recording the child's departure on the provider portal.

8.3.4 Continuous period of absence of four consecutive weeks

A provider must register a continuous absence lasting four or more consecutive weeks on the Provider Portal. In registering this type of absence, the provider will have the opportunity to:

- (i) confirm that the child is now back in the service and state the date of return, and
- (ii) outline any special circumstances which may apply in the case of the absence.

Once the provider has reported an absence of four consecutive weeks, the system will automatically issue a warning notification to both parent and provider to say that the subsidy for the child will be suspended if the absence continues. If the child has already returned to the service when this warning is issued (in the 5th week) it may be ignored as there will be no break in subsidy if the absence lasts no longer than four weeks.

If the child does not return in the 5th week, the subsidy will not be payable for any period between the four weeks absence "allowance period" and the date of return, unless special circumstances are deemed to apply. For example, if a child was absent for six continuous weeks (1 November 2021 – 12 December 2021) and then returned to the service on 13

²² Where a child becomes the subject of a sponsor referral with a different childcare service provider, the Scheme Administrator may use its discretion to allow some overlap in respect of the four week notice period due to the commencement of a sponsor arrangement with the new provider.

December 2021, there would be two weeks where no subsidy would be payable (29 November 2021 and 6 December 2021).

Where there has been a continuous absence of more than four consecutive weeks and regardless of whether the child is now back in the service or not, the provider may upload a letter from the parent outlining any special circumstances which apply. In general, where the Scheme Administrator is satisfied that special circumstances apply, it may approve payment of the subsidy for a **six week** continuous absence period, i.e. subsidies would continue where there is a total absence of six weeks, comprising the four week absence which must be notified plus an additional two weeks.

8.3.5 Special circumstances

The following are situations which qualify as “special circumstances”, at the discretion of the Scheme Administrator:

Qualifying Circumstance	Maximum Absence for which Subsidy is payable
Immediate family bereavement	6 weeks
Extended travel once a year to the birthplace of the child or either of the child’s parents	6 weeks
Family moving into or out of emergency accommodation ²³	6 weeks
Child moving into or out of care placement	6 weeks
Prolonged illness (more than four weeks), of either the child, parent or sibling	12 weeks

The Scheme Administrator may seek supporting proof of “special circumstances”. Acceptable proofs may include a letter or medical certificate which can be uploaded onto the system by the provider (as provided by and with the agreement of the parent). A parent may also submit the proof directly to the Scheme Administrator if they prefer.

Where a continuous absence of 4 or more weeks is recorded, the Scheme Administrator will also advise that the provider has two weeks to submit an application if they consider “special circumstances” apply and should be taken into account.

- Where an application for “special circumstances” is submitted²⁴ within the two weeks and the Scheme Administrator decides that “special circumstances” apply, the subsidy will be restored and will continue to be paid for a maximum of 6 weeks from the date on

²³ In respect of a child who is **not** the subject of a sponsor referral. Further details are available in chapter 14 in respect of non-attendance of a child who is the subject of a sponsor referral.

²⁴ The letter may be uploaded or sent by post. Providers will be encouraged to upload for ease of administration. However, the parent may post the letter directly to the Scheme Administrator if they wish.

which the absence commenced, except in the case of prolonged illness where a maximum of 12 weeks may be allowed.

- Where an application is submitted within the two week period and the Scheme Administrator decides that “special circumstances” do not apply, payment will cease with effect from the date of suspension (i.e. from the end of the four weeks of continuous absence) and both the parent and the provider will be notified of this cessation. The claim will then be ended accordingly.
- Where no application is submitted within the two week period and the child is not certified as having returned to the service within that time, then payment will cease with effect from the date of suspension (i.e. from the end of the four weeks of continuous absence) and both the parent and the provider will be notified of this cessation. The claim will be ended accordingly.
- Where no application is submitted but the child is certified as having returned to the service within the two week period, then the payment suspension will be lifted with subsidies paid from the date of return to the service (but not in respect of any period between the four weeks absence “allowance period” and the date of return).

Providers may notify the Scheme Administrator in advance of a forthcoming continuous absence where they believe “special circumstances” will apply.

8.3.6 Persistent Under-attendance

Providers must review the child's attendance pattern at the end of each reporting period and, where attendance has been less than registered hours in each of the previous eight weeks, this must be reported on the Provider Portal.

Reported hours of attendance are exclusive of scheduled ECCE hours, i.e. where a child is scheduled to attend ECCE for 3 hours each day, these ECCE hours do not count for NCS subsidies and; therefore, should not be included in any calculation of weekly under-attendance relative to NCS registered hours.

When an eight week under-attendance has been reported, the Scheme Administrator will issue a notification to both the parent and the provider indicating that financial support will be reduced if a pattern of reduced hours continues for a further four weeks and will indicate the date from which this change will take effect (which will be no sooner than 20 working days after the date of the notification). The notification will ask the provider to establish with the parent whether this pattern of reduced hours will continue, in which case the child's registered hours must be adjusted on the Provider Portal. Alternatively, the provider may

upload a letter from the parent²⁵, with the latter's consent, seeking an exemption due to "special circumstances".

"Special circumstances" in relation to persistent under-attendance are limited to regular attendance at medical or therapeutic appointments by the child, the parent or a sibling. Where these circumstances arise, subsidies may continue to be paid for four further weeks, (meaning that the under attendance can continue for 16 weeks without affecting the subsidy). This four week extension can be extended strictly at the discretion of the Scheme Administrator where a letter is submitted which provides evidence of a series of medical or therapeutic appointments stretching over a long time-defined period.

The Scheme Administrator may seek supporting proof of "special circumstances". Acceptable proofs may include a letter or medical certificate which can be uploaded onto the system by the provider (as provided by and with the agreement of the parent). A parent may also submit the proof directly to the Scheme Administrator if they prefer.

The provider's reporting returns relate to the attendance of the child in relation to their subsidised hours of care. If a parent is paying privately for extra hours above the NCS subsidised hours, there is no need to record any variation in attendance for these hours.

Outcomes arising from under-attendance

At the end of the four weeks following the notification, five different outcomes are possible, with the following rules applying in each case:

1. Where the child's registered hours have been adjusted by the service provider, the subsidy payment will be automatically adjusted accordingly.
2. Where the child's registered hours are not adjusted by the service provider but there is no under-attendance recorded during at least one of the four weeks following the notification, the subsidy payment will continue based on the original registered hours.
3. Where the pattern of reduced hours continues in each of the four weeks following the notification, the provider must record this and record the actual number of hours attended in each of the previous 12 weeks. The Scheme Administrator will adjust the hours of childcare subsidised to reflect the average weekly hours of attendance over the previous 12 weeks and will notify the parent and provider accordingly. After the Scheme Administrator has made this adjustment, the number of registered hours cannot be readjusted upwards by the provider for a period of eight weeks. This restriction of hours will also apply to any new award during the eight week period, except where certain circumstances arise (see exceptions to eight week period section below).
4. Where a child's registered hours are not adjusted but an application outlining "special circumstances" is submitted and approved by the Scheme Administrator, the Scheme Administrator will approve the continuation of the payment based on the original

²⁵ The letter may also be posted directly to the Scheme Administrator either by the provider or the parent.

registered hours for a 4 week period (or longer if the required evidence was submitted). These arrangements are still subject to ongoing reporting of the variations and confirmation of the original pattern being resumed.

5. Where a child's registered hours are not adjusted and an application outlining "special circumstances" is submitted, but rejected by the Scheme Administrator, the Scheme Administrator will adjust the hours of childcare subsidised to reflect the average over the previous 12 weeks and will notify the parent and provider accordingly.

Exceptions to the 8 Week Period

Where the Scheme Administrator has adjusted the hours of subsidised childcare on foot of persistent under-attendance (i.e. where the outcome at 3 or at 5 above arises), the provider will not be permitted to readjust the registered hours upwards for a period of 8 weeks, i.e. the registered hours will be effectively 'frozen' for a period of 8 weeks. However, the Scheme Administrator may set a shorter 'frozen' period, during which registered hours may not be readjusted upwards, where the following circumstances are due to arise within the 8 week period:

- Child's education status will change;
- Subsidy type will change from universal to income-assessed (or vice versa);
- A new award has been approved which involves an increase from standard hours to enhanced hours.

In each such case, the Scheme Administrator will set the number of 'frozen' weeks based on the date on which the relevant change of circumstance is due to arise.

8.4 Cessation of payments

The Scheme Administrator will continue to make a payment for each eligible child until one of the following dates:

- the end date of the award;
- a date notified to the Scheme Administrator by the provider/parent as the date on which the childcare services will end;
- a date dictated by non-attendance.

Payments will stop for all eligible children if the service provider does not complete and sign the new NCS Funding Agreement each year. If there is a lapse in signing the new programme call Funding Agreement, there will be no backdating of claims.

9. Fees Charged to Parents by Providers

This section details the publication of fees charged by providers and how co-payments, if applicable, are determined.

9.1 Determination and publication of fees

Childcare service providers are responsible for setting their fees. Neither the Department of Children, Equality, Disability, Integration and Youth nor the Scheme Administrator has any role in the setting of fees by childcare service providers.

However, approved providers must publish their fees (including any discounts, which must be equally available to both those in receipt of the NCS subsidy and those not in receipt of the subsidy). Fees must be published using a standard template specified by the Scheme Administrator.

Publication of fees must involve:

- Making the fees list clearly visible to parents within the service.
- Making the fees list available on any online platform which the provider maintains for the purpose of advertising its services.
- Submitting the fees list to the Scheme Administrator through the Provider Portal.

