



Compliance Guide for Service Providers - ECCE

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



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Acronyms used in this document

AIM	Access and Inclusion Model
CCC	City/County Childcare Committee
CCSP	Community Childcare Subvention Plus
DCEDIY	Department of Children, Equality, Disability, Integration and Youth
ECCE	Early Childhood Care and Education
EYP	Early Years Platform
EYPC	Early Years Provider Centre
NCS	National Childcare Scheme
VO	Visit Officer

Public Health Guidance

All Pobal compliance visits in the 2022/2023 programme cycle will be undertaken in adherence with any relevant public health guidelines during the cycle.

This document has been prepared on the assumption of on-site unannounced visits.

1. Introduction

Pobal is contracted by the DCEDIY to conduct compliance visits with participating childcare Service Providers who operate one or more of the national childcare programmes. These national childcare programmes are:

- Early Childhood Care and Education (ECCE)
- National Childcare Scheme (NCS)
- Community Childcare Subvention Plus (CCSP) Saver Programme

All programmes are administered on the Hive (Early Years Platform).

A range of standardised compliance checks are carried out during the course of the Compliance visit to ensure that services are complying with DCEDIY rules and conditions as outlined in the Programme Funding Agreements, the Programme Rules and guidance documents (and legislation under NCS). The purpose of the compliance checks is to provide assurance to the DCEDIY and the Exchequer that the significant amount of funding distributed through the Early Learning and Care and School Age Childcare programmes is protected.

This document provides guidance and assistance to Service Providers when preparing for an ECCE compliance visit (there are separate Compliance Guides for Service Providers for the CCSP Saver programme and the NCS). This document outlines the overall compliance process, which incorporates the reviews conducted for quality control purposes, together with the possible compliance outcomes and the rectification actions which may be required from Service Providers following the compliance visit.

The **Compliance Checklist for Service Providers 2022-2023** (see **Appendix 1** and also available on the Hive) details the information/documents that will be requested during a compliance visit. Appendix 2 provides details of all non-compliance outcomes and the requirements on the Service Provider to rectify the issue(s) identified.

It is the responsibility of the Service Provider to ensure compliance with their contractual requirements. It is important to note that failure to provide the necessary information and/or records on the day of the compliance visit may result in the service being deemed non-compliant and in breach of contractual requirements under the DCEDIY Funding Agreements. Therefore, it is recommended that Service Providers prepare a compliance file containing the relevant documentation to accommodate a compliance visit. The compliance file should be maintained and easily accessible on-site at all times (see Section 2. *Preparing for your Compliance Visit* below).



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

DCEDIY programme requirements and the compliance checks do not remain static and there can be changes from time to time. It is essential that Service Providers familiarise themselves with the most up to date programme information including:

- Funding Agreements
- DCEDIY Rules for the ECCE Programme
- AIM Rules 2022/2023

The Rules documents are available on the Hive. Any changes/amendments to these will be communicated through the Hive. There is also supplementary information available within the Resources section on the Hive and Pobal/DCEDIY websites including the Pobal programme guides and FAQ's.

1.1 How to Use this Document

	This icon indicates a reference to the Funding Agreement, DCEDIY Rules for Childcare Programmes, programme guides or other resources which can be referenced for more detailed information and/or guidance.
	You will see this icon throughout the document to indicate important or helpful information which you may need to consider further.

2. Preparing for Your Compliance Visit

Advance preparation is key to a successful compliance visit. To help you plan and prepare for your compliance visit it is recommended that you prepare a compliance file with all the requisite documentation and ensure it is maintained and easily accessible on-site at all times. There is an individual compliance checklist available for each of the DCEDIY funded programmes which are updated each programme year/cycle. The ECCE checklist is included in **Appendix 1** and is also accessible on the Hive – *ECCE Compliance Checklist for Service Providers 2022-2023*. It may be useful to place a copy of the individual checklists for each of the programmes you are participating in at the front of your compliance file.

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

- Do you have all the necessary documentation in your compliance file?
- Do you have adequate attendance records on-site which record actual arrival and departure times, completed by staff in each room/session and which facilitate the review of patterns of attendance?
- Are your Hive registrations up to date and reflective of attendance levels throughout the cycle?
- Is there a designated staff member on-site at all times with access to the compliance file?

It is acknowledged that all services do not use the same method to maintain their records. However, the method used must meet programme requirements and enable the Visit Officer (VO) to complete the compliance visit within a reasonable timescale.



- Become familiar with the programme information, including the Funding Agreements, DCEDIY Rules for Programmes, programme guides and the Compliance Checklists for Service Providers.
- Collate all documents required from the checklist and build a compliance file of documents so that records are maintained and readily available at all times.
- Set aside time regularly to review and amend the Hive registrations so that they are accurate and reflect the level of attendance.

