



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

**Department of Children, Equality, Disability,
Integration and Youth**

Rules
for the
ECCE Programme

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Please note that information contained in these Rules is subject to change

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GLOSSARY OF TERMS

“AIM” means the Access and Inclusion Model which supports children with a disability to access and meaningfully participate in the ECCE Programme. (See Appendix 2: General Terms and Conditions Governing Participation in the Access and Inclusion Model (AIM)) available at www.aim.gov.ie.

“Approved provider” means a Tusla registered provider of an Early Learning and Care (ELC) Service or a combined ELC and School Age Childcare (SAC) Service in accordance with the ECCE Programme who has entered into the ECCE Funding Agreement with the Minister.

“Capitation” means the weekly amount paid by the Scheme Administrator to an approved provider on behalf of the Minister for the provision of ECCE.

“CCC” means the City/County Childcare Committee. The CCC’s are funded by the Department of Children, Equality, Disability, Integration and Youth (DCEDIY) to act as the local agent in the delivery of ELC and SAC.

“Childminder” is a person who is registered with Tusla as a childminder under the Child Care Act 1991.

“Department” means the Department of Children, Equality, Disability, Integration and Youth (DCEDIY).

“Early Years Service” as defined in the [Child and Family Agency Act 2013](#), means a service providing a preschool service and/or a school age service.

“Early Start” is a one-year preventative intervention scheme offered in selected schools in designated disadvantaged areas. The objective of the preschool programme is to tackle educational disadvantage by targeting children who are at risk of not reaching their potential within the school system. The programme is managed, funded and evaluated by the Department of Education.

“Early Years Platform (EYP)” is the system that hosts all DCEDIY childcare schemes allowing approved providers to manage the administration of their facility or facilities, including organisation details, funding agreements, registrations, and funding related to all DCEDIY childcare funding programmes. It contains the NCS applicant portal and the approved provider portal titled “EY HIVE” among other systems. The platform can also be used to submit queries and receive responses and information from the Early Years Provider Centre.

“Educator” means an Early Years qualified staff member with a minimum Level 5 on the National Framework of Qualifications (NFQ).

“Fee table” means the sum of money that an approved provider charges a parent/guardian for childcare services before the discount of any subsidy. The fee table must be agreed between the parent/guardian and the approved provider before the parent/guardian signs off on the Parent Statement and Applicant Declaration Form.

“Lead Educator” means an Early Years Educator who leads practice with a group of children (previously referred to as “room leader”) in a Partner Service. Lead Educators in an ECCE service must hold a minimum Level 6 on the National Framework of Qualifications (NFQ).

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

“NCS” means the National Childcare Scheme.

“On-boarding process” involves the Scheme Administrator gathering and approving details of the approved providers’ legal structure and approving the Primary Authorised User (PAU).

“Optional Extra” means additional chargeable services that may only be selected from the approved DCEDIY “Optional Extras List” and shall not include activities which are considered key parts of the ECCE curriculum e.g. general arts and crafts activities.

“Partner Service” means an Early Learning and Care (ELC) and/or School Age Childcare (SAC) service who has entered into the Core Funding Partner Service Funding Agreement with the Minister and is registered with Tusla, the Child and Family Agency as a prescribed early years service or school age childcare service.

“Preschool Service” means any preschool, play group, day nursery, crèche, daycare or other similar service which caters for preschool children.

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

“Programme Year” covers the period of the 2023/2024 ECCE Programme. The programme commences 21st August 2023 and runs until 12th July 2024.

“Registration” means the point at which the approved provider adds a child to the ECCE Programme (via the EY HIVE).

“Scheme Administrator” means the organisation appointed to administer the ECCE Programme. The Minister has appointed Pobal as the Scheme Administrator.

“Service” means a Tusla registered Early Learning and Care (ELC) and/or School Aged Childcare (SAC) service which is registered with Tusla on the register of approved providers maintained by Tusla under section 58C of the Child Care Act 1991.

“Subsidy” means the weekly amount paid by the Scheme Administrator to an approved provider on behalf of a successful applicant as financial support for national early education or childcare services for a child.

“School age service (SAC)” means a service which caters for children under the age of 15 years enrolled in a school providing primary or post primary education and provides a range of activities that are developmental, educational and recreational in manner and which take place outside of school hours, but excludes those services solely providing activities relating to—

- i. The Arts,
- ii. Youth work,
- iii. Competitive or recreational sport,
- iv. Tuition,
- v. Religious teaching.

Please note that if a service solely provides support for the provision of homework, this type of service is not deemed as providing childcare and currently does not need to be Tusla registered.

“Summer Camp” refers to summer/holiday camps providing childcare services and are considered an early years/school age childcare service and must be Tusla registered.

“Term-time week” means a week agreed between a parent/guardian and an approved provider as a term-time week during which a child is eligible to participate in the ECCE Programme.

“Tusla” refers to the Child and Family Agency.

“Working Day” means a day which is not a Saturday, Sunday or public holiday.

Introduction

The Early Childhood Care and Education (ECCE) Programme is a universal free programme available to all children within the eligible age range. It provides children with their first formal experience of early learning prior to commencing primary school.

The Access and Inclusion Model (AIM) is a model of supports designed to ensure that children with disabilities can access the ECCE Programme. AIM is a child-centred model, involving 7 levels of support, moving from the universal to the targeted, based on the needs of the child and the preschool service. For further information on the AIM Programme see <https://aim.gov.ie/>.

This document sets out the rules governing the ECCE Programme and should be read in conjunction with a suite of 'How to Guides' available on the EY HIVE which provide information on the operation of ECCE Programme.

Pobal administer the 2023/2024 ECCE Programme on the EY HIVE on behalf of the Department of Children, Equality, Disability, Integration and Youth (DCEDIY).

Any queries in relation to the ECCE Programme and the rules of the programme should be directed to the local City/County Childcare Committee (CCC). Please see the EY HIVE Homepage on <https://earlyyearshive.ncs.gov.ie/> or <https://myccc.ie/> for CCC contact details. The CCC's are funded by DCEDIY and act as local agents in the administration of aspects of national early education and childcare programmes.

Approved providers can raise a service request through the EY HIVE at <https://earlyyearshive.ncs.gov.ie/>. For assistance in administering the rules of the programmes, payments queries, or any technical issues with the EY HIVE, approved providers can contact the Early Year Providers Centre on eypc@pobal.ie or 01 511 7222.

Note: Information in the DCEDIY Rules for ECCE Programme are subject to change. Please check the EY HIVE regularly for updates.

Chapter 1 Overview of ECCE Programme

The ECCE Programme is a universal free programme available to all children within the eligible age range. It provides children with their first formal experience of early learning prior to commencing primary school. The ECCE Programme is provided for 3 hours per day, 5 days per week over 38 weeks¹ per year and the programme year runs from August to June.

Children enrolled in the ECCE Programme may also avail of the National Childcare Scheme (NCS). While the NCS and ECCE are two separate programmes/schemes, they are intended to work together. This means that parents/guardians can avail of NCS subsidised hours for the time spent outside of the ECCE Programme. If a provider has contracted to offer both the NCS and ECCE, parents/guardians should be able to use both programmes/schemes once the eligibility requirements are met.

1.1 Early Years Education Standard

Childcare services taking part in the ECCE Programme must provide an appropriate preschool educational programme which adheres to the principles and standards of Síolta and Aistear, the national frameworks for early learning and care. Local CCCs' staff are on hand to support participating services with assistance visits and advice. ECCE is only available through participating Early Years Services. A list of these services is available through the relevant local CCC.

1.2 Eligibility for ECCE

A child must have turned 2 years and 8 months on or before 31st August 2023, and not be older than 5 years and 6 months on or before 30th June 2024, to be eligible for the 2023/2024 programme year.