As a condition of participation in the Scheme, approved providers agree to allow the Scheme Administrator to publish their fees list online and in any other form. The Scheme Administrator also reserves the right to publish this data and use the data in aggregate form for the purpose of reporting on fees. An approved provider may change its fees but must notify the Scheme Administrator, as well as the parents of children registered with the provider under the Scheme, of the proposed change at least 20 working days before implementing any such change²⁶. When a provider changes its fees, it must publish the revised fee list and must submit a revised fees list to the Scheme Administrator at least 20 working days before the fees are changed.

9.2 Co-payments

The provider must fully offset the subsidy provided under the National Childcare Scheme against the relevant published fee agreed with the parent, charging only the balance to the parent (“the co-payment”). The co-payment that the provider charges a parent must not be

²⁶ Fees lists will not be subject to a formal approval process in advance of publication, but are subject to checks by the Scheme Administrator at the discretion of the Scheme Administrator.

greater than the difference between the published fee relevant to the service used by a child (including any published discounts) and the subsidy paid in respect of that child.

Example: Where a parent qualifies for an NCS subsidy of €100 per week and the provider's relevant published fee- which is agreed with the parent- is €200, then the parental co-payment should be no greater than €100 per week. Where the child is also participating in ECCE, the co-payment should not exceed the published fee less €64.50 in respect of the ECCE State Subsidy and less the NCS subsidy (€200 minus €64.50 in respect of ECCE and minus €100 in respect of NCS equals a parental co-payment of €35.50).

It is open to a provider to charge the applicant a co-payment that is less than this maximum amount. For example, if a parent cannot afford the co-payment, the provider may choose to waive part or all of the co-payment. However, **the fee (before deduction of the subsidy) that the provider charges a parent who benefits from a subsidy may not differ from the fee that the provider charges for the same service to a parent who does not benefit from a subsidy.**

The parent should pay the co-payment directly to the childcare service provider in a manner and timeframe that has been agreed between the provider and the parent.

It is not permitted to charge children sponsored under Section 14 of the Act a co-payment.

The provider must retain detailed receipts and financial records for all co-payments that relate to NCS payments, to allow the Scheme Administrator's compliance officers to check that parents have benefited fully from the subsidies paid.

10. Renewal of Subsidies

This chapter details the process for renewing the subsidy application by parents. It also explains the process that childcare service providers follow to renew the child's registration for the Scheme.

Awards Ending Notifications

At least **20 working days** before the expiry of awards, the Scheme Administrator will send the **service provider** a list of all awards registered to them with an **end date within 20 working days**.

At least **30 working days** before the expiry of an awards, the Scheme Administrator will send the **parent** a notification to notify them of the award end date and shall inform the parent of the process for renewing the award.

To minimise the risk of a break in subsidy, parents are advised that they should log into their account on the Parent Portal as soon as possible to confirm that they would like to renew the current application or create a new application.

Offline applicants are advised to contact the Parent Support Centre as soon as possible.

10.1 Renewal process

Once a parent has confirmed they wish to renew a subsidy, the renewal process is the same as the process for making an initial application as outlined in Chapters 3 and 4 of these Guidelines, except that some information is not required to be re-submitted (unless it has changed), e.g. address, dates of birth, PPS numbers. Parents will also have an opportunity to update information, such as education status, during the renewal process.

As with an initial application (see section 5.3), when the assessment of a renewal application is complete, a notification is sent to the parent advising them to log in to the Parent Portal to see the details of the new decision including any subsidy award. If the parent still qualifies for a subsidy for the child, the parent is issued with a new CHICK.

On receipt of a renewed subsidy award, the parent should give the new CHICK to their chosen provider, to allow for a renewal of the registration for the child. In renewing the registration, the provider should complete the standard registration process described in Chapter 7.

10.2 Cessation of payment

If the application renewal process has not been completed before the expiry of the existing subsidy award, the subsidy will stop at the expiry date. If a renewal process is not completed

before the expiry date, a parent may make a new application at any time, but there may be a break in subsidy payable under the Scheme as subsidies can only be paid from the point of registration of the new award with the service provider²⁷.

If, as part of the application renewal process, the Scheme Administrator determines that the parent no longer qualifies for a subsidy for the child, then the Scheme Administrator shall notify the parent of this decision and no further subsidy in relation to that child will be paid after the expiry date.

²⁷ Subsidies are payable from the week of registration, subject to the date of validity of the award. An award will always have a validity date of the Monday following the date of issue of the award.

11. Change of Circumstances

This chapter concerns changes to an applicant's circumstances. Section 11.1 sets out the situations where an applicant is required to inform the Scheme Administrator of a change in their circumstances and describes the corresponding actions to be taken by the Scheme Administrator. Section 11.2 describes examples of changes which do not need to be notified, but which can be taken into account by means of a new application if the applicant so wishes. Sections 11.3 and 11.4 clarify the position with regard to changes in relation to an applicant's availability to care for a child and the multiple child discount respectively.

11.1 Changes that must be notified to the Scheme Administrator

Where a parent's circumstances change in a way that affects either their **eligibility** for the Scheme or their **work/study status**, they **must** notify this change to the Scheme Administrator. If a parent who is benefiting from any subsidy ceases to be eligible for the Scheme (as outlined in section 2.1) or if a parent, or the partner of a parent in the case of a couple, who is benefiting from an enhanced-hours subsidy ceases to meet the enhanced hours criteria (as outlined in section 5.2.3), then the parent must inform the Scheme Administrator in writing, through the Parent Portal or by post, as soon as possible once the change occurs.

Examples of changes which **must be** notified to the Scheme Administrator include:

- The applicant, or their partner, no longer has care of the child who is the subject of the subsidy award for the period for which the subsidy is payable, e.g., loss of custody. This must be notified where the applicant is in receipt of any form of subsidy.
- The applicant **and** their partner no longer meet the criteria as detailed in section 2.1.2. This must be notified where the applicant is in receipt of any a universal or an income-related subsidy.
- The applicant, **or** their partner, has ceased to participate in work or study or otherwise qualify under enhanced hours criteria (see section 5.2.3). This must be notified where the applicant is in receipt of an income-related subsidy.

There is **no need** for the parent to notify the Scheme Administrator where:

- a child to whom the subsidy relates reaches 15 years of age; or
- the child to whom the subsidy relates has become the subject of a referral to the Scheme Administrator by a sponsored body.

Actions by the Scheme Administrator

No longer eligible for the National Childcare Scheme

If a parent informs the Scheme Administrator that they no longer meet the eligibility criteria for the Scheme, then the Scheme Administrator shall immediately notify the parent and the childcare service provider that the subsidy will end 20 working days after the notification, and the subsidy payment in respect of the child will end on the date specified.

Loss of work/study status

If a parent no longer qualifies for an enhanced hours subsidy because they or their partner are no longer engaged in work or study, they must notify the Scheme Administrator as soon as possible once the change has occurred.²⁸ The notification must include details of the end date of the work or study.

Where the person had qualified for an enhanced hours subsidy because of being engaged in work or study, they will still qualify for an enhanced hours subsidy for a period of 4 weeks from the end date of their work or study²⁹. The subsidy will change to a standard-hours subsidy at the end of the 4 weeks. While the hours of subsidy will be reduced to standard hours by the Scheme Administrator, the parent's income will not be reassessed until their renewal date (see Chapter 10), unless the parent requests a reassessment of their income (see section 11.2 below).

Age Limit Attained

Where the child to whom the subsidy relates reaches 15 years of age, the subsidy award will end on the child's fifteenth birthday. This will have been notified in the original award notification. No action is required by a parent or provider and the Scheme Administrator's system will automatically update the details.

Sponsored Referrals Changes

Where a child to whom the subsidy relates becomes the subject of a sponsor referral which is linked to the same applicant (i.e. a referral which is intended to supplant the original subsidy award), the original subsidy award will end and the sponsored subsidy award will begin.

²⁸ The exception to this is where an applicant is ending work/study and the applicant is starting a new job/course within the immediate 8 week period; in which case no notification is necessary.

²⁹ Where an applicant is transitioning out of work and transitioning into study, an applicant may continue to receive an enhanced hours subsidy for 8 'transitional' weeks, i.e. 4 weeks for transitioning out of work and 4 weeks for transitioning into study.

11.2 Other changes of circumstances

Where there has been a change of circumstances other than those outlined, the parent may decide to make a new application based on their revised circumstances. Any change to the subsidy, either in rate per hour or hours per week, will be reflected in the award given in relation to the new application.

Examples of these types of changes include where:

- A parent's income falls (inclusive of any partner's income);
- A parent and their partner become eligible for the enhanced hours subsidy by meeting any of the criteria for enhanced hours, (see section 5.2.3);
- Another child is born to the family thereby increasing the multiple child discount.

11.3 Change of circumstances during subsidy award on basis of unavailability to care for a child

Where a parent has qualified for an enhanced hours subsidy on the basis that they are unavailable to care for a child, the parent is **not** required to notify the Scheme Administrator of a change of circumstances in relation to their unavailability to care for a child. At the point where the subsidy is due to be renewed, then their situation will be reassessed and will be based on their updated circumstances.

11.4 Multiple child discount changes

Where a subsidy award includes a multiple child discount and there is a reduction in the number of children who had been included in the calculation of the multiple child discount (e.g. loss of custody of one or more children), there is no requirement to notify the Scheme Administrator for the period of the subsidy award. At the point where the subsidy is due to be renewed, the situation will be reassessed based on current circumstances.

