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Míchumais, Lánpháirtíochta agus Óige  
Department of Children, Equality,  
Disability, Integration and Youth

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

## **RULES FOR ECCE PROGRAMME**

Valid for the 2021/22 Programme Year

**Version 3**

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

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## Introduction

In the 'First 5' Whole of Government Strategy for Babies, Young Children and their Families 2019-2028 the Government committed to build on the very significant developments in Early Learning and Care over recent years and seeks to improve affordability, accessibility and quality. One of the strategic actions is to 'develop, enhance and implement national standards for early childhood supports and services.' The Department of Children, Equality, Disability, Integration and Youth is in a period of significant policy development and change in the early years' sector, working with our stakeholders to achieve our goal of high quality and accessible childcare for all. The Early Childhood Care and Education (ECCE) programme has been expanded to two programme years as part of our commitment to raising the quality of early years care and education.

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 seven levels of progressive support, moving from the universal to the targeted, based on the needs of the child and the pre-school service. The model is designed to be responsive to the needs of each individual child in the context of their pre-school setting. It offers tailored, practical supports based on need and does not require a formal diagnosis of disability. For further information on the AIM programme see [www.aim.gov.ie](http://www.aim.gov.ie).

The National Childcare Scheme (NCS) replaced the previous targeted childcare programmes, (CCSP and TEC), enabling some families to become eligible for subsidies for the first time.

The universal free preschool programme (ECCE) is a standalone programme and is not affected by the introduction of the NCS.

Pobal administer ECCE on the HIVE on behalf of the Department of Children, Equality, Disability, Integration and Youth.

Any queries in relation to the ECCE Programme and the rules of the programme should be directed to the local City and County Childcare Committee (CCC). Please see the Hive Homepage on <https://earlyyearshive.ncs.gov.ie/> or [www.myccc.ie](http://www.myccc.ie) for CCC contact details. CCCs are funded by the DCEDIY and act as local agents in the administration of aspects of national early education and childcare programmes. The CCCs are the first port of call for both parents/guardians and ELC Service providers when trying to access information and support on the ECCE or other DCEDIY Programmes.

Service Providers can raise a service request through the Hive at <https://earlyyearshive.ncs.gov.ie/>. For assistance in administering the rules of the Programmes as well as any technical issues with the Hive Service Providers can contact the Early Year Providers Centre on [eypc@pobal.ie](mailto:eypc@pobal.ie) or 01-5117222.

**Note:** Information in this Guide is subject to change. Please check the Hive Homepage regularly for updates.

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 HIVE which provide information on the operation of ECCE.

For the purposes of this rules document a 'service' means a Tusla registered Early Learning and Care (ELC) and/or School Aged Childcare (SAC) service and a 'Service Provider' means a provider of ELC and/or SAC.

The 'DCYA Reference Number' will now be referred to as the 'Service Reference Number'.

## **Chapter 1 Obligations of a Service Provider**

### **1.1 Obligations of a Service Provider**

There is an obligation on those in receipt of public funding to strictly adhere to all the rules contained in this entire document as set out by the Minister for the Department of Children, Equality, Disability, Integration and Youth.

### **1.2 Status of a Service Provider**

The ELC Service Provider must be a limited company *or* a designated activity company *or* a sole trader *or* a school board of management *or* a not for profit organisation *or* a partnership.

The ELC Service Provider shall 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 \(Early Years Services\) Regulations 2016](#) and the [Child Care Regulations \(The Child Care Act 1991 \(Early Years Services\) Amendments\) Regulations 2016](#)

### **1.3 Tusla Registration**

A service must be registered with Tusla to receive funding from DCEDIY. Services who provide both an ELC and an SAC service must be registered with Tusla for both services. All facilities/locations operated by a service 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.

Service providers must be registered with Tusla for the places being provided:

- Full day-care 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)

E.g. Services cannot be funded for part-time places when registered with Tusla as a sessional service. It is compulsory for all services providing childcare to register with Tusla. Full details on how to register a service can be found on the Tusla website [www.tusla.ie](http://www.tusla.ie) or alternatively you can contact your local CCC. [www.myccc.ie](http://www.myccc.ie)

As defined in the [Child and Family Agency Act 2013](#) an 'Early years' service' means a service providing a pre-school service and /or a school age service.

A Pre-school service means any pre-school, play group, day nursery, crèche, day-care or other similar service which caters for pre-school children.

A school age service 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. Please also note that these types of services are not eligible to receive funding under the CCSP Saver Programme. For further information please contact your local CCC.

#### **1.4 Tusla Deregistration**

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 from the register of early years' services.

**In circumstances where Tusla issue a service with notice of removal from the register, a parent is entitled to remove their child from the service and re-register the child in a new service during the notice period without being required to serve the normal four week notice period to the service as per the rules for attendance in Chapter 7 of this document.**

**A parent is entitled to remove their child from the ELC Service and re-register the child in a new service during the 21 day notice period without being required to serve the normal notice period to the ELC Service as per the rules for attendance.**

#### **1.5 Service Reference No.**

All facilities/locations operated by a service must have an individual Service Reference number and children must attend the facility/location in which they are registered. A Service Provider must log onto the Hive with all the relevant details in order to request a new or additional Service Reference number.

#### **1.6 Change of Circumstances for a Service Provider**

In the following circumstances an existing service must request a new Service Reference number.

- i. In the case of a transfer of ownership of a service (ELC Service Provider), the ELC Service must log onto the Hive with all relevant details in order to request a new Service Reference number. The service must ensure the new ownership is registered with Tusla

- ii. In the case of a change of legal status of a service (ELC Service Provider), the ELC Service must log onto the Hive with all relevant details in order to request a new Service Reference number. The service must ensure the new legal status is registered with Tusla
- iii. In the case of a change of address of a service (ELC Service Provider), the service must ensure the new address/premises is registered with Tusla and then the ELC Service must log onto the Hive with all relevant details in order to request a new Service Reference number.
- iv. In the case of expansion of a service to additional Tusla registered premises, the ELC Service must log onto the Hive with all relevant details in order to request a new DCEDIY reference. Please note that the children in attendance at the new/additional premises must be registered under the new Service Reference number. The service must ensure the new expansion to their premises is registered with Tusla.