Table 1 below sets out relevant eligibility dates by year of birth.

Table 1: Eligibility for ECCE by Month of Birth		
Birth Date Between	ECCE Start Date	ECCE End Date
1 st January 2019 - 31 st December 2019	1 st September 2022 + 1 st September 2023	June 2024
1 st January 2020 - 31 st December 2020	1 st September 2023 + 1 st September 2024	June 2025
1 st January 2021 - 31 st December 2021	1 st September 2024 + 1 st September 2025	June 2026
1 st January 2022 - 31 st December 2022	1 st September 2025 + 1 st September 2026	June 2027
1 st January 2023 – 31 st December 2023	1 st September 2026 + 1 st September 2027	June 2028

¹ A small number of services are permitted to run over 41 weeks in exceptional circumstances. These existing arrangements will continue for these registered services only, and are subject to all rules contained herein except that they can deliver the ECCE Programme for 4 days per week for 3.5 hours per day. No other service can avail of the 41 week option. Once a service relinquishes their 41 week option/does not register children for 41 weeks in a programme year they may not revert to it in the future.

1.3 Exceptions to the Upper Age Limit

The provision of an exception to the upper age limit (overage exemption) where a child has special/additional needs is under review in the DCEDIY in conjunction with the Department of Education.

It is a requirement that if a child is of school-going age any request for an overage exemption to the ECCE programme must include a letter from a medical specialist/therapist (**not** a GP/Public Health Nurse), specifically recommending why an ECCE service would meet the child's specific needs in a more appropriate way than a primary school.

Applications for such exemptions must be submitted in writing to EYQueries@equality.gov.ie. **Please note, applications will only be accepted from a child's parent/guardian and not from an approved provider.**

1.4 Required Documents/Information

Parents/Guardians must provide the approved provider with the child's full name as per their birth certificate or passport, child's date of birth, and child's PPSN, in order to register their child in the ECCE Programme.

1.4.1 Pre-Registration Form

The Pre-Registration Form must be given to all parents/guardians whose child/children will be in attendance in the ELC and/or SAC service. The information is used by the approved provider to register the details on the EY HIVE and the parent/guardian signs this form to give consent to the DCEDIY, the Scheme Administrator, the DSP and the DOE, to use this information to verify that the child/children are eligible, to calculate funding, and for statistical purposes.

1.4.1.1 Eircode Requirement

The Eircode is mandatory when the "ECCE Pre-Registration Form" is being completed by the parent/guardian. Approved providers will be unable to make a registration without the Eircode.

Where an Eircode is unavailable for a property, approved providers should save the registration as a draft and raise a [Request](#) on the EY HIVE quoting its registration identifier code.

1.4.1.2 Ethnicity Identifiers

While it is not mandatory for parents/guardians to provide data on ethnic or cultural backgrounds, the information may be useful for the purposes of allocating appropriate resources in schools to meet the individual needs of the children from these communities and to comply with a number of international reporting requirements for children from these countries. However, this information is also required for statistical analysis and in order to underpin future policy and planning within DCEDIY.

If the parent/guardian does not consent, these two data fields (ethnic/cultural backgrounds) may not be recorded by the approved provider on the EY HIVE.

Once the information is submitted on the EY HIVE, the parent will be required to sign the Applicant Declaration Form. 1.5 Staff-to-Child Ratios

The staff-to-child ratio for an ECCE session is 1:11 (all children in the room must be aged between 2 years 6 months and 6 years old). Children on the CCSP Saver Programme (and fee paying children) who attend the same room as the ECCE session, must be included in the staff-to-child ratios. The staff-to-child ratios for the ECCE Programme must be strictly adhered to. Please see Table 2 below.

Table 2 below relates to number and type of staff-to-children ratios.

Table 2: Staff-to-Child Ratio	
1 - 11 Children per Session	At least 1 eligible preschool Lead Educator in the room at all times
12 - 22 Children per Session	At least 1 eligible preschool Lead Educator and 1 eligible Educator in the room at all times
23 - 33 Children per Session	At least 2 eligible preschool Lead Educators and 1 eligible Educator in the room at all times
34 - 44 Children per Session	At least 2 eligible preschool Lead Educators and 2 eligible Educators in the room at all times and so on

A Lead Educator must have a minimum of Level 6 to lead an ECCE room. For further information regarding staffing qualifications, please refer to Chapter 5 of this document.

1.6 Minimum Enrolment

- I. An approved provider must have a minimum enrolment number of 8 ECCE eligible children per session.
- II. A Tusla registered childminder must have 5 children between the ages of 2 years and 6 months – 6 years old to avail of ECCE. If these numbers are not met, the childminder cannot be granted a minimum number exemption for ECCE.
- III. Exceptions to the minimum enrolment number may be granted in some circumstances. Applications must be submitted to the CCC for review and approval. See FAQs for details on how to submit on the EY HIVE.

1.7 Leaving With Notice

If a parent/guardian wishes to move their child to another ELC service, parents/guardians must give 4 weeks’ notice of a departure from a service (excluding holidays/closed weeks) to the current approved provider.

1.8 Leaving Without Notice

If a parent/guardian removes their child from an ELC service without providing 4 weeks' written notice, the approved provider may claim up to 4 weeks of ECCE subvention for that child. However, if an approved provider requests that a child is removed from their service without giving the parent/guardian 4 weeks' notice, the approved provider must register that child as a leaver from the date they were removed from the service.

1.9 Notice When Moving a Child to an Alternative ECCE Timeslot

If an approved provider wishes to move a child to a different ECCE timeslot after a child has been previously registered on a particular ECCE session, e.g. from the morning to the afternoon, they may only do so with the parents'/guardian's permission.

1.10 Provision of ECCE Programme

An approved provider is required to provide the ECCE Programme 3 hours per day, 5 days per week for 38 weeks/182 days per programme year. Under no circumstances should a child's hours be reduced without the full agreement of the parents/guardians. This does not include however, where a parent/guardian does not choose any of the optional extras. In this instance, their child must be provided with the full ECCE Programme based service provision.

1.11 ECCE Rate(s)

The standard weekly ECCE capitation is €69.00 for the 2023/2024 programme year. Where a child is attending a part-time or full-time service the approved provider must reduce the fee paid by the parent/guardian by a minimum of €64.50.

1.12 Provision of ECCE Programme by More Than One ELC Service (Split Place Exemption)

For continuity of the care, education, and socialisation needs of the child, the DCEDIY strongly recommends that children attend only one service wherever possible. However, a child's ECCE place can be split between 2 services in the following exceptional cases:

- Where there is a joint custody arrangement and, because of this, it is not possible for the child to attend the same service every day;
- Where a child has an additional need and it has been recommended by the specialist preschool that the ECCE place be split between a specialist and mainstream preschool on the grounds that this is in the interest of the child; and
- Where the working arrangements of the parents/guardians necessitate a split placement.

Requests for Split Place Exemptions should be submitted in writing to the Early Years Schemes Oversight Unit of the DCEDIY at EYQueries@equality.gov.ie.

Chapter 2 Obligations of an Approved Provider

2.1 Obligations of an Approved Provider

There is an obligation on those in receipt of public funding to adhere strictly to all the rules contained in this entire document as set out by the Minister. The approved provider must demonstrate tax compliance by providing their tax reference number, together with their tax clearance access number. By supplying these numbers, the approved provider acknowledges and agrees that the Scheme Administrator and/or the Minister has the permission of the approved provider to verify its tax cleared position online.

The approved provider must be aware of and comply with all relevant legal and regulatory obligations. Failure to comply with any of these rules and/or terms of the ECCE Funding Agreement may result in a suspension of ECCE funding and/or DCEDIY funding or part thereof may be withdrawn and/or a termination of the ECCE Funding Agreement.