However, where the applicant chooses to notify the Scheme Administrator of any reduction in the number of children included in the multiple child discount, the subsidy award will be re-calculated and awarded on the applicant's current circumstances. A new subsidy award will then apply.

12. Reviews Requested by Applicants or Service Providers

A review involves a re-examination of a decision by the Scheme Administrator in relation to (a) the eligibility of a person to make an application under section 7 of the Act; (b) the eligibility of an applicant to continue to receive financial support under section 15 of the Act; (c) information provided during the application process; (d) the number of hours of childcare services provided in any week by a childcare services provider for a child in relation to whom financial support is paid; (e) the amount charged by the childcare services provider to the parent of a child in respect of whom financial support is paid.

It entails the manual examination of all relevant data by an officer of the Scheme Administrator.

Section 12.2 details how reviews are carried out when requested by an applicant, and section 12.3 describes the process when reviews are requested by a childcare service provider. Section 12.4 sets out what happens after a review has been carried out. Reviews initiated by the Scheme Administrator (in the absence of any request by an applicant or childcare service provider) such as Compliance Audit and Risk Reviews and Validation of Application information are dealt with in Chapter 15.

12.1 Timelines for seeking a review by an applicant or service provider

Where an applicant was deemed **ineligible to apply**, a review may be requested by the applicant within 30 working days of the decision by the Scheme Administrator.

Where an applicant was deemed eligible to apply but **did not qualify** for a subsidy award, a review may be requested by the applicant within 30 working days of the decision by the Scheme Administrator.

Where an applicant wishes to seek a review relating to the **period of validity** of the decision by the Scheme Administrator, a review must be requested within 30 working days of the decision by the Scheme Administrator.

Where a review is sought by a parent or a service provider regarding the **amount of subsidy** paid in a particular week, the parent or the service provider must request a review within 30 working days of the payment of the subsidy.

A sponsor parent may request a review in relation to the **number of hours of childcare provided** in any week within 30 working days of the end of that week and where the review

relates to the **amount of subsidy** paid, the review request must be made within 30 working days of the payment.

Once the period for requesting a review has lapsed, it will not be possible for an applicant or a childcare service provider to request a review.

12.2 Reviews requested by applicants

A Parent who has made an application for a subsidy may seek a review of one or more of the following, as appropriate:

- a) eligibility to make an application under section 7 of the Act;
- (b) the amount of financial support specified in a determination;
- (c) the period of validity of a determination;
- (d) A review may be requested by an applicant in relation to the amount of financial support paid each week

A Sponsor parent may seek a review in relation to (i) the number of hours of childcare services provided in any week or (ii) the amount of subsidy paid each week.

In order to request a review, a parent may either log in to the Parent Portal and select the option to initiate a review or they may submit a request for a review in writing using the prescribed form. After receiving a request for a review, the Scheme Administrator shall acknowledge receipt of the request within 10 working days.

One or more matters may be the subject of a particular review. However, a review of a decision may be requested once only in relation to any particular issue in respect of which it is appropriate for a parent/applicant to request a review.

Reviews may be requested at different times in relation to different matters that are the subject of a decision by the Scheme Administrator. For example, an applicant can ask for a review in respect of the subsidy rate awarded within 30 working days of the award decision and subsequently, on a later date, seek a review in respect of the amount of subsidy paid in a particular week within 30 days of the payment by the Scheme Administrator.

Where a review decision is made on a particular matter and, following the review, if the Applicant is not satisfied with the review decision, the Applicant may apply for an appeal through the Portal or by requesting an offline appeal application form. (see Chapter 13).

In carrying out a review, the Scheme Administrator may:

- seek additional information or documentary evidence from the parent or the childcare service provider;
- gather automated data from Revenue or from the Department of Social Protection;
- seek verification of a parent's work/study status from an employer or from an education or training provider where the review relates to the awarding of enhanced hours on either of these bases.³⁰
- seek proof in relation to the applicant being unavailable to care for the child.

Foreseen changes such as a birthday or a planned change in education status (e.g. a child starting school) will be included as part of the original subsidy award, with corresponding changes to subsidy rates flagged within the original award notification. As such, there is no need for a parent to seek a review when such a change occurs.

12.3 Reviews requested by providers

A childcare service provider may initiate a review of a subsidy if they believe the amount of subsidy paid to them does not correctly reflect the hours of childcare they have registered in relation to the subsidy. They may also request a review where there may have been a technical error in calculations of financial support, payments, or claims made by the Scheme Administrator.

A Provider may also seek a review on decisions made by the Scheme Administrator under section 17 of the Act. These reviews will be covered in more detail in Chapter 15.

A request for a review must be made in writing in the form and manner specified by the Scheme Administrator (in practical terms, this will be via the Provider Portal). After receiving a request for a review, the Scheme Administrator shall acknowledge receipt of the request within 10 working days.

In carrying out a review, the Scheme Administrator may:

- seek additional information or documentary evidence from the childcare service provider.

³⁰ Information can and will only be sought under section 17(3) of the Childcare Support Act 2018 in relation to the particular matter under review.

- seek additional information or clarification from the parent to whom the subsidy under review relates.
- send an authorised officer to visit the childcare service provider to view or obtain relevant records in relation to the issue under review, e.g. attendance records or financial records. (See Chapter 15 for further details in relation to visits to childcare service providers by authorised officers.)

Where a review decision is made on a particular matter and following the review, the provider is not satisfied with the review decision, the provider may appeal that decision using the appeals request process (see Chapter 13).

12.4 Outcomes of reviews

Where a review is initiated by a parent or a provider, a decision will be made by the Scheme Administrator within 40 working days of receipt of the review request or 40 working days of receipt of information requested by the Scheme Administrator. The Scheme Administrator shall inform the parent or the provider in writing of the outcome of the review within 10 working days of making a decision.

In a situation where a review decision is appealed, the review decision will not be implemented by the Scheme Administrator until the appeal decision is made³¹ and any subsidy will be payable at the rate specified in the review decision.

- If the review results in a decision that the applicant is **eligible**, the Scheme Administrator will immediately proceed to determine the amount (if any) of financial support that the applicant may receive and will notify the applicant of the subsidy award.
- If the review decision results in an **increase** in an award or the subsidy paid, then the childcare service provider must register the CHICK associated with the increased award to enable the Scheme Administrator to implement the increase with effect from the date of the review decision.
- If the review decision results in a **decrease** in an award or the subsidy paid (including the end of a subsidy), then the Scheme Administrator shall not implement the change until at least 20 working days after the date of notification to the parent and the provider of the change.

There is no backdating of financial support on the National Childcare Scheme. There will be no retrospective aspect to a review of an earlier decision relating to eligibility or a subsidy

³¹ Overpayments will continue to accrue until the appeals process has ended. The original CHICK will remain in place for use also and the new one will not come into force until after the final appeal decision

award. Following a review, where there is a favourable decision on eligibility leading to an award or where there is an increase in the subsidy award, the change will, in general, be implemented from the date of the review decision only and no retrospective award or payment will be made. However, an exception to this may arise where the Scheme Administrator is satisfied that an error was made by the Scheme Administrator when making the original decision.³²

³² Only in the circumstance where the parent availed of childcare.

13. Appeals by Applicants and Providers

This section details how appeals are carried out. Section 13.1 describes the establishment of a panel of Appeals Officers. Sections 13.2 and 13.3 sets out the circumstances in which an appeal can be made and the time limit for making an appeal. Sections 13.4 and 13.5 explain the process for making and considering an appeal respectively. Section 13.6 clarifies requirements in relation to oral hearings. Section 13.7 concerns the decision of the Appeals Officer, while sections 13.8 and 13.9 deal with subsequent appeals to the High Court and complaints to the Ombudsman. Section 13.10 concludes with quality assurance of the appeals process.

13.1 Establishment of panel of Appeals Officers

The Scheme Administrator will establish and maintain a panel of designated Appeals Officers, appointed with the consent of the Minister for Children, Equality, Disability, Integration and Youth, who will work independently to undertake appeals. The Appeals Officers will act impartially and independently of the Scheme Administrator and in accordance with procedures made by the Minister. The Appeals Officers will observe the principles of natural justice and adhere to fair procedures.

Appeals Officers will not be employees of the Scheme Administrator. They will be engaged as independent contractors by the Scheme Administrator. They will be retained on an “*as required*” basis to determine appeals of review decisions where the parent or childcare service provider is not satisfied with the decision of the Scheme Administrator following a review. The Appeals Officers will provide appeal services as required for such hours as are reasonably necessary to properly and diligently deliver the appeals function.

The Appeals Officers will be appointed following a selection process by the Scheme Administrator. The Scheme Administrator will seek expressions of interest from suitably qualified persons and, following a selection process, the Scheme Administrator will deem a list of persons to be suitable persons to be appointed to the panel subject to the consent of the Minister. The list submitted to the Minister for consideration will include a report from the Scheme Administrator on the reasons each candidate has been assessed as meeting the criteria agreed between the Minister and the Scheme Administrator for the Appeals Officer role. Where the Minister consents to the appointment of a candidate, they will be appointed to the panel of Appeals Officers by the Scheme Administrator. The term of appointment will be for 2 years.

13.2 Circumstances in which an appeal can be made

A person who is dissatisfied with the outcome of a review process may make an appeal. On receipt of an appeal, the appeal is checked to ensure it was received within 30 working days and it falls within the grounds for appeal under the Act. An appeal may only relate to matters which were the subject of a review decision made by the Scheme Administrator. For example, an appeal may be made by:

- an Applicant who is dissatisfied with a review decision relating to eligibility;
- An Applicant who is dissatisfied with a review decision relating to a subsidy award; or
- a childcare service provider who is dissatisfied with a review decision relating to the level of subsidy paid.