### **1.7 Service Closure**

If an ELC Service provider closes its service, or ceases to provide a DCEDIY childcare programme, notice must be submitted in writing immediately to the local City/County Childcare Committee and the Data Management Team in Pobal by raising a service request on the Early Years Hive and selecting the Request Programme Type “User Account Management”, then selecting the Category “How to” and the Sub-Category “Closures.”

### **1.8 Staff Qualifications**

Under the Child Care Act 1991 (Early Years Services) Regulations 2016, all staff working directly with children in an ELC service must hold at least a Level 5 major award in childcare on the National Framework of Qualifications (NFQ), or equivalent as deemed by the Department of Children, Equality, Disability, Integration and Youth (DCEDIY).

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 here: on the DCEDIY page: <https://www.gov.ie/en/publication/297c05-early-years-recognised-qualifications/>.

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@DCEDIY.gov.ie](mailto:EYQualifications@DCEDIY.gov.ie). For further information on requirements and the application process please refer to the DCEDIY webpage: [www.gov.ie/en/service/000073-recognition-of-an-early-years-qualification/](http://www.gov.ie/en/service/000073-recognition-of-an-early-years-qualification/).

A derogation to the above requirement is in place for 2021/22 programme year for those practitioners in possession of a signed Grandfathering Declaration extension.

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.

### **1.9 Contact Information**

A service provider must provide an e-mail 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 the home address is different to the facility address, both addresses must be provided (this does not apply to limited company). A contact telephone number, at which the Primary Authorised User (PAU)/Service Provider can be contacted during work hours, must also be provided.

The ELC Service Provider must have access to facilities that enable them to conduct business online and have a Hive user account in order to participate in the ECCE Programme. The ELC Service Provider shall administer the ECCE Programme on the Hive. They shall access Pobal's website ([www.pobal.ie](http://www.pobal.ie)) to ensure that they are familiar with the most up to date online programme administration procedures.

#### 1.10 Funding Agreement

The ELC Service Provider shall have a Funding Agreement in place with the Department of Children, Equality, Disability, Integration and Youth on or before 16th August 2021. A later date may be permitted where the Minister deems it appropriate.

#### 1.11 Registration of Fees List and Service Calendar

The ELC Service Provider must submit a fees list and a service calendar to the Hive three weeks' prior to the ELC Service opening for the new programme year. Therefore if a service opens on 23<sup>rd</sup> August in line with the 2021/2022 programme year, both the fees list and calendars must be submitted on the Hive on or before the week ending the 6th August 2021. The fees lists will demonstrate that the appropriate reductions in childcare fees for qualifying parents will be applied. This fees list and service calendar will be subject to review by the relevant CCC. For more information please refer to the How To Guides.

## Chapter 2 Fees List

### 2.1 Obligations of a Service Provider

Service Providers must complete a Fees List at the beginning of each programme year. A services' fees list must show details of all the fees charged to parents, as well as details of any additional charges, optional extras as agreed by the local CCC or any discounts applied by the service. **A services' fees list for the ECCE Programme must be registered on the Hive on or before the 6<sup>th</sup> August 2021.**

Services opening later than the 23<sup>rd</sup> August 2021 must have their fees lists on the HIVE a minimum of 2 weeks prior to their opening for the 2021/2022 programme year.

If a service provider does not collect any deposits, or offer discounts and optional extras this must also be reflected on the fees list.

### 2.2 Requirement to provide ECCE Free of Charge

ECCE must be provided free of charge to parents/guardians for 3 hours a day, 5 days per week for 183 days in return for the capitation ELC Service Providers receive from the DCEDIY. Services may not extract ECCE fees from parents on any basis whatsoever or under any circumstances.

### 2.3 Additional 30 Minutes in Sessional Only Service

An ELC Service provider who provides a **sessional only service** and does not offer any other category of childcare (part-time, full time etc.) may offer a maximum additional 30 minutes per day. This 30 minutes must be listed as an optional extra on the fees list.

## 2.4 Additional Time in Full-time or Part-time Service

A full or part-time provider may choose to prioritise a free pre-school place for a child who will be availing of a full- or part-time place over a child who wishes only to avail of the free pre-school element but an ECCE only option must be included on all ECCE fees lists.

## 2.5 Displacing Registered Children

At the point of programme registration, a service provider may prioritise registrations for those availing of a five day week of ECCE over those registering for fewer days. A service provider may not displace a child availing of a shorter week in favour of a child applying for five days of ECCE after the child's ECCE registration is complete.

## 2.6 ECCE Booking Deposits

### 2.6.1 Maximum ECCE Deposit

An ELC Service 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 four weeks' ECCE payment. This must appear on the fees list.

### 2.6.2 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 Hive. If a service is holding a legacy deposit that exceeds four 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, then depending on the level of ECCE service, the ELC Service must return up to €258 of that deposit to the parent/guardian once the child's ECCE registration has been approved on the Hive, regardless of when that deposit was collected.

## 2.7 Optional Extras

ELC Service providers cannot charge for any activities which are considered key parts of the ECCE curriculum. ELC Service 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 fees list. ELC Services cannot prioritise ECCE places on the basis of uptake of optional extras.

**Refusal of a Service Provider to follow the direction of the local CCC in relation to fees lists may result in sanctions being applied.**

### 2.7.1 ECCE Optional Extras Approved List

Optional extras must be from the ECCE Optional Extras approved list (Appendix 1). An ELC Service Provider must give an accurate description, the total cost and frequency with which they may occur, of any optional extra requested on its' fees list.