An approved provider who provides an ELC service must meet the early learning and care principles and standards of Aistear and Síolta to support the learning and development of all children from birth to six years through the provision of an appropriate curriculum.

The approved provider must take all measures to safeguard the Health, Safety and Welfare of the children attending the ELC service and to comply with “The Child Care Act 1991; The Child Care Act 1991 (Early Years Services) Regulations 2016 (as amended); and The Child Care Act 1991 (Early Years Services) (Registrations of School Age Services) Regulations 2018 (as amended).”

2.1.1 Provision of Free ECCE Only Sessions

The approved provider must offer free ECCE only sessions. Parents/children availing of such sessions will not be required to attend or pay for any additional service offers.

The approved provider shall ensure that parent/guardian are informed that their agreement to additional hours or to any optional charge is not compulsory and that agreement is not a condition of initial or continued enrolment.

In the case of additional hours, while not a condition of enrolment, part-time and full-time services may prioritise places for those who wish to avail of extra hours over those availing of ECCE only.

2.2 Tusla Registration

An approved provider must be registered with Tusla to receive funding from DCEDIY. Tusla registered services who provide both an ELC and an SAC service must be registered with Tusla for both services.

All facilities/locations operated by an approved provider must be registered with Tusla, have an individual Service Reference Number and children must attend the facility/location in which

they are registered. Proof of Tusla registration must be available on the premises for inspection if required.

Approved providers must be registered with Tusla for the places being provided, e.g. approved providers cannot be funded for part-time places when registered with Tusla as a sessional service.

- Full daycare places (more than 5 hours per day);
- Part-time places (between 3 hours 31 minutes and 5 hours per day);
- Sessional places (between 2 hours 16 minutes and 3 hours 30 minutes per day);
- Half-session places (between 1 hour and 2 hours 15 minutes per day).

It is compulsory for all approved providers providing childcare to register with Tusla. Full details on how to register can be found on the Tusla website www.tusla.ie or alternatively you can contact your local CCC at www.myccc.ie.

If at any time during the programme year an approved provider's Tusla registration expires and the registration is not renewed, funding will be put on hold until it is updated.

Where an approved provider offers an additional service beyond their ECCE Programme calendar in the same premises, a change in circumstances application should be submitted to Tusla to advise of the extended service provision, i.e. change in the number of weeks' service offered and hours of operation.

2.2.1 Childminders

To be registered with Tusla a childminder must comply with the requirements for childminders as outlined in the [Child Care Regulations \(The Child Care Act 1991 \(Early Years Services\) \(Amendments\) Regulations 2016](#) and the [Childcare Act 1991\(Registration of School Age Services\) Regulations 2018 \(as amended\)](#). For further information on the regulatory requirements for childminders please see the [Quality and Regulatory Framework](#) for Childminders (QRF) on the Tusla website. See 1.6 above for minimum number exemptions.

2.3 Tusla De-Registration

As the Independent Regulator, Tusla's role is to monitor the safety and quality of care and support of children in Early Years provision to ensure compliance with regulations. Where there are consistent and serious breaches, Tusla may take action up to and including prosecution and removal of an approved provider from the register of Early Years Services.

In circumstances where an approved provider is no longer on the Tusla Register, or Tusla issues an approved provider with notice of removal from the register, a parent/guardian is entitled to remove their child from the service and re-register the child in a new service. The parent/guardian can re-register their child during the Tusla de-registration notice period without being required to serve the normal 4 week notice period as per the rules for attendance in Chapter 7 of this document. When the Department is notified by Tusla that an approved provider has been de-registered, funding will cease with effect from the date of de-registration.

2.4 Service Reference Number

All facilities/locations operated by an approved provider must have an individual Service Reference Number and children must attend the facility/location in which they are registered. An approved provider must log onto the EY HIVE with all the relevant details in order to request a new or additional Service Reference Number.

To get a Service Reference Number, approved providers need to be registered with Tusla, and start the on-boarding process on the EY HIVE. For further assistance please contact the Early Years Provider Centre on 01 511 7222 at eypc@pobal.ie or you can raise a request on the HIVE.

2.5 Change of Circumstances for an Approved Provider

In the following circumstances an existing approved provider must request a new Service Reference Number:

- I. In the case of a transfer of ownership of an ELC service, the approved provider must log onto the EY HIVE with all relevant details in order to request a new Service Reference Number. The approved provider must ensure the new ownership is registered with Tusla.
- II. In the case of a change of legal status of an ELC service, the approved provider must log onto the EY HIVE with all relevant details in order to request a new Service Reference Number. The approved provider must ensure the new legal status is registered with Tusla.
- III. In the case of a change of address of an ELC service, the approved provider must ensure the new address/premises is registered with Tusla and then the approved provider must log onto the EY HIVE with all relevant details in order to request a new Service Reference Number.

2.6 Service Closure

If an approved provider closes its ELC service, or ceases to provide a DCEDIY childcare programme, notice must be submitted in writing immediately to the local CCC and the Data Management Team in Pobal by raising a service request on the EY HIVE and selecting:

- User Account Management
- How to, and
- Closures

2.7 Staff Qualifications

Under the Child Care Act 1991 (Early Years Services) (Amendment) Regulations 2021 all staff working directly with children in a preschool service must hold at least a Level 5 major award in childcare on the [National Framework of Qualifications \(NFQ\)](#), or equivalent as deemed by DCEDIY.

A derogation to the above requirement was in place for the 2022/2023 programme year for those practitioners in possession of a signed Grandfathering Declaration extension.

Please note that this Grandfathering Declaration extension will formally end September 1, 2023.

The DCEDIY has published a list of qualifications that meet the regulatory requirements for working in the ELC sector in Ireland. This list can be found on the DCEDIY webpage:

<https://www.gov.ie/en/service/000073-recognition-of-an-early-years-qualification/>.

If a person does not hold a qualification on the DCEDIY's recognised qualifications list, the individual is required to apply for the recognition of their qualifications at eyqualifications@equality.gov.ie. For further information on requirements and the application process please refer to the DCEDIY webpage: <https://www.gov.ie/en/service/000073-recognition-of-an-early-years-qualification/>.

Due to GDPR, applications must be made by the individual themselves as the Department cannot accept applications and/or queries from third parties such as employers.

Applicants who start employment without qualification recognition are in breach of the Regulations.

2.8 Contact Information

An approved provider must provide an email address to be used for communications in relation to the service and the Department reserve the right to communicate important information, including information relating to payments, electronically.

A postal address must also be provided. Where your place of residence is different to the facility address, both addresses must be provided (this does not apply to a limited company).

A contact telephone number, at which the PAU/approved provider can be contacted during work hours, must also be provided.

The approved provider must have access to facilities that enable them to conduct business online and have an EY HIVE user account in order to participate in the ECCE Programme. The approved provider must administer the ECCE Programme on the EY HIVE. The approved provider should access the EY HIVE website (EarlyYearsHive.ncs.gov.ie) on a regular basis to remain up-to-date with all ECCE Programme requirements and developments.

2.9 Funding Agreement

The approved provider must have a funding agreement in place with the Department 2 weeks before the approved provider commences the ECCE Programme. A date later than the commencement of the start of the programme year on 21st August 2023 may be permitted where the Minister deems it appropriate.

2.10 Registration of a Fee Table and Service Calendar

The approved provider must upload a service calendar to the EY HIVE a minimum of 2 weeks prior to the beginning of the new programme year. The approved provider must also upload a fee table prior to the beginning of the new programme year.

The fee table must demonstrate that the weekly appropriate reductions in childcare fees for qualifying parents/guardians will be applied. The fee table will be subject to review by the relevant CCC. For more information please refer to Chapters 3 and 4 of this document and the Pobal 'How to Guides' on the EY HIVE.