The full circumstances in which a review may be requested by an Applicant or a childcare service provider is set out in Chapter 12, at sections 12.2 and 12.3 respectively.

The review decision will advise of the right to appeal that decision.

13.3 Time limit for making an appeal

An appeal must be made within 30 working days of the date of the notice of the review decision.

13.4 Appealing a review of the Scheme Administrator

The person requesting an appeal (appellant) must follow the appeals procedure.

Appeals must be made using the prescribed form which is available on the Parent or Provider Portal.

The precise reason(s) for the appeal should be stated on the form and all relevant information should be submitted. The request must also contain the valid review decision notification number.

The form, and any supporting information, should be submitted on the Parent or Provider portal, as appropriate, or to the address specified by the Scheme Administrator on the National Childcare Scheme website. Where an appeal is being submitted by post, the envelope should be clearly marked "Notice of Appeal – National Childcare Scheme Appeals Office". It is recommended that registered post is used for this process to ensure delivery of documentation.

The appellant should ensure that appeals are submitted within 30 working days of the date of the notice of the review decision even if, at that stage, they consider that they are awaiting some supporting evidence (e.g. a medical report from a doctor). They must indicate that they intend to submit some further supporting evidence as soon as it is available and indicate the nature of such evidence to be submitted.

Any person wishing to withdraw an appeal may do so by sending a notice in writing to the Scheme Administrator who will process the withdrawal and notify the Appeals Officer who is dealing with the case without delay.

13.5 Process following receipt of appeal

Once an appeal request has been verified by the Appeals Team, a person from the panel of Appeals Officers will be assigned to consider the appeal. That Appeals Officer will acknowledge receipt of the appeal to the appellant within 10 working days of their assignment to the appeal. They will also provide a copy of the notice of appeal and any supporting documentation to the Scheme Administrator.

The appeals process will be a full reconsideration of the matter. It is not confined to the grounds which were considered by the Scheme Administrator at the application stage or the review stage and may be decided as if the matter were being decided for the first time.

The Appeals Officer may request from the appellant, the parent/childcare service provider (if different to the appellant) or the Scheme Administrator any additional information that may be necessary to determine the appeal. It is a requirement of the appeals process that timelines set by the Appeals Officer are adhered to, including any timelines set for the receipt of additional information requested from any person.

The Appeals Officer may also set a specific timeline for the receipt of information that was not submitted with the appellant's appeal (where incomplete documentation was signalled when the appeal was submitted) and any period set by the Appeals Officer for the receipt of the information must be adhered to. The Appeals Officer may proceed to determine an appeal where information has not been received within the period specified (see 13.7 below). In accordance with fair procedures, any information provided by the parent or the childcare service provider will be sent by the Appeals Officer to the Scheme Administrator. Similarly, any additional information provided by the Scheme Administrator will be copied to the parent or childcare service provider, as may be appropriate. Accordingly, each person will have the opportunity to comment on any reports or documents being used in the decision making process within 15 working days of the date on which that information was sent to them by the Appeals Officer or within any other timeline set by the Appeals Officer.

It is important that the grounds of an appeal are set out in full by the appellant. In considering an appeal, an Appeals Officer may:

- request the appellant to provide documentary evidence in relation to any matter that may impact on the appeal. This may include requiring a parent to provide

documentary evidence at the appeal stage on what was initially an automated decision and for which documentary evidence was not previously sought;

- request the childcare service provider or the Scheme Administrator to provide documentary evidence in relation to any matter that may impact on the appeal.
- consider any written objections made by the appellant in support of the appeal;
- hold an oral hearing. The Appeals Officer may determine the appeal on the basis of written submissions only or the appellant and Scheme Administrator may be requested to attend an oral hearing to clarify points at issue.

13.6 Oral hearings

The Appeals Officer may decide to hold an oral hearing to obtain more details about a case or to clarify points which are at issue in relation to the decision that is under appeal. The oral hearings are informal and adhere to fair procedures. Hearings may take place in Dublin or at regional centres across the country to facilitate appellants outside of Dublin, as may be determined by the Appeals Officers.

An appellant may be accompanied or represented at the hearing. An appellant may be accompanied by any family member or, with the consent of the Appeals Officer, by any other person. The accompanying person must remember that it is the appellant's appeal and the Appeals Officer will wish to hear from the appellant personally.

There is no need for legal representation to attend an oral hearing but it is open to an appellant to avail of legal representation. Costs and expenses in respect of attendance at a hearing by an appellant, representation by their legal representative or by other persons accompanying the appellant will not be reimbursed by the Appeal Officer or the Scheme Administrator.

Where an oral hearing is to take place, the appellant and the Scheme Administrator will be advised of the date, venue and time for the hearing. The granting of any requests for postponement of the scheduled hearing date will be at the discretion of the Appeals Officer. A postponement of the hearing will be given in exceptional circumstances and only for substantial reasons. All requests must be made in writing as soon as possible to the Appeals Officer. The requesting party must give details of the reasons along with any relevant documentation.

Where an oral hearing is held, the Scheme Administrator will seek to ensure that a representative from the Scheme Administrator will be present. If an appellant or the Scheme Administrator does not attend a hearing, the Appeals Officer may, notwithstanding the absence of either party, proceed to make a decision based on the information and evidence available. The procedure at the hearing will be determined by the Appeals Officer. The Appeals Officer will ask questions and seek clarifications as may be appropriate. The final

discretion as to the conduct of the hearing and the presence of any person rests with the Appeals Officer subject to fair procedures.

13.7 Decision of Appeals Officer

The Appeals Officer will make a decision based on the qualifying conditions of the Scheme as set out in the primary and secondary legislation, these guidelines, all of the evidence available and taking account of procedures prescribed by the Minister which they are obliged to follow.

The Appeals Officer appointed to consider an appeal will make a decision within 20 working days of the receipt of complete information relating to the appeal. The Appeals Officer may proceed to determine an appeal where information or documents not submitted with the appeal form are not received by the date specified by the Appeals Officer or where any documentation requested by them is not provided in the period specified. In circumstances where the appeal process included an oral hearing, the Appeals Officer will make a decision within 20 working days of the oral hearing (subject to information being complete at that stage).

The decision by the Appeals Officer will either:

- a) confirm the decision which was the subject of the appeal,
- b) revoke that decision and replace it with such other decision as the Appeals Officer thinks appropriate, or
- c) refer the matter concerned back to the Scheme Administrator for reconsideration in accordance with directions from the Appeals Officer.

The Appeals Officer will send a copy of the relevant decision in writing to the appellant and the Scheme Administrator. The decision will detail the Appeals Officer's reasons for the relevant decision and may direct the Scheme Administrator as may be appropriate on how to implement the decision.

The Scheme Administrator must comply with a direction given to it by the Appeals Officer and shall notify the appellant in writing or by electronic means of the Scheme Administrator's compliance with the direction.

It is not open to the Appeals Officer to depart from the rules of the National Childcare Scheme as set out in the primary legislation, secondary legislation or the Scheme Guidelines in an individual case, regardless of individual or personal circumstances.

13.8 Appeal of Appeal Officer's decision

The decision of the Appeals Officer is final and conclusive, but may be appealed to the High Court on a point of law.

Pending the outcome of an appeal on a point of law, any award of subsidy under the National Childcare Scheme will be based on the Appeals Officer's decision.

13.9 Complaint to the Ombudsman

A person who considers that they have been unfairly treated in relation to the Scheme may make a complaint to the Ombudsman. A person may choose to refer a complaint to the Ombudsman notwithstanding that an appeal has been made in relation to a particular matter.

13.10 Quality assurance of the appeals process

The Scheme Administrator will appoint an independent external person to review and report on the quality and consistency of the appeals process at such intervals as may be directed by the Minister³³. The independent reviewer may also make recommendations as may be appropriate in relation to the operation of the appeals system, including in relation to engagement with continuous professional development and best practice. The Appeals Officers will be expected to engage and participate with the external reviewer and any recommendations, as appropriate.

³³ The Minister may issue directions to the Scheme Administrator pursuant to section 5(1) of the Childcare Support Act 2018.

14. Sponsor Referrals

This chapter concerns sponsor referrals to the Scheme. These are special arrangements whereby designated bodies can refer a child to the Scheme where childcare is needed on child welfare, child protection, family support or other specified grounds. Section 14.1 provides a brief overview of sponsor referral arrangements, while section 14.2 lists the specified bodies who may make sponsor referrals and the purpose for which they may make referrals. Section 14.3 describes the referral process and section 14.4 deals with how referrals are submitted to the Scheme Administrator. Section 14.5 concerns the issue of choice of childcare service provider, section 14.6 describes the application of attendance rules, and section 14.7 covers the renewal of sponsored referrals. Section 14.8 concludes by considering the interaction of sponsored referrals and non-sponsored applications.

14.1 Overview

There are families with high levels of need for whom childcare is required on child welfare or child protection grounds or for whom childcare is a necessary element of family support. In such cases, arrangements can be made whereby a specified statutory body (“sponsor body”) refers a child to the Scheme for childcare support.