**It is imperative that no child should feel excluded if they are not participating in the optional extra. Service Providers must take this into account and should consult Appendix 1 for further information.**

## 2.8 Voluntary Donations

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

### **2.9 Service Fees Information Letter**

Parents/guardians must sign the Hive Service Fees Information Letter to indicate that they understand the charges that the service will apply. Fees lists are subject to review by the Department/Pobal/CCC.

For the 2021/2022 programme year DCEDIY will accept confirmation of receipt of the Service Fees Information letter by the relevant parent/guardian by e-mail or by hard copy, whichever best suits the service provider and parent/guardian. However, parent/guardian should be given the option of e-mail. Parents who wish to avail of the e-mail option should be advised that in regard to data protection, the e-mail is a less secure option. Parents/guardians should be asked reconfirm the appropriate e-mail to use and provider should ensure that only specific individual e-mails issue to the appropriate address for the appropriate family.

Service Providers must keep copies of all emails for compliance purposes on site in order to be available for inspection.

### **2.10 Fee Changes**

Any changes to Fees List must first be approved by the CCC. Parents must be given four weeks' written notice of any change to the Fees List. Where the Fees List has been revised, amended Service Fees Information letters must then issue and be signed by the parents/guardians for the service's files. Copies of Service Fees Information letters subsequently issued and signed must be retained on file on the premises. An updated copy of Fees Lists 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.

### **2.11 Document Display Requirement**

A copy of the Fees List, together with copies of any standard letters (to include Service Fees Information letters) that relate to DCEDIY funded programmes issued to parents, must be published in an area of the service accessible and visible to parents, as well as being clearly displayed on any online platform maintained by the Service Provider which is for the purpose of advertising its services.

As a condition of the ECCE programme funding agreement for the 2021/2022 programme year, Service Providers agree to allow the Minister/Pobal to publish their fees online and in any form. The Minister/Pobal also reserves the right to publish this data and use the data in aggregate form for the purpose of reporting on fees.

### **2.12 Document Filing Requirement**

Service Providers must have a signed copy of the Service Fees Information letter 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 Fees List.

### **2.13 CCC Checks**

It should be noted that the CCC's will be checking all fees lists 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 Service Providers will be given 4 weeks to rectify their fees list(s). If after this time the fees lists have not been updated as per the CCC's direction, Pobal will be notified for further follow up. Sanctions may be applied if fees lists are found to contravene any rules/the policy of the ECCE programme.

## **Chapter 3 Service Calendar**

### **3.1 Service Calendar Requirement**

Service Providers must complete a Service Calendar at the beginning of each programme year. The services' calendar must be submitted on the Hive on or before 6<sup>th</sup> August 2021 for the 2021/2022 programme year. The calendar is subject to review by the Department/Pobal/CCC.

Services opening later than the 23<sup>th</sup> August 2021 must have their calendars on Hive a minimum of 2 weeks prior to their opening for the 2021/2022 programme year.

#### **3.1.1 Calendar for Parents**

A service calendar must be distributed to all parents/guardians showing the days the service is due to be open under the ECCE Programme year 2021/2022.

#### **3.1.2 Calendar Minimum Opening Weeks/Days per Programme Year**

Services in contract for the ECCE Saver Programme must be open for a minimum of 38 weeks (or 183 days) over the programme year unless otherwise determined by the Department of Children, Equality, Disability, Integration and Youth.

#### **3.1.3 Minimum Opening Weeks per Term**

Service providers are required to open for a minimum number of weeks per ECCE term, details of which can be found in the ECCE 'How to Guide' available on the Hive.

### **3.2 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.

### **3.3 Document Display Requirement**

A copy of the service calendar, together with copies of any standard letters that relate to DCEDIY funded programmes issued to parents, must be published in an area of the service accessible and visible to parents as well as on any online platform maintained by the provider for the purpose of advertising its services.

### **3.4 Changes to Service Calendars**

#### **3.4.1 Approval of Calendar Changes**

Any changes to a service calendar must first be approved by the CCC.

#### **3.4.2 Notice of Calendar Change**

Parents must be given four weeks' notice in writing of any change to the services' calendar once the calendar has been approved by the CCC.

#### **3.4.3 Displaying of Revised Calendar**

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 provider for the purpose of advertising its services. The Department will also accept confirmation of receipt of the updated calendar by the relevant parent/guardian by e-mail or by hard

copy, whichever best suits the Service Provider. However, parents/guardians should be given the option of e-mail.

Parents/guardians who wish to avail of the e-mail option should be advised that in regard to data protection, the e-mail is a less secure option. Parents/guardians should be asked reconfirm the appropriate e-mail to use and provider should ensure that only specific individual e-mails issue to the appropriate address for the appropriate family. Service Providers must keep copies of all emails for compliance purposes on site and available for inspection.

**For further information on service calendars please contact your local CCC or refer to Pobal’s ‘How to Guide-ECCE Programme Fees List and Service Calendar’ on the Hive**

## Chapter 4: Overview of ECCE

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 programme is provided for three hours per day, five days per week over 38 weeks<sup>1</sup> per year and the programme year runs from September to June.

### 4.1 Early Years Education Standard

Childcare services taking part in the ECCE scheme must provide an appropriate pre-school educational programme which adheres to the principles and standards of Síolta and Aistear, the national frameworks for early learning and care. Local City/County Childcare Committees (CCCs) staff are on hand to support participating services with assistance visits and advice. ECCE is only available through participating early year’s services. A list of these services is available through the relevant local CCC.

### 4.2 Eligibility for ECCE

The programme is available to all children from the September after they have turned 2 years and 8 months.