2.11 Availing of More Than One Early Years Childcare Programme

Children may be enrolled in either the Early Start Programme which is administered by the Department of Education (DoE) or in the ECCE Programme. Children are not eligible to be enrolled in both programmes at the same time.

Chapter 3 Fee Table

3.1 Fee Table Requirement

Approved providers must complete a fee table at the beginning of each programme year. An approved provider's fee table must show details of all the fees charged to parents/guardians, the ECCE fee table must be reflected on a weekly basis over the ECCE programme year, as well as details of any additional childcare hours, optional extras (as approved by the local CCC), or any discounts applied by the approved provider.

The fee table should display fees inclusive and exclusive of ECCE hours, including fees payable with regard to childcare provision outside of ECCE and for children taking part in ECCE within full-time or part-time provision. It should also include fees ordinarily payable with regard to a child of the same age attending full-time or part-time, but not participating in the ECCE programme.

For the 2023/2024 programme year uploading of an approved provider's ECCE Programme's fee table onto the EY HIVE will not be required in order to activate a Funding Agreement. However, a fee table will be required prior to the new programme year beginning i.e. before the 21st August 2023.

If an approved provider does not collect any deposits, offer discounts, or optional extras, this must be stated on the fee table.

3.2 Parent Statement

Parents/Guardians **must** sign and date, the Parent Statement, to indicate that they understand the fees that the approved provider will apply.

The fee table is subject to review by the Department/Scheme Administrator/local CCC.

The Parent Statement must be returned to the approved provider by the parent/guardian within 4 weeks of the eligible child taking up an ECCE place for the 2023/2024 programme year.

The Parent Statement will take the place of the ECCE Services Fees Information Letter and will only be required to be signed once by a family.

An updated Parent Statement is required when there is a change to the base fee, a copy must be given to the parent/guardian, but a signature is not required. An email to the parent/guardian is acceptable.

Where there is a change to a parent's/guardian's hours or days, or if a child moves from Year 1 to Year 2 of ECCE, there will be no need to issue or sign a revised Parent Statement.

Service providers must keep copies of the Parent Statement and the Applicant Declaration Forms for compliance purposes on site, in order to be available for inspection. Further guidance is available on the EY HIVE.

3.2 Requirement to Provide ECCE Free of Charge

ECCE must be available free of charge to parents/guardians for 3 hours a day, 5 days per week for 182 days in return for the capitation, approved providers receive from the DCEDIY. Services may not, under any circumstances, extract ECCE fees from parents/guardians, including non-refundable and optional extra deposits.

3.3 Optional Additional 30 Minutes in Sessional Preschool Services

An approved provider who provides a sessional preschool service and does not offer part-time/full-time childcare, but may offer as an option only, a maximum additional 30 minutes per day. This 30 minutes **must** be listed as an optional extra on the fee table.

3.4 Replacing Registered Children

An approved provider must not replace a child after the child's ECCE registration is approved unless the child voluntarily leaves the service (please see Clauses 1.7-1.9).

3.5 ECCE Deposits

An approved provider must give an accurate description, the total cost and frequency with which they may occur, of any deposit requested on its fee table.

3.5.1 Maximum ECCE Deposit

An approved provider may charge a refundable booking deposit to hold an ECCE place for a child. The maximum deposit a provider may charge is equivalent to 4 weeks ECCE payment. This must appear on the fee table.

3.5.2 Return of ECCE Deposit

The totality of the ECCE deposit must be returned to the parent/guardian once the child's registration is approved on the EY HIVE. If a service is holding a legacy deposit that exceeds 4 times the weekly ECCE capitation amount for a child that has been attending that service prior to their commencement on ECCE, and has not collected a separate ECCE deposit, the approved provider must return up to €276 of that deposit to the parent/guardian once the child's ECCE registration has been approved on the EY HIVE.

Failure to comply with any of the ECCE Rules may result in the suspension of ECCE funding and/or DCEDIY funding or part thereof may be withdrawn and/or a termination of the ECCE Funding Agreement.

3.6 Optional Extras

Approved providers cannot charge for any activities which are considered key parts of the ECCE curriculum.

Approved providers may charge for optional extras selected from the ECCE Optional Extras document (see Appendix 1), but where a parent/guardian does not choose any of the optional extras, their child must be provided with the full ECCE Programme based service provision.

Each optional extra must be identified individually on the fee table. Approved providers cannot prioritise ECCE places on the basis of uptake of optional extras otherwise they will be found in breach of their funding agreement/rules for the ECCE Programme.

Refusal of an approved provider to follow the direction of the local CCC in relation to a fee table or to alter a fee table after the CCC approval may result in sanctions being applied.

3.6.1 ECCE Optional Extras Approved List

Only the optional extras from the approved ECCE optional extras list can be added to an approved provider's fee table. An approved provider **must** give an accurate description, and the total cost and frequency with which they may occur, of any optional extra requested on its fee table.

See Appendix 1 for further guidelines on ECCE optional extras.

3.7 Voluntary Donations

Parents/Guardians should not pay for any other type of donation additional to what is in the service's fee table. There are no voluntary donations permitted for the ECCE Programme.

3.8 Requirements for Parents/Guardians Signing an ECCE Parent Statement and an Applicant Declaration Form.

Parents/Guardians **must** sign and date, where applicable, the Parent Statement, to indicate that they understand the fees that the approved provider will apply. The fee table is subject to review by the Department/Scheme Administrator/local CCC. The Parent Statement must be returned to the approved provider within 4 weeks of the 2023/2024 programme year beginning or within 4 weeks of the eligible child taking up an ECCE place for the 2023/2024 programme year by parents/guardians.

Parent/Guardians must fully complete the ECCE Applicant Declaration Form, and it should be done in conjunction with the ECCE Parent Statement. The information on this form is taken from the registration details uploaded on the EY HIVE by the approved provider. The approved provider's final calculated fee for the parent/guardian, which must be included on this form, is subject to registration approval.

The ECCE Parent Statement and the ECCE Applicant Declaration Form, once signed and dated, must be returned to the approved provider. Approved providers must keep copies of the Parent Statement and the Applicant Declaration Forms for compliance purposes on site, in order to be available for inspection.

A new Applicant Declaration form must be printed and signed by the parent/guardian and kept on file if there is a change to an approved provider's fee table or the level in childcare service provided.

No other forms will be accepted in lieu of DCEDIY's Parent Statement or the Applicant Declaration Form, and one of each form must be filled out per child i.e. there cannot be 2 or more children's names on any individual completed form. 3.9 Fee Table Changes

Any changes to a fee table must first be approved by the CCC's before informing the parents/guardians.

Parents/Guardians must be given 20 working days written notice of any change to the fee table.

Copies of Parent Statements/Applicant Declarations subsequently issued and signed must be retained on file on the premises.

An updated copy of the fee table must be published in an area of the service accessible to parents/guardians, as well as on any online platform maintained by the approved provider for the purpose of advertising its services.

Approved providers must keep their fee table updated to reflect all current fees charged to parents/guardians as well as details of any changes to any other charges or discounts applied by the service, on the EY HIVE at all times.

3.10 Document Display Requirement

A copy of the up-to-date fee table, together with copies of any standard documentation (including Parent Statement) that relate to DCEDIY funded programmes issued to parents/guardians, must be displayed at all times in an area of the service accessible and visible to parents/guardians, as well as being clearly displayed on any online platform maintained by the approved provider which is for the purpose of advertising its services.

As a condition of the ECCE Programme Funding Agreement for the 2023/2024 programme year, approved providers agree to allow the Minister/Scheme Administrator to publish their fee table and Parent Statement online and in any form. The Minister/Scheme Administrator also reserves the right to publish this data and use the data in aggregate form for the purpose of reporting on fees.