Where a referral is made by a sponsor body, the family will automatically qualify for a subsidy without having to satisfy the Scheme’s eligibility, income or enhanced hours requirements. There is also no general minimum or maximum age limit for a child who is the subject of a referral by a sponsor. However, formal agreements between the Minister and the sponsor bodies contain strict criteria for qualification for a referral by the body and include the ages of children who may be referred. When making a referral, the sponsor body will recommend the hours of childcare needed in each case. The Scheme Administrator will pay a subsidy based on those hours of care used multiplied by a set “sponsor” subsidy rate. **Parents will not pay a contribution towards the cost of the childcare fees in the case of a sponsored referral. Parents will not pay a deposit to a service provider in the case of a sponsored referral.**

14.2 Relevant statutory bodies

The following designated statutory bodies may make referrals for childcare support under the Scheme, for the purposes specified below. Formal agreements between each of the bodies and the Minister for Children, Equality, Disability, Integration and Youth provide the legal basis for referrals and govern the detail of referral procedures.

1. **Minister for Education** to support parents under the age of 18 years to remain in education or training through access to childcare services.

2. **Minister for Justice** to facilitate access to childcare services for applicants within the meaning of section 2 of the International Protection Act 2015 and programme refugees within the meaning of section 59 of the International Protection Act 2015, so that parents or children can access education, integration and other relevant supports.
3. **Child and Family Agency** to enable participation in a childcare service as part of the provision of child care and family support services by the Child and Family Agency to promote the welfare of children who are in need of additional care or protection.
4. **HSE** to enable participation in a childcare service where there is an identified need for childcare as an additional support to the home environment to meet child development needs for a child who is under the age of 4 years and who is not enrolled in a pre-school programme funded by the Minister or the Minister for Education and who would otherwise not attend a childcare service.
5. **Local authorities** to support families who are homeless³⁴ or moving out of homelessness, to access childcare services.

14.3 Referral process

The sponsor referral process is as follows.

Referral form

A referral is initiated by a sponsor body by completing a sponsor referral form (using only the official form, to be stamped with the referring body's official stamp). The referral form will include basic information necessary for a referral to be made, including:

- child and parent information - name, date of birth and PPSN,
- amount of childcare recommended,
- duration of referral (i.e. total number of weeks),
- current and next educational status of child,
- the referral officer details and the designated contact person details, as appropriate.

A referral form must be completed by a referral officer (see below). The referral officer may be a different person to the designated contact and this will be set out in the agreement between the Minister and the relevant sponsor body.

³⁴ Within the meaning of the Housing Act 1988

Referral officer and designated contact

Each sponsor body will designate referral officers who are authorised to make sponsored referrals to the Scheme for a childcare subsidy.

Sponsor bodies will also appoint a small number of designated contacts who are the officials designated by the sponsor body to approve and transmit the sponsor referral to the Scheme Administrator. Communications between the Scheme Administrator and the sponsor body regarding the referrals will be with the designated contact, the referral officer and/or their nominated contact.

Age and amount of childcare

Each sponsor agreement will specify any rules in relation to the ages of children whom the sponsor will refer and the amount of childcare they will recommend (e.g. number of hours per week, and number of weeks). These rules vary by sponsor depending on the specific needs of the children the sponsor will be referring. Within sponsor agreements, provision is also made for referrals of particular cohorts of children only or different cohorts, depending on the sponsor.

In general, sponsor referrals should be for a period of 12 months maximum, but may allow up to 60 weeks in certain cases (e.g. to allow a child to complete the academic year or up to the nearest natural break in the academic year, (e.g. Christmas or Easter) and to accommodate certain sponsor body referrals where there is a requirement for a longer sponsorship arrangement).

14.4 Referral process

A sponsored referral may be made in one of two ways:

1) *Application made by parent (Parental Sponsor Application)*

In this case, the parent is given the referral form by the sponsor. The parent uses the Parent Portal to upload the referral form by selecting 'Sponsored Referral'. Alternatively, the parent may choose to post the referral letter to the Scheme Administrator in order to submit their sponsored referral.

Once the Scheme Administrator receives the referral form, they will manually check that the referral form is complete and use the information to create an NCS Sponsor Application. An award and CHICK is generated. The Scheme Administrator contacts the parent or the Designated Contact to inform them of the award details and the CHICK.

The parent then takes the CHICK to a childcare service provider and the provider uploads the details of the CHICK and the registered hours. Subsidies are payable from the start date registered by the childcare service provider. As the Scheme's systems are developed to operate on a weekly basis payment will be made for the week regardless of what day the registration is made.

2) ***Application made directly to the Scheme Administrator (Direct Sponsor Referral)***

In this case, a designated contact of the sponsor body sends the referral letter directly to the Scheme Administrator by post. The Scheme Administrator checks that the sponsor referral is complete and uses the information to create an NCS sponsor application. An award and CHICK is generated.

The details of the approved award (including the CHICK) are communicated to the designated contact of the sponsor body. The parent, or the sponsor body (with the parent's agreement), may contact a provider to register the childcare hours using the CHICK. (In some instances, the sponsor body may specify that the parent may only register the child with a particular provider.)

The provider completes the registration on the Provider Portal and the payment proceeds.

14.5 Choice of childcare service provider

Unless otherwise specified by the sponsor in the referral letter, a parent who benefits from a sponsored referral may use the CHICK to register the child with any approved provider under the Scheme.

Where a sponsor body chooses to specify the providers to which they will refer children, they must inform the parent of the selected childcare service provider and nominate the provider on the referral form³⁵. In this instance, the Scheme Administrator will ensure that the award can only be registered by the intended provider.

The Minister for Children, Equality, Disability, Integration and Youth and the Scheme Administrator will have no involvement in relation to restricting the providers to whom children may be referred. Where this arises, it will be a matter solely for the relevant sponsor body.

14.6 Attendance rules/compliance

The attendance of a sponsored child should be monitored and reported by a childcare service provider through the Provider Portal in the same manner as all other NCS registered children.

While information on under-attendance of sponsored children may be provided to the sponsor for their information and any appropriate follow-up, it will not result in a reduced payment.

Where a sponsored child is absent for a continuous period of more than 4 weeks, the Scheme Administrator will inform the sponsor of the ongoing period of non-attendance for their information and action, as appropriate. Subsidy payments in respect of sponsored registrations will be maintained until:

- the end date of the sponsored award; or

³⁵ Where a specific childcare service provider is selected, the referral will be made directly by the sponsor body.

- the sponsor confirms the sponsored childcare requirement has ceased and the sponsored referral should stop; or
- the parent ends the current sponsored registration. The parent may choose to end the sponsored registration as they wish to make a standard, non-sponsored, application; or
- there is non-attendance by a child over 12 consecutive weeks.

At any time, or on receipt of information relating to an under-attendance or absence, the sponsor body may, at its discretion, choose to submit a new referral with fewer hours than the initial referral and the new referral will replace the existing referral. A new CHICK for the revised hours will be issued by the Scheme Administrator and the sponsor/parent may proceed to register the revised hours with a childcare service provider.

14.7 Renewal process

For all sponsored referrals, the sponsor referral form will include the number of weeks of childcare needed, which will be reflected in the award given by the Scheme Administrator and communicated to the childcare service provider through the CHICK.

In advance of the expiration of the sponsored referral, a notification will go to the designated contact person (parent or sponsor body), as recorded on the referral form, indicating the date on which the sponsored referral will expire. The notice will be sent by the Scheme Administrator at least 40 working days before the expiry of the sponsored referral. The childcare service provider will also be notified of the expiry of the referral by the Scheme Administrator.

Where a sponsor referral is due to expire, and the parent is the designated contact, the parent must contact the sponsor to request a new sponsor referral, if appropriate. The parent/designated contact must then follow the same process for a sponsor referral by either uploading the referral form on the Parent Portal or posting it to the Scheme Administrator. Where the designated contact person is the sponsor, the sponsor is responsible for submission of a new referral, where appropriate, directly to the Scheme Administrator.

If the sponsor decides that a referral for sponsored childcare is no longer necessary, then they must make reasonable efforts to confirm to the parent within 20 working days of the end date of the existing sponsor referral that they will not be making a new referral in respect of a child. This will allow the parent to apply to the National Childcare Scheme for their own, non-sponsored subsidy. The parent will be able to submit an application on the Parent Portal in advance of the sponsor referral end date.

14.8 Interaction of sponsored and non-sponsored applications

Where a child is subject to shared care arrangements (e.g. in the case of separated parents), the child can benefit from sponsorship in relation to one parent and a normal Scheme subsidy in relation to the other parent. A parent can also benefit from a sponsored subsidy in relation to one child, and a standard Scheme subsidy in relation to other children. However, a parent is not permitted to receive both sponsored and non-sponsored support in relation to any one child.

In the case of a Direct Sponsor Referral, the child and parents' details must be on the form. This will allow the Scheme Administrator to recognise if there is a conflicting application in the system for the same child from the sponsored parent. The sponsored referral takes precedence over a parental application (i.e. if a child is already registered for childcare and is then given a sponsored referral, the original claim is stopped and the sponsored award takes its place).

15. Governance and Compliance

This chapter describes the overall governance framework for the National Childcare Scheme.

Section 15.1 recalls the legal framework for the Scheme. Section 15.2 set out the governance arrangements which apply in the case of childcare providers. Section 15.3 details Scheme Administrator Reviews. Section 15.4 sets out the governance arrangements for applicants/guardians. Lastly, Section 15.5 concludes by considering compliance monitoring, review and evaluation requirements in relation to the Scheme.

15.1 Overarching legal framework

As noted in section 1 of these guidelines, the Childcare Support Act 2018 and associated regulations provide the legislative basis for the Scheme. The other key governance documents for the Scheme are:

- (a) the formal designation of the Scheme Administrator by the Minister and the supporting Performance Delivery Agreement,
- (b) the agreements between the Minister and childcare service providers who have chosen to participate in the Scheme, and
- (c) the agreements between the Minister and the public bodies who can refer children to the Scheme where childcare support is needed for child development, child welfare or other specified reasons (“sponsorship agreements”).