### 4.3 ECCE Programme Rules

| Table 1: Eligibility for ECCE by Month of Birth               |   |               |
|---|---|---------------|
| Birth date between  | ECCE Start Date   | ECCE end date |
| 1 <sup>st</sup> January 2017 - 31 <sup>st</sup> December 2017 | 1 <sup>st</sup> September 2020 + 1 <sup>st</sup> September 2021 | June 2022     |
| 1 <sup>st</sup> January 2018 - 31 <sup>st</sup> December 2018 | 1 <sup>st</sup> September 2021 + 1 <sup>st</sup> September 2022 | June 2023     |
| 1 <sup>st</sup> January 2019 - 31 <sup>st</sup> December 2019 | 1 <sup>st</sup> September 2022 + 1 <sup>st</sup> September 2023 | June 2024     |
| 1 <sup>st</sup> January 2020 – 31 <sup>st</sup> December 2020 | 1 <sup>st</sup> September 2023 + 1 <sup>st</sup> September 2024 | June 2025     |
| 1 <sup>st</sup> January 2021 – 31 <sup>st</sup> December 2021 | 1 <sup>st</sup> September 2024 + 1 <sup>st</sup> September 2025 | June 2026     |

<sup>1</sup> A small number of services are permitted to run over 41 weeks in exceptional circumstances. These existing arrangements will continue 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. Once a service relinquishes their 41 week option they may not revert to it in the future.

#### 4.3.1 Age of Eligible Child

A child must have turned 2 years and 8 months on or before 31<sup>st</sup> August 2021, and not be older than 5 years and 6 months on or before 30<sup>th</sup> June 2022, to be eligible for the 2021/22 programme year. Table 1 below sets out relevant eligibility dates by year of birth.

#### 4.3.2 Exceptions to 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 Department of Children, Equality, Disability, Integration and Youth in conjunction with the Department of Education.

Applicants for an OAE will be required to explain why an ECCE service would meet their child's specific needs in a more appropriate way than a primary school. Applications for overage exemptions must be submitted in writing to [EYQueries@equality.gov.ie](mailto:EYQueries@equality.gov.ie)

Further details will be available on the First 5 website when the ECCE programme opens in September 2021.

**Please note, applications will only be accepted from a child's parent(s)/guardian(s) and not from a Service Provider.**

#### 4.3.3 Required Documents/Information

Parent(s) must provide child's full name as per birth certificate or passport, child's date of birth and child's PPSN in order to register their child on the programme.

**Documentation containing PPSN and any other personal information must be destroyed by the ELC Service once no longer required.**

#### 4.3.5 Adult to Child Ratio

The adult to child ratio for ECCE session is 1:11 (all children in the room must be aged between 2.5 and 6 years).

#### 4.3.6 Minimum Enrolment

- I. An ELC Service provider must have a minimum enrolment number of eight ECCE-eligible children per session
- II. Exceptions to the minimum enrolment number may be granted in some circumstances. Applications must be submitted to the City/County Childcare Committee (CCC).

#### 4.3.7 Leaving With Notice

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

#### 4.3.8 Leaving Without Notice

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

#### **4.3.9 Notice When Moving a Child to an Alternative ECCE Timeslot**

If an ELC Service 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' permission.

#### **4.3.10 Provision of ECCE Programme**

An ELC Service provider is required to provide three hours per day, five days per week for 38 weeks per programme year.<sup>2</sup>

#### **4.3.11 ECCE Rate/s**

The standard weekly ECCE capitation is €69.00 for the 2021/2022 programme year. Where a child is attending a part-time or full time service the ELC Service provider must reduce the fees paid by the parent/guardian by €64.50

#### **4.3.12 Provision of ECCE Programme by more than one Service Provider (Split Place)**

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 two 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 pre-school on the grounds that this is in the interest of the child; and
- Where the working arrangements of the parent/s necessitates a split placement.

Requests for split place exemptions should be submitted in writing to the Early Years Oversight and Communications Unit of the DCEDIY at [EYQueries@equality.gov.ie](mailto:EYQueries@equality.gov.ie).

## **Chapter 5 Staff Qualifications/Higher Capitation**

### **5.1 Obligations of an ELC Service Provider**

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

### **5.2 Recognition of Qualifications for ECCE**

Room Leaders must, at a minimum, hold a qualification that meets the ECCE funding agreement requirements for ECCE Room Leader as set out on the published list of DCEDIY 'Early Years Recognised Qualifications' or, hold 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/> ). A derogation to the above requirement is in place for 2021/22 programme year for those practitioners in possession of a signed Grandfathering Declaration extension.

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<sup>2</sup> With the historical exception of so-called "41 week" services which are permitted to run for 41 weeks at 3.5 hours per day, 4 days per week

However, this only applies to non- Higher Capitation rooms. As per section 5.5 below, staff working on the basis of a Grandfathering Declaration are not eligible for Higher Capitation.

### 5.3 Higher Capitation

Higher Capitation is part of the ECCE programme, and is based on ECCE registrations. All rules for ECCE also apply to Higher Capitation and the Higher Capitation rules do not supersede the core ECCE rules. The ECCE higher capitation rate is equivalent to an additional €11.25 per child per week above the €69.00 standard rate. Higher Capitation may be paid in respect of any ECCE room that meets the qualifying criteria (see 5.5 for qualifying criteria). It is possible for services with multiple ECCE sessions to be granted higher capitation for qualifying sessions and standard capitation for other ECCE sessions.

### 5.4 Full Time Equivalent (FTE) Higher Capitation

Higher Capitation is paid in respect of the number of Full-Time Equivalent (FTE) children registered to the ECCE programme in the qualifying ECCE session. Children on CETS, and CCSP (and fee paying children) who attend the higher capitation session cannot be included in the FTE calculation, but must be included in the adult to child ratios. The adult: child ratios for the ECCE programme must be strictly adhered to (see table below).