3.11 Document Filing Requirement

Approved providers must have a signed copy of the Parent Statement and an Applicant Declaration on file, in respect of each parent/guardian of a child on the ECCE Programme, showing the fees that have been approved. These fees must match those shown on the fee table.

3.12 CCC Checks

It should be noted that the CCC's will be checking all fee tables to ensure that they comply with the terms of the signed Funding Agreement and the rules for the ECCE Programme. In cases of non-compliance, approved providers will be given 4 weeks to rectify their fee table. If after this time the fee table has not been updated as per the CCCs' direction, the Scheme Administrator will be notified for further follow up, e.g. ECCE funding being put on hold. Sanctions may be applied if the fee table is found to contravene any rules/the policy of the ECCE Programme.

Chapter 4 Service Calendar

4.1 Service Calendar Requirements

Approved providers must submit a service calendar to the EY HIVE prior to the signing of the Funding Agreement, but no later than 2 weeks before the opening of the 2023/2024 programme year.

The calendar is subject to review by the Department/Scheme Administrator/CCC.

Services opening later than the 21st August 2023 must have their calendars on EY HIVE a minimum of 2 weeks prior to their opening for the 2023/2024 programme year.

4.1.1 Calendar for Parents/Guardians

The approved provider will distribute to parents/guardians a service calendar indicating the days the service is due to be closed over the ECCE programme year 2023/2024.

4.1.2 Calendar Minimum Opening Weeks/Days per Programme Year

Approved providers in contract for the ECCE Programme must be open for a minimum of 38 weeks (or 182 days) over the programme year unless otherwise determined by the DCEDIY.

4.1.3 Minimum Opening Weeks per Term

Approved providers are required to open for a minimum number of weeks per ECCE term.

Table 3 shows the maximum ECCE weeks and the required number of ECCE an approved provider needs to deliver in each term to add up to 38 weeks.

Table 3: ECCE Term Times and Minimum Number of ECCE Weeks			
ECCE Terms	Dates	Total No. of Weeks in Each Period	Required Payment Weeks for Approved Providers
Term 1	21/08/2023 – 22/12/2023	18 weeks	15 - 18 weeks
Term 2	25/12/2023 – 29/03/2024	14 weeks	10 - 14 weeks
Term 3	01/04/2024 – 12/07/2024	15 weeks	9 - 15 weeks
Total Overall No. of ECCE Weeks		47 weeks	Approved provider must meet the required 38 weeks (separate system rule in place for 41 week services)

4.2 Non-Payment Week

If a service is closed for 3 days or more in a single week this is regarded as a non-payment week.

4.3 Document Display Requirement

An up-to-date copy of the service calendar, together with copies of any standard correspondence that relate to DCEDIY childcare funded programmes issued to parents/guardians, must be published in an area of the service accessible and visible to parents/guardians. An up-to-date service calendar must also be published on any online platform maintained by the approved provider for the purpose of advertising its services.

As a condition of the ECCE Funding Agreement for the 2023/2024 programme year, approved providers agree to allow the Minister/Scheme Administrator to publish their calendars online and in any form.

4.4 Changes to Service Calendars

Any changes to a service calendar must first be approved in advance by the CCC's, prior to informing the parents/guardians.

Parents/Guardians must be given 20 working days written notice of any change to the approved provider's calendar once the calendar has been approved by the CCC's and copies of such notices must be kept on file.

Where the calendar has been revised, an amended copy of the calendar must be published in an area of the service visible and accessible to parents/guardians, as well as on any online platform maintained by the approved provider for the purpose of advertising its services.

The Department will also accept confirmation of receipt of a revised calendar by the relevant parent/guardian by email or by hard copy, whichever best suits the parent/guardian.

Approved providers must keep copies of all emails for compliance purposes on site and available for inspection.

4.5 ECCE Calendar 'How To Guide'

All details in relation to setting up/editing/changing, etc. ECCE calendars can be found on the ECCE 'How to Guide' page available on the EY HIVE.

For any further information on service calendars, please contact your local CCC at www.myccc.ie.

Chapter 5 Staff Qualifications

5.1 Obligations of an Approved Provider

An approved provider must ensure all staff working with children hold, at a minimum, a Level 5 qualification that meets the requirements of the Child Care Act 1991 (Early Years Services) Regulations 2016.

5.2 Recognition of Qualifications for ECCE

The levels of approval are also set out by the DCEIDY on the approved list of qualifications, and on “Letters of Eligibility” awarded to those who are successful in their applications.

- **Educator** - meets regulatory requirements (applicant must have a minimum Level 5 NFQ)
- **Lead Educator** - standard capitation (applicant must have a minimum Level 6 NFQ)

5.3 Minimum Qualifications to Deliver ECCE

Each ECCE room/session must have a Lead Educator during the entire session, holding a minimum of a Level 6 qualification which meets the ECCE Funding Agreement requirements for ECCE Lead Educator as set out on the published list of DCEDIY ‘Early Years Recognised Qualifications’ or, holds a Letter of Eligibility to Practice at this level issued by the DCEDIY (see more information relating to qualifications, including the published list on <https://www.gov.ie/en/service/000073-recognition-of-an-early-years-qualification/>).

Chapter 6 Child Registration on the ECCE Programme

6.1 Registering a Child on the ECCE Programme

The service manager must confirm and agree with parents/guardians the attendance that the child is being registered for, prior to registering the child for the ECCE Programme.

Each child's registration must reflect the actual attendance pattern of the child. Where there is a discrepancy between attendance and registration, the approved provider must amend the registration on the EY HIVE.

Failure to update registrations to reflect the actual attendance pattern may result in an over-claim due to the Department. Over-claims will be recouped in accordance with the ECCE Funding Agreement. Instructions on child registration are available on the EY HIVE.

6.2 ECCE Applicant Declaration Forms

Approved providers must ensure that parents/guardians sign and date an ECCE Applicant Declaration Form to indicate that they understand the terms of the programme, that all of the child registration details are accurate and they agree to the fee payable to the service is applicable. Fee information will be manually entered by the approved provider.

It is compulsory that approved providers keep a record of each Applicant Declaration for compliance purposes on site and available for inspection.

Please refer to Chapter 3.8 for the parent's/guardian's requirements concerning the ECCE Applicant Declaration Form.

6.3 When to Register a Child

Approved providers can begin to register a child up to 7 weeks in advance of the programme year start date. Registrations will open on Monday 3rd July 2023.

6.4 Latest Date for Registration

The latest an approved provider can register a child is **6 weeks** after the child's start date.

DCEDIY reserves the right not to backdate funding on any late registrations (i.e. more than 6 weeks after the child's start date).

In cases of late registrations, proofs of the child's start date and attendance must be submitted to the Scheme Administrator or the registration will be declined.

6.5 Child Non-Attendance from Start Date

If a child does not attend within 4 weeks of the start date, the registration must be cancelled immediately and any payment received for that child will be recovered.

Chapter 7 Attendance

7.1 Non-Attendance

If a child is not attending the approved provider should, within the first week of the absence commencing, contact the parent/guardian to establish the cause of the child’s absence. Where a child has not attended the service for 4 consecutive weeks without a qualifying special circumstance as outlined in 7.3 below, the approved provider must enter the child as a “leaver” on the EY HIVE stating the date the child last attended the service.

7.2 Persistent Under-Attendance

Where attendance has been less than the registered hours in each of the previous 4 weeks, the approved provider must adjust the registration to reflect this unless they apply to the Scheme Administrator for special circumstances, where they may be able to retain the registrations beyond 4 weeks.