15.2 Governance arrangements for providers

Legal requirements

In order to participate in the National Childcare Scheme, a childcare service provider must be registered with Tusla, the Child and Family Agency. A registered provider of a pre-school service must comply with the Child Care Act 1991 (Early Years Services) Regulations 2016, and a registered provider of a school age service must comply with the Child Care Act 1991 (Registration of School Age Services) Regulations 2018. Tusla has statutory responsibility for enforcing and executing these Regulations.

Contractual requirements

A service provider wishing to participate in the National Childcare Scheme must enter into a contractual agreement with the Minister under section 8 of the Childcare Support Act 2018. A comprehensive Explanatory Guide to the current National Childcare Scheme contract may be found on ncs.gov.ie.

15.3 Scheme Administrator Reviews

Compliance Process

Authorised officers appointed by the Scheme Administrator will make on-site visits (or desk based checks if required) to childcare facilities to confirm that service providers are complying

with the rules including on attendance and financial reporting. Under the Childcare Support Act 2018, these officers have the powers to enter childcare premises³⁶, inspect and take copies of any books, records or other documents relating to the operation of the service, and require any person on the premises to answer such questions as the authorised officer may ask relative to any matter under the Act.

A service provider who refuses to facilitate an authorised officer in the course of their functions will be guilty of an offence under the Act.

In the course of the visit, the AO will be checking the following:

- ✓ That adequate daily attendance records are maintained in the required format and are available for checking
- ✓ That each child's registration details and any departure, absence or under-attendance have been accurately recorded on the Early Years Platform, and that the recorded attendance patterns reflect the information contained in the local attendance records³⁷
- ✓ That the NCS subsidies have been applied correctly against the published fees having regard to each applicant's claimed weekly subsidy and the agreement in place between the applicant and the provider.

In addition the officer will also check the following contractual checks

- ✓ That the service's fees list, service calendar, parental agreements, closures and opening hours are on display in the service in the required format and location (on-site and on-line)

Outcome of compliance visits

A report will be made by an authorised officer of the Scheme Administrator consequent on a compliance visit both in respect of **regulatory requirements** and **contractual requirements**.

Regulatory requirements will be reported under section 17 of the Act, and are, therefore, treated as a review initiated by the Scheme Administrator.

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:

- (a) 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.

³⁶ With the consent of the provider, or – where necessary – pursuant to a warrant issued by the District Court.

³⁷ The rules on what constitutes an absence or under-attendance are set out in regulation and are also explained in chapter 8 of these guidelines.

- (b) It shall follow up at the notified timeframe to establish whether the issue has been corrected. Where a valid appeal request has been made this step will be paused.
- (c) Where corrective action has not been taken, it shall adjust the subsidy payable to the provider to reclaim any overpayment arising on foot of the non-compliance findings and to prevent overpayment going forward, i.e. having given an advance notice period in line with the legislation, the Scheme Administrator shall unilaterally make the correction. Sanctions will not be imposed where a valid appeal request has been made and is being considered. If the Appeal fails then the sanction will commence following at least 20 working days notification of the decision.
- (d) Where the provider did not take all reasonable steps to address the issue by the notified timeframe, DCEDIY funding or part thereof may be withdrawn.
- (e) It shall note the outcome of the compliance visit on the provider's risk-based compliance profile and use the outcome to inform adjustments to the provider's compliance score.
- (f) Subject to any appeal which may be lodged by a provider using the appeals process, the Scheme Administrator may refer the matter to the Minister for prosecution where the provider is suspected of committing an offence under the Act, including procuring financial support through fraud or misrepresentation.

Please note there is currently no appeals process for contractual checks. Providers should contact the CAR Team directly through the service provider Hive service request system to discuss any issues they have related to contractual findings.

In cases where the infringement relates to a failure to maintain attendance records, this is regarded as non-attendance. This is consistent with the approach of paying based on certified attendance which, in turn, derives from the local attendance records. As such, where there is a failure to maintain records, the notification referenced at (a) above shall advise that, unless records are maintained in the required format with immediate effect, subsidies shall be discontinued³⁸ 30 working days after the date of the notice. As per (d) above, this notification shall be followed by a further check by the authorised officer to establish whether the issue has been adequately rectified or whether subsidies need to be discontinued.³⁹

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.⁴⁰

³⁸ Any children whose subsidies are discontinued, and are subsequently reregistered onto the NCS scheme, will be monitored. Further checks may be conducted to ensure they were registered correctly and the appropriate attendance records maintained.

³⁹ Where a subsidy is discontinued, this does not affect the parent's award, rather the claim made against the award by the provider.

⁴⁰ Again, an authorised officer will be required to carry out another site visit to confirm that records are now being appropriately maintained.

In the event a valid appeal request has been made the sanction will not be imposed until the final appeal decision has been made to the Provider.

In the event that a Service Provider is unhappy with the outcome of their statutory review, they may appeal the decision within 30 days. In this case, no sanction will be applied until the Appeal has been considered.

Sanctions for non-compliance

In all cases, (except where the review decision has been reversed on appeal), a finding of non-compliance will inform the provider's risk-based compliance profile.

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, then the provider's DCEDIY funding or part thereof may be withdrawn by way of sanction for the programme year.

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.

Contractual requirements

The NCS contract may be terminated in circumstances of a breach of contract by a provider.

An authorised officer will assess compliance with contractual requirements in line with the relevant NCS legislation, guidelines and contractual conditions including that;

- ✓ Access is granted to site
- ✓ The service's fees list, service calendar and opening hours are up to date on display in the service in the required format and location (on-site and on-line)
- ✓ Parental Agreements are in the required format.

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. 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.

3. Infringements in relation to attendance records are required to be corrected with immediate effect. All other infringements are to be remedied by the Service Provider within 30 calendar days after the formal written notification to the Provider.
4. Overclaims identified will be recouped 30 working days following the issuing of the non-compliance outcome. The service provider will also be required to submit a declaration of compliance going forward in relation to claims.
5. In relation to an attendance records follow up visit, where corrective action has not been taken, it shall adjust the subsidy payable to the provider (i.e. discontinuation of claims or assumption of minimum attendance). Having given an advance notice period in line with the legislation, the Scheme Administrator shall unilaterally make the correction.
6. In relation to all regulatory non-compliances, where corrective action has not been satisfactorily taken within the notified timeframe, then a sanction may apply. Sanctions will not be imposed where a valid appeal request has been made and is being considered. If the Appeal fails then a sanction may be applied following at least 20 working days notification of the decision.

The Scheme Administrator may offer the provider access to training and support if considered necessary.

15.4 Governance arrangements for applicants/guardians

Legal basis for entitlement

As noted in section 15.1, the Childcare Support Act 2018 and associated regulations set out the circumstances in which parents will be entitled to apply for a subsidy, will receive a subsidy award and will be entitled to receive a subsidy payment on foot of that award. The Act also sets out the particular changes in circumstances which must be notified to the Scheme Administrator.

The Scheme is designed so that the majority of income information provided as part of an application will be obtained and validated through automatic data feeds from Revenue and the Department of Social Protection, some application information is self-declared. Validation checks will be carried out in relation to all self-declared information on a sample basis.

MyGovID

MyGovID is an online identity authentication system which enables people to access a range of Government services. Online applicants for the Scheme must use MyGovID to make an application. Applicants may also apply for the Scheme by post, in the course of which their identity will be confirmed using hard copy documents.

The policy relating to MyGovID rests jointly with the OGCIO and the Department of Social Protection, with the latter responsible for the technical implementation of MyGovID.

Applicant validation checks

Applicants who knowingly or recklessly provide false or misleading information to the Scheme Administrator, or who fail to notify the Scheme Administrator of changes in circumstances where required to do so, will be guilty of an offence.

Sample validation checks will be undertaken under section 17 of the Childcare Support Act 2018 and will, therefore, constitute a scheme administrator review in legal terms in relation to the following self-declared information:

- a) Eligibility to apply for a subsidy (residence requirement)
- b) Relationship to child (proof of “in loco parentis” status)
- c) Work/study status
- d) Unavailability to care for children
- e) Self-declared income (Form 12 income, maintenance payments, pension contributions)

Sponsored applications will not be subject to applicant validation checks.

(a) Eligibility to apply for a subsidy

Applicants may be asked at any time to produce evidence that they are eligible to apply for a subsidy, i.e. that they satisfy the statutory “residence requirement”.

(b) Relationship to child/in loco parentis

All applications will be checked against the Department of Social Protection Child Benefit database to confirm that the applicant, or the applicant’s partner, is in receipt of Child Benefit for the child who is the subject of the subsidy. Where this is not the case, applicants may be selected for a validation check to confirm that they are acting “in loco parentis” to the child.

(c) Work/Study status

Validations under this heading will be carried out to ascertain whether the applicant is entitled to enhanced (as opposed to standard) hours of subsidised childcare by reason of being in employment, in self-employment, in education or in training.

Where an applicant declared that they or their partner are employed, they may be asked to submit a copy of a current payslip which indicates the employer’s details or a letter from their employer confirming that the applicant is currently employed by them.

Where an applicant declared that they or their partner are self-employed, they may be asked to provide evidence of self-employment.