Table 2 Adult: Child Ratios

|                             |   |
|-----------------------------|---|
| 1 -11 Children per Session  | At least 1 Higher Capitation eligible pre-school Leader in the Room at all times  |
| 12 -22 Children per Session | At least 1 Higher Capitation eligible pre-school Leader and 1 eligible pre-school Room Assistant in the Room at all times               |
| 23 -33 Children per Session | At least 2 Higher Capitation eligible pre-school Leader and 1 eligible pre-school Room Assistant in the Room at all times               |
| 34 -44 Children per Session | At least 2 Higher Capitation eligible pre-school Leader and 2 eligible pre-school Room Assistant in the Room at all times and so on.... |

### 5.5 Higher Capitation Eligibility

An ELC Service provider that has an ECCE session that meets the following requirements is eligible to apply for ECCE Higher Capitation payments for that session:

- i. Room Leader with a qualification recognised as meeting the requirements for ECCE “Higher Cap” as set out on the published list of ‘DCEDIY Early Years Recognised Qualifications’ or otherwise be deemed eligible by the DCEDIY as evidenced by a Letter of Eligibility to Practice for ECCE Higher Capitation room leader;
- ii. the same Room Leader has a minimum of three years’ paid experience working in the childcare sector;
- iii. the regulatory adult to child ratio is met;
- iv. Room Assistant (if required for adult to child ratios), who holds a full and relevant qualification that meets the minimum regulatory standard as set out on the published list of ‘DCEDIY Early Years Recognised Qualifications’ or otherwise be deemed eligible by the DCEDIY as evidenced by a Letter of Eligibility to Practice.

In relation to (iv), it should be noted that a Room Assistant who is working in the ELC Service through provision of a 'grandfathering declaration' is not eligible for Higher Capitation. Higher Capitation will not be paid where the room assistant is working on the basis of a 'grandfathering declaration', regardless of the qualification level of the room leader. See section 5.2 for updated information on grandfathering declarations.

#### **5.6 Higher Capitation Rate and Fees**

Where a child is attending a part-time or full-time service that is in receipt of the higher capitation rate, the ELC Service provider must reduce the fees paid by the parent/guardian by €64.50 (which was the standard capitation rate before the 7% increase in the standard capitation rate intended for the benefit of the ELC Service Provider in the 2018 budget).

#### **5.7 Higher Capitation Room Leader – Three Years' Work Experience**

As stated in 5.5, to be eligible for higher capitation, a room leader must have an appropriate qualification and three years' paid experience working in the childcare sector. To clarify, this means:

- i. The year, in three years' experience, refers to, at least, a full academic year or nine months of work within each calendar year (full or part-time).
- ii. The experience can be gained through a range of work activities but must involve work with pre-school or primary school aged children.
- iii. The three years' experience is cumulative, and so can be gained at any time; it does not have to be gained after the higher capitation eligible award is achieved. The work experience can be achieved in a setting outside of Ireland.
- iv. Practice placements undertaken during education and training cannot be counted as part of the three years' experience.

#### **5.8 Applying for Higher Capitation**

Higher capitation must be applied for by the ELC Service Provider. Higher capitation does not roll over from one programme year to the next, and every service must apply for higher capitation for each programme year, within each programme year. Applications cannot be accepted after the programme year has ended (dates of which are set out in the ECCE funding agreement). ECCE Higher Capitation is administered by Pobal. For the 2021-2022 programme year, all ELC Service Providers must apply to Pobal for ECCE Higher Capitation. Instructions on how to apply will be available on the Hive at the launch of the ECCE programme 2021.

#### **5.9 Higher Capitation Amendments**

Service providers must supply accurate information and keep their ECCE Higher Capitation status up to date during the programme year. The information submitted in the higher capitation application form must reflect the actual arrangement and running of the ECCE room, in terms of child to adult ratios, the Room Leader or Room Leader / Room Assistant team working in the room, and the total numbers of ECCE and non-ECCE children in each room. Pobal must be notified of any changes to staffing and numbers of ECCE children in a room. Details on how to maintain an up to date Higher Capitation status are available through the Hive.

#### **5.10 Qualifications and Higher Capitation**

As stated in 5.5, a staff member who is eligible for Room Leader at the higher capitation rate should have a qualification which is on the published list of 'DCEDIY Early Years Recognised Qualifications' or

a letter of eligibility to practice from DCEDIY. This is evidenced by a copy of the graduating certificate or a copy of the letter of eligibility to practice.

The higher capitation application form should not be submitted unless the ELC Service is clear that a staff member is eligible. Any queries around staff qualifications should be addressed through the Qualifications Assessment process offered by DCEDIY by the holder of that qualification. DCEDIY will not accept an application for Qualifications Assessment from anyone other than the holder of the qualification. See the Qualifications page under Childcare on <https://www.gov.ie/en/service/000073-recognition-of-an-early-years-qualification/> for more information.

#### **5.11 Higher Capitation Compliance**

For compliance purposes, any documentation relevant to higher capitation for the programme year should be available for inspection. This includes staff qualifications, a copy of the ELC Service's higher capitation application form, any amendment forms submitted during the programme year, and any correspondence from Pobal confirming higher capitation and/or an adjustment to higher capitation. If the ELC Service Provider has any unusual circumstances in the organisation of their setting which would impact their compliance with higher capitation, they should inform Pobal of this at the time of application.