7.3 Special Circumstances

In certain special circumstances, an approved provider may apply to the Scheme Administrator to retain the registration beyond 4 continuous weeks up to 6/12 continuous weeks. Please see Table 4 for situations which only qualify for ‘special circumstances’. Proofs may be requested by the Scheme Administrator. Acceptable proof may include a letter or medical certificate which can be uploaded on to the EY HIVE by the approved provider (as provided by and with the agreement of the parent/guardian).

Approved providers should apply to the Scheme Administrator for special circumstances prior to the end of the 4th week of persistent under-attendance, otherwise the registration should be end dated and a new registration created with the new pattern of attendance. Where a letter is submitted after 4 weeks, but no later than 6 weeks from the original under-attendance, and the registration has been end dated, the original registration may be restored.

Table 4: Qualifying Special Circumstances	
Qualifying Circumstances	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/guardians	6 weeks
Prolonged illness (more than 4 weeks), of either the child, the parent/guardian or a sibling	12 weeks

Where an application for special circumstances is submitted and special circumstances do not apply, the approved provider must end date the registration and payment will cease with effect from that end date (which can be no later than the end of the 4 weeks of continuous absence).

Where no letter is submitted by the end of 6 weeks of continuous absence and, the child has not returned to the childcare service within that time, the approved provider must end date the registration with the end date of the 4th week and payment will cease with effect from that end date.

Where a letter is submitted after 4 weeks, but no later than 6 weeks from the original absence and the registration has been end dated, the registration may be restored.

7.3.1 Applying via Post for Special Circumstances

Parents/guardians can choose to apply for a special circumstance via post directly to the Scheme Administrator. The parent/guardian will need to get the form from the approved provider. The postal address to send all parent/guardian special circumstances forms is [Early Years Parent Centre, PO Box 13105, Southside Delivery Office, Cork City](#).

7.4 Reduction in Attendance and EY HIVE Updating

An update on the EY HIVE must occur immediately after the 4 weeks of the reduced attendance pattern commencing.

Failure to update registrations to reflect the actual attendance pattern may result in an over-claim due to the Department. Over-claims will be recouped in accordance with the terms of the ECCE Funding Agreement. Please note that DCEDIY reserve the right to recoup overpayments made from one childcare funding programme allocations from monies due to another.

7.5 Persistent Under-Attendance as a Result of a Series of Medical or Therapeutic Appointments

Special circumstances in relation to persistent under-attendance are limited to regular attendance at medical or therapeutic appointments by the child, the parent/guardian or a sibling.

Where these circumstances arise, a letter must be submitted, either by the provider or the parent/guardian, which provides evidence of a series of medical or therapeutic appointments over a defined period directly to the Scheme Administrator. Subsidies may continue to be paid for up to a maximum of 16 weeks. This can be granted only once and strictly at the discretion of the Scheme Administrator.

Where possible, approved providers should notify the Scheme Administrator in advance of forthcoming persistent under-attendance where they believe special circumstances will apply.

7.6 Departure from a Service

If a child leaves the service, the approved provider must update the EY HIVE immediately stating the date the child last attended the service. Parents/Guardians must give providers 4 weeks' notice of a departure from a service (excluding holidays/closed weeks). This will allow the approved providers to update the EY HIVE with payment ceasing on the actual date of departure. In cases where no notice of departure is given to the approved provider, they may claim 4 weeks' subsidy in lieu of notice.

While a parent/guardian is free to remove their child from a service at any point, they will not be allowed to avail of further childcare funding while the approved funding is committed to the service during this 4 week notice period.

7.7 Exception to the 4 Week Notice Period Rule

A parent/guardian can remove their child from a service and re-register them in a new service without being required to serve the 4 week notice period where a service has been given notice by Tusla that they are to be removed from the Tusla register.

Chapter 8 Record Keeping

8.1 Obligation of an Approved Provider

Approved providers must keep an accurate record of each child's **actual attendance** to include daily arrival and departure times for each child. The approved providers' registrations on the EY HIVE must match actual attendance as recorded in the attendance records (actual child attendance and not opening times of session/service). A copy of a good practice attendance record can be found at the end of this chapter.

8.2 Requirement to Maintain Attendance Records

The approved provider must maintain attendance records of registered children that records the daily hours of attendance, showing the child's full name, date of attendance, time of child's arrival and departure and the name of the person responsible (employee, volunteer or person on work experience) for recording each arrival and departure. The record of attendance for each room must accurately reflect the children in the room, alongside the name of the lead educator, and must be updated when a child leaves or enters.

The arrival and departure of each child must be recorded in real time by the approved provider. Attendance records must be kept in an appropriate manner that is sufficient to establish actual duration of attendance of each named child in terms of hours. The child's name must be recorded in a consistent manner in order to facilitate identification of patterns of attendance i.e. if the attendance records are weekly sheets, the child's name should be recorded in the same order. Weekly attendance formats are highly recommended (as opposed to separately kept daily formats) as they facilitate establishing patterns of attendance.

In addition, the following points should be noted:

1. Maintain separate attendance records/roll books for each session/room.
2. Where source records are used to transcribe attendance to a secondary record, the source records must be retained and made available for review.
3. If a child moves to another room during the day, then this should be identifiable through the attendance records.
4. State child's full name (as per EY HIVE records).
5. Keep names of children in a consistent sequence throughout the cycle. Retain records of children who have left the service i.e. do not delete or overwrite.
6. All absences must be recorded.
7. Ensure attendance records/roll books are filled out by a staff member working in the room.
8. Keep parent's/guardian's sign in and out book(s) separate to attendance records/roll books.

9. Input time of arrival and departure for all children within the service including afterschool and breakfast clubs. **Don't use ticks.**
10. Where paper records are maintained they should record the attendance in real time of each child in a weekly format for example as shown in Figure 1 in Chapter 8.
11. Where electronic records are maintained, the approved provider must record the attendance in real time and be able to show weekly/monthly reports for individual children which show their level of attendance for the cycle to date. **Reports should also be specific to rooms and sessions as they would be when kept in paper form.**

Attendance records will be reviewed during compliance visits. Please refer to the “Good Practice Guide – Attendance Records” at the end of this chapter.

8.3 Failure to Maintain Appropriate Attendance Records

Failure to maintain attendance records may result in an assumption of zero hour's attendance.

DCEDIY may withdraw future payments from the approved provider and/or require repayment of over-claimed monies already paid for the period concerned.

Failure to maintain sufficient attendance records may result in an assumption of minimal hour's attendance. E.g. where attendance records are kept, but in a format which does not allow a compliance visit officer to determine the hours which a child has attended, i.e. sessional/half sessional service, such as through the use of “ticks.”

Failure to maintain records in the required format may result in a finding of non-compliance. For further information, please refer to Chapter 9.

Good Practice Guide - Attendance Records

The maintenance of good attendance records is a requirement for compliance with the **DCEDIY Rules for ECCE Programme**. Attendance records can be maintained in a variety of formats e.g. roll books, weekly sheet formats, or electronic formats. Pobal/DCEDIY don't direct any specific format be used, however, from a good practice perspective we have collated some tips on how attendance can be consistently recorded to meet DCEDIY Funded Programme requirements. For more support please contact your local CCC.

From the Start

- Ensure there are attendance records/roll books for each session/room including breakfast clubs.
- State child's full name (as per EY HIVE records) - Don't use nicknames.
- Keep names of children in a consistent sequence throughout the cycle (facilitates attendance tracking). If a new child starts with the ELC service, add their name to the bottom of the list.
- Staff names should be included on all attendance records.
- Use a ball point pen not pencil.
- Ensure attendance records/roll books are accessible from beginning of cycle (including where a child's registration period has expired).
- Ensure attendance records/roll books are filled out by staff member working in the room.
- Keep parent's/guardian's sign in and out book separate to attendance records/roll books (if necessary).
- Don't use individual daily sheets/diaries.
- Date the week of attendance.