Finally, where applicants declared that they or their partner are engaged in education or training, they may be asked to submit a statement from the education/training provider confirming that the applicant/partner is registered on an approved education/training

course. The statement must meet the following criteria; be on Headed paper from the Education/training body, contain the body name, course title, start and end date, confirmation that applicant/partner is enrolled, signed & stamped, confirmation that the course will lead to an award on the National Framework of Qualifications, and is accredited by the Quality and Qualifications Ireland (QQI), the State Examinations Commission, or on the NARIC Foreign Qualifications Database

(d) Unavailability to care for the child

Applicants who indicated on the application form that they or their partner were unavailable to care for their child may be requested to provide proof of unavailability as set out in section 5.2.3.

It should be noted that the evidence needs to relate to the time of application only and does not need to continue throughout the award.

(e) Self-declared income and maintenance payments

This category of validation checks comprises two parts: applicants who self-declared Form 12 income and applicants who self-declared maintenance payments.

Applicants who declared Form 12 Income on the application form may be asked to submit a copy of the Form 12. The details on the Form 12 will be checked against the information given on the application form. If there is a significant discrepancy (i.e. one large enough to affect the subsidy that has been awarded), the income assessment will be re-calculated and the award amended, with any associated overpayment calculated.

Where applicants declared on the application form that they are making maintenance payments, they may be asked to submit evidence of the amount of maintenance being paid. This evidence should be in the form of bank statements, or other official receipts, covering at least three such payments (to demonstrate that the payments are on-going).

The evidence supplied will be checked against the information declared on the application form. If there is a significant discrepancy (i.e. one large enough to affect the subsidy that has been awarded), the income assessment will be re-calculated and the award amended, with any associated overpayment calculated.

Validation Process

The validation process is undertaken under section 17 of the Childcare Support Act 2018 and will, therefore, constitute a scheme administrator review in legal terms. It will involve the following steps:

- (i) case-list generation (i.e. setting the parameters for validation checks and identifying cases to be validated),
- (ii) requesting documentary evidence from applicant and reassessing same,
- (iii) taking follow-up action where it is found that the applicant has provided incorrect information, and
- (iv) taking follow-up action where the applicant fails to respond to the validation request.

In all cases where an award is reduced or ceased on foot of a validation check, the applicant will have the right to appeal the decision.

Calculation and recoupment of overpayments

Section 21 of the Act provides that:

(1) Where it comes to the knowledge of the scheme administrator that-

(a) all or part of the payment of financial support in respect of a child has been procured through fraud or misrepresentation, or

(b) there has been an overpayment of financial support in respect of a child,

then the amount of that financial support so procured, or of that overpayment, as the case may be, shall be repayable to the scheme administrator on demand and, if not so repaid, the scheme administrator may recover the amount, as a simple contract debt in any court of competent jurisdiction from the person to whom the overpayment was made.

(2) Without prejudice to the rights of the scheme administrator under subsection (1), the scheme administrator may reduce the amount of financial support which would be payable under the Scheme in relation to one or more children until the total of the excess payments has been recovered by the scheme administrator.

(3) Where an excess amount of financial support has been paid in respect of a child by reason of the fraud or misrepresentation of a parent of the child the subject of the application, such excess shall be payable by the parent to the scheme administrator and if not so paid, may be recovered from the parent as a simple contract debt in any court of competent jurisdiction.

All overpayments will be pursued by the Scheme Administrator in line with these provisions.

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.

The applicant will be notified of their right to seek an Appeal of the application reassessment outcome. The Service Provider is also notified of the impending change and the applicant may need to meet with them to discuss a new co-payment and/or adjustment of hours. The applicant has 30 working days to seek an Appeal of the reassessment outcome. If they do so, the repayment of the debt will pause. However, the debt will continue to accrue until the Appeal decision has been made.

If the Appeal decides in the applicants favour, the applicant automatically exits the validation programme, there is no debt, and the current CHICK remains valid. In the event that the Appeal decision decides in the Scheme Administrators favour, the applicant will be notified

of the current debt amount and issued with a new CHICK. The debt collection, and new CHICK award, will commence on the following week (Monday).

As a separate process to the recovery of overpayments, where a person knowingly or recklessly provides the Scheme Administrator with false or misleading information, this may amount to an offence attracting a fine and imprisonment on conviction. The Scheme Administrator will establish procedures for the referral to the Garda Síochána of any matter where it considers that false or misleading information may have been provided knowingly or recklessly. Summary proceedings for an offence may be prosecuted by the Minister.

Referral of renewal applications and future claims for manual assessment

In cases where an applicant validation finds that they applicant misrepresents their income, work/training status etc., the applicant may be required to provide documents for manual assessment of their renewal or future claim.

Information for applicants in relation to their responsibilities

All communications with applicants will note their responsibilities in respect of providing accurate information to the Scheme Administrator and notifying the Scheme Administrator of any changes in circumstances that arise. In particular, notifications arising from non-compliance with attendance rules will set out the consequences of continued non-compliance.

15.5 Compliance monitoring, review and evaluation

Compliance monitoring

The compliance programme for the Scheme will address compliance in a structured manner, based on an assessment of each provider's compliance risk profile. Profiles will be based on various elements of financial risk.

Monitoring, review and evaluation

Section 26 of the *Childcare Support Act 2018* provides for a review of the operation of the National Childcare Scheme to commence 12 months after the first payment of subsidies under the scheme.

A full evaluation of the Scheme will be conducted after three years of operation.

In order to support robust monitoring, review and evaluation, a Monitoring and Evaluation Framework for the Scheme has been developed and is appended to these guidelines.

16. Data Protection

This chapter outlines the data protection policies, procedures and other obligations required of those administering the National Childcare Scheme. Section 16.1 provides a brief overview of the legislative framework both in respect of data protection generally and in respect of data processing for the purposes of the National Childcare Scheme. Section 16.2 sets out the reasons for processing data under the Scheme (nature of data processing), while section 16.3 describes requirements in relation to maintaining records of processing activities. Section 16.4 outlines and explains the reasons for data sharing under the Scheme. Section 16.5 concerns the Scheme's privacy statements, while section 16.6 deals with profiling. Section 16.7 notes requirements and policies in relation to a person's right to obtain a copy of their data free of charge (subject access requests). Section 16.8 and 16.9 describe requirements in relation to data retention and data breaches respectively. Section 16.10 confirms the position with regard to overseas transfer of data, while section 16.11 concludes by noting the role of DCEDIY and Pobal's data protection officers.

16.1 Introduction and overview

The operation of the National Childcare Scheme will result in the processing of the personal data of a range of data subjects, such as applicants, their children and, in some cases, service providers. Data subject rights are protected by the EU's General Data Protection Regulation (GDPR) which came into force on 25 May 2018, and both the Department of Children, Equality, Disability, Integration and Youth (DCEDIY), as Data Controller, and Pobal, as Data Processor, are required to abide by the Regulation. The Irish Government also enacted the Data Protection Act in 2018 to transpose the GDPR into Irish national law, and to give further effect to the GDPR in areas where Member States have flexibility.

The legal basis for the processing of applicant's data is set out in the Childcare Support Act 2018, read in conjunction with the Social Welfare Consolidation Act 2005.

16.2 Nature of data processing

16.2.1. Personal data

An applicant's personal data may be processed for any of the following reasons:

- In order to effectively administer the National Childcare Scheme;
- In order to determine whether an applicant is eligible to apply for financial support;

- To verify the identity of an applicant, their partner and any children named in an application;
- To verify data that is received as part of an application, review, appeal, or an application supported by a sponsor body;
- To determine the amount of financial support which a person is qualified to receive;
- To assist in the processing of an application for financial support;
- To assist in the payment of financial support to childcare services providers;
- To verify that a child who is the subject of financial support is registered with a childcare service provider, and is continuing to attend the services, including the number of hours of such attendance;
- To verify that financial support is being offset against the childcare service provider's published fee by obtaining information on co-payments made by the parents of a child who is the subject of a subsidy award under the Scheme;
- To provide data to assist in a review or an appeal;
- To provide data to assist in the prosecution of an offence under the Childcare Support Act 2018.

Any additional data processing that may be considered in the future implementation of the Scheme will be examined in light of these relevant purposes and compliance with GDPR, in particular the principle of data minimisation.

16.2.2 Service provider's personal data

The personal data of Service Providers may also be processed during the NCS contracting process (see chapter 6) in relation to on-boarding and contracting for service providers). This may include details of a provider's Primary Authorised User (PAU), as well as other details from which personal data can be inferred such as, in some cases, email addresses and business names, and in the case of sole traders, their PPSN (inferred from their Tax Registration Number, which is the same as their PPSN). Personal data of staff members may also be processed as necessary⁴¹.

16.3 Record of processing activities

Article 30 of GDPR requires Data Controllers and Data Processors to keep a Record of Processing Activities, which needs to be presented to the Data Protection Commissioner on demand. Both

⁴¹ As Service Providers are data controllers for their employee's data, it would be encouraged that all service providers state in employee's contracts that they may share employee data with DCEDIY.

DCEDIY and Pobal will maintain centralised Records of Processing Activities, which will encompass the National Childcare Scheme Record of Processing Activities.

This log will contain the following with respect to DCEDIY as the Data Controller:

- The name and contact details of the controller and, where applicable, the joint controller, the controller's representative and the data protection officer;
- The purposes and lawful basis of the processing;
- A description of the categories of data subjects and of the categories of personal data;
- The categories of recipients to whom the personal data have been or will be disclosed including recipients in third countries or international organisations;
- Where applicable, transfers of personal data to a third country or an international organisation, including the identification of that third country or international organisation including the documentation of appropriate safeguards⁴²;
- Where possible, the envisaged time limits for erasure or retention of the different categories of data;
- Where possible, a general description of the technical and organisational security measures involved in the security of the processing;
- Where applicable the existence of automated decision making, including profiling.