#### **5.12 Staff Absenteeism**

If a service provider experiences irregular patterns of non-attendance or short-term absences by the higher capitation room staff, for reasonable causes (e.g. annual leave, sick leave, bereavement, force majeure), this will not necessarily lead to the ELC Service being found non-compliant with contractual conditions. The ELC Service Provider must keep records of such absences and the reason for nonattendance, for compliance purposes. However, where a higher capitation room staff member will be absent for a period of more than four weeks, for whatever reason, the ELC Service Provider must notify Pobal. The same conditions apply in cases of prolonged absence as apply in cases of a staff member leaving. (See FAQ's)Chapter 6 Child Registration

## **Chapter 6 Entering a child on the ECCE Programme**

### **6.1. Agree Attendance and Service Offer**

The Service Manager must confirm and agree with parents/guardians the number of days, session type (if applicable) and pattern of attendance that the child is being registered for prior to registering the child for the ECCE Programme.

#### **6.1.2 Parental Declaration Form**

Service Providers must ensure that parents/guardians sign a Parent Declaration Form to indicate that they understand the terms of the programme and that all child registration details are accurate. A record of each agreement must be maintained on site by the Service Provider.

#### **6.1.3 Checking Attendance Patterns**

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

**6.2 When to register a child**

ELC Service providers can begin to register a child up to fourteen calendar days in advance of the programme year start date.

**6.3 Latest Date for Registration**

The latest an ELC Service provider can register a child is eight weeks after the child’s start date.

**6.4 Late Registrations**

- I.DCEDIY reserves the right to decline or not back-date funding on any “late registrations” (i.e. more than eight weeks after child’s start date).
- II.DCEDIY reserves the right to review the ECCE funding agreement of services who consistently submit late registrations.

**6.5 Child Non-Attendance from Start Date**

If a child does not attend within four 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 has not attended, the Service Provider should contact the parent/guardian to establish the cause of the child’s absence within the first week of the absence commencing. Where a child has not attended the service for 4 consecutive weeks, the service must enter the leaver on the Hive stating the date the child last attended the service.

**7.2 Special Circumstances**

In certain special circumstances, a service may apply to Pobal to retain the registration beyond 4 weeks to 6/12weeks. (Please see Table 3 for situations which qualify for ‘special circumstances’). Pobal 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).

**Where possible providers should apply to Pobal for special circumstances prior to end of 4<sup>th</sup> week of absence.**

Table 3 Qualifying Special Circumstances

| <b>Qualifying Circumstances</b>  | <b>Maximum Absence for which Subsidy is payable</b> |
|--|---|
| 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   |
| Prolonged illness (more than four weeks), of either the child, the parent or a sibling.      | 12 weeks  |

Where an application for special circumstances is submitted and special circumstances do not apply, the 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 four weeks of continuous absence).

Where no letter is submitted by the end of six weeks of continuous absence and, the child has not returned to the service within that time, the provider must end date the registration with the end date of the fourth 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 Reduction in Attendance and Early Years Hive Updating**

Where attendance differs from registration in a consistent pattern over a four week period, registrations must be updated to reflect the actual pattern of attendance. An update on the Hive must occur immediately after the four weeks of the reduced attendance pattern commencing. Failure to update registrations to reflect the actual attendance pattern will result in an over-claim due to the Department. Over-claims will be recouped in accordance with the terms of the ECCE funding agreement.

### **7.4 Persistent Under-attendance**

Where attendance has been less than the registered hours in each of the previous 4 weeks the Service Provider may apply to Pobal to retain the registration beyond 4 weeks up to 12 weeks. Please see Table 3: Qualifying Special Circumstances in section 7.2 for further information.

Where possible providers should notify Pobal in advance of a forthcoming continuous absence where they believe special circumstances will apply.

### **7.5 Departure from Service**

If a child leaves the service, a provider must update the Hive immediately stating the date the child last attended the service. Parents/Guardians must give providers four weeks'- notice of a departure from a service. This will allow the providers to update the Hive with payment ceasing on the actual date of departure. In cases where no notice of departure is given to the provider, the provider 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 four weeks'- notice period.

### **7.6 Exception to the Four Weeks'-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 four weeks'-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 a Service Provider

Service Providers must keep an accurate record of each child's **actual attendance** to include daily arrival and departure times for each child. The services' registrations on the Hive must match actual attendance (actual child attendance and not opening times of session/service) as recorded in the attendance records. A copy of a good practice attendance records can be found at Appendix 2 of this document.

### 8.2 Requirement to Maintain Attendance Records

The Approved Service Provider shall 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 time of child's 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, 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 Service 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 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 staff member working in the room.
8. Keep parent's sign in and out book 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 below.
11. Where electronic records are maintained, the service 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 see Appendix 2 for further information.

### **8.3 Failure to Maintain Appropriate Attendance Records**

Failure to maintain attendance records may result in an assumption of zero hour's attendance. The DCEDIY may withdraw future payments from the provider and/or require repayment of over-claimed monies already paid for the period concerned.

Failure to maintain sufficient attendance records (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, such as through use of "ticks") may result in an assumption of minimal hour's attendance (i.e. sessional/half sessional service). The DCEDIY can withdraw future payments from the provider and/or require repayment of over-claimed monies already paid for the period concerned.

Failure to maintain records in the required format may result in a finding of non-compliance. Findings of non-compliance may result in loss of Programme Support Payment (PSP) and/ or may negatively impact on future ELC or SAC Capital funding applications.

For further information please see Appendix 2.

## **Chapter 9 Compliance**

### **9.1 Responsibility of a Service Provider**

It is the responsibility of the ELC Service Provider to ensure compliance with their Funding Agreement requirements, which includes adherence to this rules document. Service 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 Hive.

#### **Failure to comply may result in exclusion from PSP and/or Capital Funding and/or suspension of ECCE Saver Programme Funding and/or a termination of the Funding Agreement.**

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

- attendance records;
- Service fee information letters
- enrolment details (including minimum enrolment exemption where relevant);
- Parent/guardian letters;
- Fee records;
- Staff qualifications; and letter of qualification;
- Grandfathering declaration extension letter. as applicable;
- Higher capitation forms;
- Evidence of Tusla registration.