Each Day

- Input time of arrival and departure for all children within the ELC service including afterschool. Where a service collects children from a school for an afterschool service, please record attendance from the time the children are under the ELC service's responsibility. Don't use ticks. Record attendance in real-time, as arrival and/or departures occur.
- Ensure staff attendance is recorded daily on each room/session attendance records/roll book.

Absences/ Leavers/ Movers

- Be consistent in documenting non-attendance e.g. always use an X for absent.
- If a child leaves the ELC service, leave name on roll book and put a line through the remaining days of the programme cycle to show as a leaver.
- If a child moves session/room within the ELC service during the cycle – enter a note to reflect this on attendance records/roll books.
- If child shares their day/week on an ongoing basis between different sessions/rooms – enter a note to reflect this on attendance records/ roll books.
- A child should be recorded in record of attendance for each room they attend if moving rooms during day/week.
- Don't use Tippex on the attendance sheet/roll book.
- Keep the information visible if a child has left.

Weekly Sheets

If using weekly sheets, keep in date order and secure in a folder.

Electronic Records

- Make sure they are consistent and show attendance of a child for a full cycle.
- Where electronic records are maintained, the approved provider **must** be able to produce weekly/monthly reports for individual children which show their level of attendance for the cycle to date. It is recommended that these reports are regularly produced and made available for compliance purposes.
- Make sure that the password is to hand and that a staff member understands how to retrieve the information from the system.

Archiving

Attendance records/roll books must be kept as outlined in this DCEDIY Rules for ECCE Programme document i.e. a minimum period of 6 years from the expiry date of ECCE 2023/2024 Funding Agreement.

Chapter 9 Compliance

9.1 Responsibility of an Approved Provider

It is the responsibility of the approved provider to ensure compliance with their funding agreement requirements, which includes adherence to this ECCE Programme Rules 2023/2024 document. Approved providers should ensure that they understand and adhere to the contents of this document, as well as with the ECCE Funding Agreement and 'How To Guides' available on the EY HIVE.

Failure to comply with any of the terms of this Agreement may result in the suspension of ECCE Funding and/or a termination of this Funding Agreement. Core funding, or part thereof, may also be withdrawn from Partner Services under the conditions set out in Appendix 6 of the Core Funding Partner Service Funding Agreement.

9.2 Compliance File

In order to make compliance visits as efficient as possible for both approved providers and visiting officers, approved providers should ensure that their compliance file is kept up-to-date and contains:

- Attendance records;
- Parent Statement;
- Enrolment details (including minimum enrolment exemption where relevant);
- ECCE Applicant Declaration Forms;
- Parent/guardian letters;
- Fee Table records;
- Staff qualifications and letter(s) of qualification;
- Grandfathering Declaration Extension Letter² as applicable;
- Evidence of Tusla registration(s).

The compliance file must be kept on site and available for inspection at all times.

Services should also ensure that:

- The registrations are correct;
- The fee and service calendar, for all approved funding programmes, are clearly displayed for parents/guardians and;
- **There is a staff member on site at all times who has access to the compliance file and can facilitate the visit.** Please note that if the records are readily available for review any

² The Grandfathering Declaration Extension ends on September 1st 2023.

interruption to the ELC service will be minimal, other than seeking clarifications when required.

Failure to do the same could result in a service being found non-compliant.

To assist services to comply with the ECCE Programme requirements, the Department and the Scheme Administrator provide a range of training and supports on the EY HIVE. These include:

- A Compliance Guide for Approved Providers
- Supports and advice from your local CCC
- The Good Practice Guide for Attendance Record Keeping
- Compliance Checklists for each programme

The Department continuously works on providing further resources to support providers.

Approved providers are strongly encouraged to engage with these supports, both before and after compliance visits, to ensure that they maintain compliance with programme rules.

9.3 Compliance Visits

1. Approved providers must facilitate compliance visits which will be made without notice, to include access to the premises, personnel and relevant records.
2. All documentation related to the financial affairs of the approved provider, accounts, fees records, staff qualifications, their fee table, registers and attendance records must be on-site at all times. These records must be kept for a minimum period of 6 years from expiry of the ECCE Programme Funding Agreement.
3. Compliance visit officers may inspect and take copies of any books, records or other documents (including books, records or documents stored in non-legible form), or extracts therefrom, that the visiting officer finds in the course of their inspection.

Chapter 10 Critical Incidents

10.1 Definition of a Critical Incident

A critical incident is an event out of the range of normal experience, one which is sudden and unexpected, involves a threat to life, or loss of life and can include elements of physical or emotional loss.

Services that are impacted by a critical incident that may involve a closure should contact their CCC who will approach the DCEDIY on their behalf. Paid closures will be granted on a case by case basis.

Chapter 11 Force Majeure

11.1 Force Majeure and Funding

Force majeure allows a party to suspend or terminate the performance of its obligations when certain circumstances beyond their control arise. The Department is under no obligation to fund 'force majeure' days and does so at its own discretion.

11.2 Force Majeure Clause

"If and to the extent that either party (the "Affected Party") is hindered or prevented by circumstances not within its reasonable ability to control, including but not limited to, acts of God, inclement weather, flood, lightning, fire, acts or omissions of third parties for whom the Affected Party is not responsible ("Force Majeure") from performing any of its obligations under this Agreement, the Affected Party shall be relieved of liability for failure to perform such obligations."

Ref: ECCE Funding Agreement 2023-2024, Clause 11.1

11.3 Force Majeure Claim Process

Approved providers should formally claim force majeure with the Scheme Administrator no later than **5 days** after the incident, even if the incident is ongoing, giving a brief outline of the issue and their estimated number of days' closure.

Applications will not be accepted after this timeframe.

If further evidence is required, the approved provider will be notified within 10 working days of the application being submitted. Approved providers will have a maximum of 10 working days to provide all the required documentation requested by the Scheme Administrator.

In the event force majeure continues for more than 45 days, either party shall have the right to terminate this agreement on written notice to the other party thereafter.

Force majeure cannot be paid in conjunction with any insurance or any other compensation received by the approved provider from a third party for the same purpose.

To raise a service request on the EY HIVE:

- Programme Type "User Account Management;"
- Category "Force Majeure;"
- Select the relevant subcategory.

The application form must be completed in full and contain all necessary information, including any relevant evidence attached.

If for any reason a service is unable to access their EY HIVE account in order to apply for force majeure, EYPC can be contacted by phone and requested to raise a case with the Data Management team on the approved provider's behalf. EYPC can be contacted Monday to Friday, 9am to 5pm (10am to 5pm on Wednesday) at 01 511 7222.

Chapter 12 Financial Requirements

12.1 Responsibilities of an Approved Provider

It is an essential requirement that all public monies are appropriately accounted for and used for their intended purpose.

The approved provider will maintain up-to-date child registration information on the EY HIVE. Failure to comply may result in suspension of funding and/or termination of the ECCE Funding Agreement.

The approved provider must maintain appropriate records to enable verification by the Department or agents acting on its behalf (including the Scheme Administrator) that the general terms of the ECCE Funding Agreement are complied with.

In particular, such records **will include the following:**

1. **An attendance register which clearly shows the dates, times and durations of attendance for each individually identified child for every day that the child is in attendance.** Please see Chapter 8, Figure 1 of the ECCE Programme Rules 2023/2024 “Sample Child Attendance Record” for the preferred format of attendance records.
2. Records of income and expenditure, to include receipts from parents/guardians where applicable, should be kept up-to-date and available for verification purposes.

Failure by the approved provider to maintain accurate attendance records and/or accurate updated child registration details, as required in clause 7.1 of the ECCE Funding Agreement 2023/2024 may result in an immediate suspension of ECCE funding and/or a requirement to repay over-claimed monies already paid and may result in a termination of the ECCE Funding Agreement.