This log will contain the following with respect to Data Processors:

- the name and contact details of the processor or processors and of each controller on behalf of which the processor is acting, and, where applicable, of the controller's or the processor's representative, and the data protection officer;
- the categories of processing carried out on behalf of each controller;
- where applicable, transfers of personal data to a third country or an international organisation, including the identification of that third country or international organisation and the documentation of suitable safeguards⁴³;
- where possible, a general description of the technical and organisational security measures involved in the security of the processing.

⁴² NCS data will never be transferred outside of the EEA.

⁴³ Ibid

16.4 Data sharing

The National Childcare Scheme system will retrieve income data in respect of the applicant and any partner using data exchanges with both the Department of Social Protection (DSP) and the Revenue Commissioners, in order to calculate an applicant's income-related subsidy rate. The system may calculate the subsidy automatically using this income data or an administrator may view the income data retrieved using the data exchanges as part of a manual assessment process. In addition, personal data will be shared between DSP and the National Childcare Scheme system when a user logs on using the MyGovID process.

The Childcare Support Act 2018 allows for the sharing of data with both DSP and Revenue. Data Sharing Agreements are in place with both to govern the sharing of data with them.

Sponsor referral agreements made under section 14 of the Childcare Support Act 2018 will also include Data Sharing Agreements between the Minister and the relevant sponsor body.

16.5 Privacy statements and data transparency

Under the GDPR principle of transparency, data subjects must be informed about the nature of the processing of their personal data at the point their data is collected.

A Privacy Statement (also known as a Fair Processing Notice) will be presented to applicants when they first log onto the National Childcare Scheme online application system. The Privacy Statement will inform the applicant as to what data is being processed, for what purpose it is being processed, with whom it is shared, and for how long it will be retained. Users will have to acknowledge that they have read and understood the terms of the Privacy Statement to proceed.

The Privacy Statement will be a living document insofar as it must be updated if the nature of the data processing changes or is updated. Applicants will also have to accept any changes to the Privacy Statements that occur. Apart from a first time log in, or updates to the Privacy Statement, applicants will not be presented with the Privacy Statement every time they visit the Parent Portal, but it will be available for reference with a link on the system should the applicant wish to view it.

Applicants applying using a paper application will be provided with a paper copy of the Privacy Statement, and they will have to sign a declaration that they have read and understood the terms of the Privacy Statement.

Where an applicant indicates that they have a partner, the partner will also receive a Privacy Statement from the Scheme Administrator. As part of the application process, the applicant will be asked to provide the PPSN and an email or postal address for their partner. On submitting the application, a notification will issue to the partner informing them of (a) the processing of their data under the Scheme, (b) their right to object to that processing and (c) the timeframe for any such objection. The application process will then pause in order to allow the partner

time to object. Where the pause period elapses without any objection being raised, the processing of the application will then commence.

Finally, as the personal data of service providers may be processed on the Provider Portal, they will also be presented with a Privacy Statement upon first log in or following updates to the Privacy Statement.

In all cases, Privacy Statements will direct data subjects to the Data Protection policies of DCEDIY and Pobal.

16.6 Profiling

The Scheme is designed so that the majority of decisions on subsidy awards can be fully automated. This automated use of personal data to make a decision can be deemed to be 'profiling' under GDPR. GDPR requires that the data subject be informed that they are subject to profiling and given the option to opt out of this processing. The Privacy Statement will make it clear to the data subject that they may be subject to profiling, allowing them the option not to proceed further with the automated application. In this case, the applicant can choose to manually apply for the Scheme instead.

16.7 Subject Access Requests

Under GDPR, a data subject has the right to obtain, from the Data Controller, a copy of their data without being charged a fee. The request must be put in writing (by any media, e.g. email, letter etc.). The data controller must respond to the request in full within one month of receipt of same. Reasons for failure to do so must be recorded, in order to mitigate potential corrective measures that may be taken by the Data Protection Commission.

The Data Processor should promptly notify the Data Controller in the event they receive a Subject Access Request. Data Processors must respond, without undue delay, to any request in relation to a Subject Access Request from a Data Controller.

Both DCEDIY and Pobal have put in place Subject Access Request policies outlining the steps that need to be taken in response to a Subject Access Request.

16.8 Data retention

GDPR requires that data should be held in a form which allows identification of the individual for the shortest time possible, and should then be anonymised or erased. As early as possible in the life cycle of the data, the data controller should have processes in place to remove any identifying reference to the data subject. However, when deciding upon retention periods, consideration must be given to all elements of the legal framework, which includes the National Archives Act 1986.

16.8.1 National Archives Act 1986

The National Archives Act requires that all Government departmental records be retained, and then transferred to the National Archives for preservation after 30 years. The Act also applies to departmental records that are processed by a data processor – in this case Pobal – who is appointed by the data controller.

In light of GDPR, DCEDIY has applied for a Certificate of Disposal from the Director of the National Archives. This will involve an audit of the Scheme records by the National Archives, which will identify which records can be disposed of, and which records are required to be retained for archiving purposes.

16.8.2 Retention policy and schedule

When drawing up its Record of Processing Activities mentioned in section 16.3, the Department assigned a retention period to each of its processing activities. These retention periods were decided upon taking into consideration that data should not be retained when there is no longer a business use to process the data.

As long as there is no Certificate of Disposal obtained from the National Archives, the data will be retained as per the National Archives Act 1986. If and when a Certificate of Disposal is obtained, the retention periods, as set out in the Record of Processing Activities, will be applied and the DCEDIY will finalise its Retention Policy in relation to its departmental records. National Archives requirements apply to both electronic and paper records.

16.9 Data breaches

A data breach is a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed. Data breaches can include, but are not limited to, the following:

- Loss of personal data, for example by misplacing paper files, laptops, unencrypted USB keys etc;
- Transmission of personal data to an unintended data subject, for example by posting or emailing personal data to an incorrect recipient;
- A server failure, resulting in the irreparable loss of data;
- Access to personal data by an unauthorised staff member;
- Malicious external access, e.g. hacking;
- Data leak, e.g. by disgruntled employee.

Data Controllers are required to notify breaches to the Data Protection Commission within 72 hours of becoming aware of the breach. Data Processors are required to notify the Data Controller of the breach “without undue delay”. Under GDPR, Data Processors may be held liable or part-liable for the breach if they did not inform the Data Controller within the time specified as per the Data Processor Contract. Data subjects must be notified in the event of a breach if there is a high risk to their rights and freedoms. “Near misses” in relation to data breaches need to be logged by Data Controllers and Processors to demonstrate a culture of compliance with GDPR.

The Scheme Administrator will have the following policies in place to help mitigate the potential of a data breach:

- Data Management Policy (which includes policies around Passwords, and Roles and Access)
- Remote Working Site (for any staff working on the NCS system off site)
- Premises Security and Confidentiality Policy (including Clean Desk Policy)
- Staff Internet Conduct & Access Policy

Both DCEDIY and Pobal have drafted Data Breach Policies which should be adhered to in the event of a data breach.

16.10 Overseas transfer of data

The personal data of data subjects using the National Childcare Scheme will not be processed outside of the EEA.

16.11 Data Protection Officer

Both the Department and Pobal have appointed a Data Protection Officer. The DPO is a public facing role with direct access to senior management, whose main roles include, but are not limited to:

- Liaison and contact point with the Data Protection Commissioner
- Education, Training & Awareness for staff in relation to Data Protection
- Advisory & Risk management, including supporting Data Protection Impact Assessments
- Data Protection governance, and monitoring compliance with Data Protection law

The contact details for the Department and Pobal DPOs are on their respective Data Protection Policies.

Appendix 1: Application Proof of Incomes

Directory of Application Income Proofs

The Directory of Application Income Proofs lists the circumstances under which an applicant will be required to provide the Scheme Administrator with income proofs to proceed with their income assessment and the document types required.

The directory displays the assessment type, the award validity relative to that application type, the document required to prove that income, the method of verification available in that assessment type, and whether that verification can put a block on the processing of the application.

The p60 form was issued for the last time in 2018. Since 1 January 2020 this form will request an applicant's "Employment Detail Summary" (formerly P60) from Revenue. This is the replacement for the p60 which Revenue makes available to customers in PAYE Services in My Account (www.revenue.ie/myaccount).

Current Year Assessment

Income Type - Current Year Assessment	YTD	Sudden
Validity Period	12 Months	6 Months
	Document Required	Document Required
PAYE Income	NCS PAYE Form Completed by the Employer OR	NCS PAYE Form Completed by the Employer OR
F11 Income	NCS Self-Assessment Form	NCS Self-Assessment Form
Department of Social Protection (DSP) income	Agree that feed can be used OR	Agree that feed can be used OR
	Form signed by or printed from DSP	Form signed by or printed from DSP

Previous Year Assessment

Income Type - Current Year Assessment	Y-1 - Jan/Feb	Y-1 Mar-DEC
Validity Period	6 months	12 months
	Document Required	Document Required
PAYE Income	NCS PAYE Form signed by employer	Statement of Liability (formerly known as P21) + Employment Detail Summary (formerly P60)per employment
Income Type - Current Year Assessment	Y-1 - F11 Outstanding	Y-1 - F11 Submitted
Validity Period	6 months	12 months
	Document Required	Document Required
F11 Income	NCS Self-Assessment Form	Revenue's Notice of Assessment / Indicative Calculation
Income Type - Current Year Assessment	Y-1	
Validity Period	12 months	
	Document Required	
DSP Income	Form signed by or printed from DSP	