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

Services should also ensure that:

- The Early Years Hive registrations are correct,
- The Early Years Hive Fees list and Service Calendar, for all approved funding programmes, are clearly displayed for parents 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 interruption to the ELC Service will be minimal, other than seeking clarifications when required.

## 9.2 Compliance Visits

- i. Services must facilitate compliance visits which will be made without notice, to include access to the premises, personnel and relevant records.
- ii. All documentation related to the financial affairs of the service, accounts, fees records, staff qualifications, fees lists, registers and attendance records must be on-site at all times. These records must be kept for a minimum period of seven years from expiry of the Funding Agreement.
- iii. 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 he or she finds in the course of his or her inspection.

## Chapter 10 Force Majeure

### 10.1 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.

The DCEDIY force majeure policy relates to contractual force majeure (not to be confused with employer force majeure).

### 10.2 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, trade disputes, strikes, lockouts, acts of terrorism, war, military operations, epidemic, pandemics, 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.

**(ECCE Funding Agreement 2021-2022, Clause 12.2)**

### 10.3 Reporting of Force Majeure Incident

Service Providers must contact Pobal to inform them of their intention to apply for force majeure at the onset of the incident in question, giving a brief outline of the issue and their estimated number of days' closure.

### 10.4 Force Majeure Claim Process Deadline

Service Providers should formally claim force majeure with Pobal by raising a service request on the Hive with the Programme Type "User Account Management", the category "Force Majeure" and then

selecting the relevant subcategory. A service request must be raised no later than 3 days after the incident, even if the incident is ongoing.

## Chapter 11 Childminders

### 11.1 Definition of a Childminder

A childminder is defined as a self-employed person who minds other people's children in their own home. They offer a flexible service, tailored to each child, thereby helping parents and guardians to balance their work and family commitments.

### 11.2 Childminders and Tusla Registration

Childminders who are in contract for the ECCE Programme must be registered with Tusla. 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](#).

A child-minder must have five ECCE eligible children in order to provide the ECCE programme and must be registered with Tusla.

A childminder who is required to register should apply to register as a pre-school childminder if they care for more pre-school children than school age children, and as a school age childminder if they care for more school age children than pre-school children. Childminders must be registered with Tusla to provide ECCE.

For further information on the regulatory requirements for childminders please see the [Quality and Regulatory Framework](#) for Childminders (QRF) on the Tusla website and the Minimum ECCE Enrolment Exemption Guidelines available at: <https://assets.gov.ie/49772/b0a0666b5bfe4e03aac89c01409964c0.pdf>

## Chapter 12 Financial Requirements

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

The ELC Service Provider will maintain up-to-date child registration information on the Hive. Failure to comply may result in suspension of funding and/or termination of the ECCE Funding Agreement.

The ELC Service Provider shall maintain appropriate records to enable verification by the Department or agents acting on its behalf (including Pobal) that the general terms of the ECCE Funding Agreement are complied with. In particular, such records **will include 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.** Records of income and expenditure should be kept up to date and available for verification purposes.

Failure by the ELC Service Provider to maintain accurate attendance records and/or accurate updated child registration details, as required in clause 7.3 of the ECCE Funding Agreement 2021/2022 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 ELC Service provider shall maintain appropriate annual accounts for each financial year in accordance with the timescales set out by the Companies Registration Office (for limited companies) or by the Revenue Commissioners (for unincorporated entities). Copies of such accounts must be provided to Pobal on request.

The ELC Service Provider shall separately account for public funds received and ensure that appropriate financial records are maintained.

The ELC Service Provider shall 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 co-operate fully with the Department, its agents and all other statutory bodies in this regard.

## **Chapter 13 FAQs for ECCE Programme**

### **13.1 Can a Child Transfer from One Service to Another?**

Yes. A parent/guardian must give the ELC Service Provider four ECCE weeks' written notice of their intention to transfer their child to another service or to leave the current service. (Please note ECCE weeks do not include weeks a service is closed for holidays).

### **13.2 What is a Pattern of Attendance?**

Service providers are required to ensure that the Hive registrations match actual attendance patterns. A service provider must monitor attendance over a four week period to ascertain that the registration for each child is correct based on actual attendance. Where a child consistently, over a four week period, fails to attend for an identified level of service as agreed (for example – attending four days instead of five), then the ELC Service provider must up- date the Hive registration to reflect this.

**13.3 Can a Parent/Guardian Alter the Number of Days of Attendance?** Yes, if the ELC Service Provider can cater for the request.

### **13.4 Can a Child-minder Provide ECCE?**

Yes. A child-minder must have five ECCE eligible children in order to provide the ECCE programme and must be registered with Tusla.

### **13.5 How do I apply for Higher Capitation?**

ECCE Higher Capitation applications are facilitated by Pobal. All applications should be made through the Hive and all queries regarding ECCE Higher Capitation should be addressed to Pobal. An ECCE Higher Capitation 'How To' guide will be available on the Pobal website. Service providers should note that:

- Service Providers should include copies of all staff qualifications with their application annually.
- Pobal will require information in respect of all ECCE rooms in the service (both Higher & Standard Capitation). When applying for Higher Capitation, Service Providers must also declare all Standard

Capitation sessions. However, Pobal will not require details of the staff members in the Standard Capitation sessions.

### **13.6 What if a Level 7 Room Leader Resigns?**

If a Level 7 Room Leader resigns, the ELC Service Provider must amend their ECCE Higher Capitation form on the Hive. This must indicate the leaving date of the Level 7 Room Leader and the commencement date of the replacement Level 7 Room Leader. If the replacement Level 7 Room Leader is not eligible for Higher Capitation, the ELC Service will revert to Standard Capitation after four weeks. Non-compliance will result from:

- Failure to notify Pobal of a change in Higher Capitation room Level 7 Room Leader; and/or
- Failure to record correct leaving/starting dates of Level 7 Room Leader when amending the Higher Capitation form.