The approved provider must maintain appropriate annual accounts for each financial year in accordance with the timescales set out by the Companies Registration Office (CRO) (for limited companies) or by the Revenue Commissioners (for unincorporated entities). Copies of such accounts must be provided to the Scheme Administrator/Pobal Compliance, Audit, and Risk (CAR) or the Comptroller and Auditor General (C & AG) on request. The Scheme Administrator/Pobal CAR may share information found in the course of a governance, audit or compliance check with the relevant authorities, including, but not limited to, the Office of the Director of Corporate Enforcement, the Charities Regulator, and the Office of the Revenue Commissioners.

The approved provider must, within its annual accounts, separately record all monies received from the Scheme Administrator relating directly or indirectly to the operation of the ECCE Programme and ensure that appropriate financial records are maintained.

The approved provider must respect and comply with the statutory role and regulatory and public accountability responsibilities of the Department, its agents and other relevant statutory bodies and at all times cooperate fully with the Department, its agents and all other statutory bodies in this regard.

The approved provider must ensure that all financial records relating to monies received in relation to the operation of the ECCE Programme are available to the Scheme Administrator on request. All financial records, including attendance records etc., must be retained for a period of 6 years.

12.2 De-Committal and Recovery Procedures

Approved providers may at times be overpaid during the course of the year due to transfers, closures etc. If, at the end of the year (or on closure of a service), a service has been overpaid, a revised ECCE Programme allocation notification will issue and any excess ECCE Programme funding must be returned to the Scheme Administrator.

The DCEDIY and/or the Scheme Administrator (on behalf of DCEDIY), reserve the right to recoup overpayments made from one childcare funding programme allocations from monies due to another. The Scheme Administrator will liaise with services impacted by de-committal/recovery to agree an appropriate repayment plan.

Chapter 13 FAQs for ECCE Programme

1. **What happens if I do not have a Tusla registration or I let my registration expire?**

During the registration process, you will be asked for the appropriate Tusla registration which will then be validated. If your Tusla registration is invalid, you will not be able to continue with the registration process until this has been rectified.

2. **My local CCC has reviewed my fee table and I've been requested to amend same. What should I do?**

The CCC's, on the Department's behalf, check that all fee table and calendars are compliant with the rules of the ECCE Programme. Any amendments requested by the CCC must be made within a 4 week period or the Scheme Administrator will be informed, and funding may be put on hold until all requirements have been confirmed as completed.

3. **Can a child transfer from one approved provider to another?**

Yes. A parent/guardian must give the approved provider 4 ECCE calendar weeks' written notice of the intention to transfer their child to another service or to leave the current service.

Please note ECCE calendar weeks do not include the weeks a service is closed for holidays.

4. **What is a pattern of attendance?**

It is an agreed level of attendance, between the parent/guardian and the approved provider, of a child who attends on this basis throughout the programme year.

5. **Can a parent/guardian alter the number of days of attendance in their service?**

Only if the approved provider can cater for the request in their service.

6. **What happens if a parent/guardian reduces their child's level of service?**

Approved providers are required to ensure that the EY HIVE registrations match actual attendance patterns. An approved provider must monitor attendance over a 4 week period to ascertain that the registration for each child is correct based on actual attendance. Where a child consistently, over a 4 week period, fails to attend for an identified level of service as agreed (e.g. – attending 4 days instead of 5), then the approved provider must update the EY HIVE registration to reflect this.

7. **Can an approved provider reduce or offer less than the 15 ECCE hours?**

No, all children must be offered the full 15 ECCE hours. Any reduction to the 15 ECCE hours must be with the consent of the parent/guardian.

8. Can a childminder provide ECCE?

Yes, a childminder can provide ECCE.

9. When are payments made?

Payment schedules for Childcare Funding Programmes can be downloaded from the EY HIVE homepage at www.earlyyearshive.ncs.gov.ie. Non-payable weeks are determined by the ELC service calendar uploaded to the EY HIVE by the approved provider at the start of the programme call.

10. How do you upload the Minimum Enrolment Exemption form to EY HIVE?

The steps for the approved providers to upload minimum number exemptions forms on the EY HIVE:

- Click in Requests -> click in New Request -> User Account Management;
- Request type: Programme Readiness;
- Request type detail: ECCE Minimum Exemption.

11. I intend on submitting a claim with my insurance company and I have claimed force majeure. What should I do?

Services who have claimed force majeure and are subsequently awarded a claim from their insurance company for the same event must inform the Scheme Administrator.

12. What is a Summer Camp?

An ECCE summer camp is where a registered provider offers an additional service to the ECCE programme (beyond 38 weeks) in the same premises.

13. Is there anything I need to do before I run a Summer Camp?

Please refer to [Tusla QRF](#) as a Tusla “Change in Circumstance Application” may need to be submitted.

14. My service had a compliance visit and I am required to carry out a rectification action(s). What should I do?

Once you receive the outcomes of your compliance inspection via the EY HIVE, you should ensure that the required rectification actions outlined against each non-compliant outcome is completed by the rectification due date. Rectification actions include confirmation of a declaration of compliance, submission of documentary evidence through the EY HIVE, etc.

Additional information on the rectification process can be found by consulting the following documents in the Resources section of the HIVE:

- ECCE Compliance Guide for Service Providers
- Accessing the ECCE/CCSP Saver Compliance Report on HIVE

- ECCE Post-Inspection Rectification Actions

If you have any further queries, you should contact your local CCC or consult the “Compliance Inspections 2022/2023 Compliance Checklist for ELC and SAC Service Providers” which can be found on the EY HIVE.

Appendix 1 Optional Extras Document

2023/2024 ECCE Optional Extras Guide

ECCE Optional Extras Overview:

One of the core principles of ECCE is that it is free of charge for 3 hours per day, 5 days per week over a 38 week period to all parents/guardians. Therefore, the Department would prefer that approved providers keep optional extra items for children attending ECCE to an absolute minimum and recommend that approved providers arrange for charged activities to occur outside the 3 hours of the ECCE Programme.

With the exception of 'sessional only' services, i.e. part-time, full-time services, **no additional time may be included as an optional extra.**

It is imperative that no child should ever feel excluded if they are not participating in an optional extra activity. No additional activity should be held in a manner that would leave non-participating children feeling excluded.

Charging for items which would be expected to be part of a preschool service (e.g. arts and craft materials) is not permitted. Similarly, it is not permitted for services to make payment of optional extras a criterion for admission to the service, or to combine a list of additional services into a single option on the fee table. Any optional extras must be individually optional, and this requires an individualised charge for each allowable optional extra.

Where an optional extra happens during an ECCE session, **children not attending the optional activity must have a full content-based session**, and the required **child-to-adult ratio must be maintained** for children taking part in the optional extra as well as those not participating.

If a family no longer want an optional extra previously agreed to, they must be allowed withdraw from it. While notice may be required for such withdrawal, it must not exceed 4 weeks.

The Department reserves the right to add to the allowable optional extras list below. For further information on optional extras approved providers should contact the CCC's.

Allowable optional extras:

(Many of these will be provided by the approved provider free of charge):

- **Food** (children must also have the option of bringing their own snack/lunch instead).
- **'Gymboree'** type events (where outside providers deliver an educational or entertainment based activity).
- **Nappies/pull-ups** (where applicable).
- **Baking** (where this is a regular part of the programme).
- **30 additional minutes** (sessional services only)³.
- **One** paid preschool trip (entry fees, cost of transportation).

No optional extras outside of this list are allowed.

³ An approved provider who provides a sessional preschool service and does not offer part-time/full-time childcare, but may offer a maximum additional 30 minutes per day as an optional extra.