**13.7 Should I Submit Evidence of the ECCE Higher Capitation Room Leader's Work Experience?** The three years' experience should be established by the ELC Service Provider through their usual recruitment process (C.V., references, etc.). On the ECCE Higher Capitation application form, the ELC Service Provider should indicate the total amount of work experience in years. In doing this, the ELC Service Provider is undertaking that they have satisfied themselves as to the legitimacy of the work experience. Evidence of the Room Leader's work experience will not form part of the general compliance inspection but may be requested by DCEDIY if required.

### **13.8 Higher Capitation for Part-Time Staff?**

No. Higher capitation payments cannot be broken up to reflect part time staff members. Approved staff should be working in the higher capitation room every day under regular circumstances.

### **13.9 What if Level 7 Room Leader is Out Sick or On Annual Leave?**

Irregular patterns of non-attendance or short-term absences by the Higher Capitation room staff are allowable for reasonable causes (such as annual leave, sick leave, bereavement, force majeure). The ELC Service Provider should keep records of such absences and the reason for non-attendance, for compliance purposes.

### **13.10 Prolonged Staff Absenteeism**

Where a higher capitation room staff member will be absent for a period of more than four weeks, for whatever reason, the ELC Service must notify Pobal through the Hive. The same conditions apply in cases of prolonged absence as apply in cases of a staff member leaving.

### **13.11 What Happens to the Higher Capitation Full Time Equivalent (FTE) Figure if a Child Leaves a Service?**

This depends on the status of the service:

If the service is a Higher Capitation fulltime service (all sessions are higher cap sessions), the FTE will be calculated automatically according to approved ECCE registrations and/or any changes made. Any changes in days of attendance (if leaver is submitted, if new child started attending etc), will be automatically registered by the system and the Higher Capitation payment will be re-calculated accordingly.

If the service is a Higher Capitation partial service (a mixture of higher & standard capitation sessions), the ECCE FTE in the Higher Capitation session must be manually entered by service provider when initially submitting the Higher Capitation application. If the FTE is not manually entered, the Higher

Capitation payment/value will be 0. Any change in ECCE FTE in Higher Capitation sessions during the programme call (change in days of attendance, leaver, new child started attending the service etc), will have to be updated regularly by the service provider within the Higher Capitation application in order for accurate Higher Capitation payments to be calculated and paid.

**13.12 Can I have One Level 7 Room Leader for Two Inter-connecting ECCE Rooms?**

No. Higher capitation payments can be applied for on the basis of each ECCE room within your service. In this case, you would need to have a Level 7 room leader in each room to qualify for higher capitation.

**13.13 What if I Want to Expand My Service and Open Another Room?**

If the new room is located in the same facility you should ensure relevant notification/registration is sent to Tusla and details proposed expansion are sent to your local CCC.

If the new room is at another location this is considered a new facility and will require a new DCEDIY number and a separate ECCE funding agreement. Provision of an ECCE funding agreement is dependent on the new facility being appropriately registered with Tusla. You should contact Pobal and apply for a new Service Reference number.

**13.14 When Are Payments Made?**

Payment schedules, for Childcare Funding Programmes can be downloaded from the Hive home-page at [www.earlyyearshive.ncs.gov.ie](http://www.earlyyearshive.ncs.gov.ie). Payments include Standard and Higher Capitation/AIM Level 1 where appropriate. Non Payable weeks are determined by the ELC Service Calendar input by the ELC Service at the start of the Programme Call

## Appendix 1 Optional Extras Document

### 21/22 ECCE Optional Extras Guide

#### ECCE Optional Extras Overview:

One of the core principles of ECCE is that it is free of charge to all parents. Therefore the DCEDIY would prefer that services keep optional extras items for children attending ECCE to an absolute minimum and recommend that Service Providers arrange for charged activities to occur outside the three hours of the ECCE programme.

With the exception of 'sessional only' 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 pre-school 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 fees list. Any optional extras must be individually optional, and this requires an individualised charge for each 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 four weeks.

The DCEDIY reserve the right to add to both the allowable and disallowable lists below. For further information on optional extras service providers should contact the CCCs.

#### Allowable optional extras:

(Many of these will be provided by services 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)
- **Aprons/smocks** (option to wear their own must also be allowed)
- **Baking** (where this is a regular part of the programme)
- **One** paid school trip

**Disallowed optional extras:**

- Additional minutes/hours (excluding sessional only services who may offer an optional 30 minutes only)
- Arts & Crafts materials
- Booking Fees (a refundable booking deposit may be taken, but it must not exceed four weeks capitation, and must be refunded once the child is successfully registered on the Hive)
- Claims to have higher quality, or to have lower staff ratios than other participating services
- Different curricula
- Graduation diploma/gowns
- Insurance
- Report cards
- School plays/concerts
- Unspecified “flexibility” (in drop-off and collection times)
- Voluntary Donations
- Worksheets

**Anything** which is required for effective participation in ECCE.

## Appendix 2

### Good Practice Guide - Attendance Records

The maintenance of good attendance records is a requirement for both compliance with the **DCEDIY Rules for ECCE Programme and the Child Care Act 1991 (Early Years Services) Regulations 2016**. Attendance records can be maintained in a variety of formats e.g. roll books, weekly sheet formats or electronic formats. Pobal/the 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 the DCEDIY Funded Programme requirements. For more support please contact your local City/County Childcare Committee.

#### From the Start

- Ensure there are attendance records /roll books for each session/room including Breakfast clubs.
- State Child's full name (as per Early Years 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.
- 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 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 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 child for full cycle.

- Where electronic records are maintained, the ELC Service **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 seven years from the expiry date of ECCE 2021/22 Funding Agreement.