2.1 Requirement to facilitate compliance visit

i. Programme Rules, Terms & Conditions:

‘Services must facilitate compliance visits which will be made without notice, to include access to the premises, personnel and relevant records.’



- **DCEDIY Rules for ECCE Programme: 9.2**
- **ECCE Funding Agreement:**
Clause 8: *Right of Verification and Audits*

All compliance visits will only be undertaken during dates and operational hours when the Hive service calendar indicates that the service is in operation. ECCE visits may be undertaken following the end of an ECCE cycle if the service is in operation in relation to other DCEDIY funded programmes. It is important that all ECCE documentation is kept on-site and available for review to cover the above eventuality.

ii. Compliance Check/s:

The VO will request access to a Service Providers premises to conduct a compliance visit.

If a VO is unable to gain access to the service this could result in a non-compliant outcome for that visit¹. It is requested that the service give details of the reason that the inspection is not being facilitated, which will be recorded on the compliance form. The Service Provider will be requested to provide a signature confirming the information recorded.



- **Pobal compliance visits are unannounced.** No notification will be made of the Pobal VO arriving at the service to conduct the on-site compliance checks.
- In the absence of a manager/owner on-site, it is important there is a designated staff member on-site who has access to the compliance file and responsibility for liaising with the Pobal VO.

¹ If a service is operating but no-one is on-site for good reason, e.g. outings, graduations etc., this will not be deemed a non-compliant issue. Evidence of communication in relation to these events may be required at a later date to confirm the reason why no children or staff were on-site.

iii. Possible Non-Compliant Outcomes:

Inspection Category	Compliance outcome	Compliance categorisation	Reason for outcome
Pre-requisites	Service Provider did not facilitate the inspection – 1 st occurrence	Major non-Compliant	Visit could not proceed as admittance to service was not facilitated.
Pre-requisites	Service Provider did not facilitate the inspection - 2nd occurrence	Major non-Compliant	Visit could not proceed as admittance to service was not facilitated at the revisit.

iv. Rectification Action

The service must grant the VO access to the facility and to the relevant records pertaining to the programme(s) under review. A revisit may occur if the initial inspection is not facilitated.

Failure to facilitate the VO and make records available for inspection on the second occurrence may result in the application of a sanction.

3. The Compliance Visit – Overview

Further detailed information on the types of compliance checks undertaken during a visit is provided in section 4 of this guidance document.

3.1 Duration of Compliance Visits

A Compliance VO may arrive at a service at any time during the service's operational hours, as indicated by DCEDIY funded programme calendars on the Hive. A compliance visit may be conducted on one or more programmes being operated and the duration of a visit will vary depending on several factors:

- Number of programmes operating
- Number of children registered on the programme(s)
- Availability of records/ timely presentation of records
- Format of attendance records
- The timing of the visit i.e. point in time in the cycle
- The number of any incorrect registrations identified

Visits are conducted within service operational hours and the VO will not request staff to be available outside of these hours. On occasion a visit may not be completed within the first day of the visit and the VO may be required to return on subsequent day(s).

3.2 Compliance Visits



- Please note all Pobal VOs are Garda vetted and hold official Pobal photographic ID
- A VO has a specific role within a childcare service i.e. checking adherence to programme rules and cannot be alone in the presence of children at any time during the visit.

On arrival, after initial introductions and briefing, the VO will request access to ECCE rooms and make enquiries as to the number of ECCE sessions in operation, staff cohort and the numbers of ECCE and non-ECCE children enrolled in each session.

The VO will also request access to attendance records and documentation detailed on the Compliance Checklist for Service Providers.

The VO will endeavour to keep disruption to the service to a minimum, however, a designated staff member will be required to facilitate the visit. Advance preparation for the visit will assist in reducing the time required of the designated staff member. If all the requisite documentation is readily available in the compliance file and in a suitable format, the designated staff member may not be required to remain with the VO for the full duration of the visit (Note: If records are difficult to follow, then more interaction is required). The VO may require clarifications during the course of the visit and they will require a member of staff to be available upon conclusion of the visit to discuss the preliminary findings.

A record of the compliance visit is completed by the VO on a computer tablet and a separate compliance form is completed for each programme under review. The compliance reports will be issued for each programme separately on the Hive.

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

All visit findings are subject to a further review for quality control purposes by a Compliance (Quality Assurance) Reviewer. This is an additional measure in the interest of ensuring consistency and accuracy across all compliance visits/outcomes. This second review can on occasion result in amendments to the preliminary findings highlighted during the visit. Issues identified on-site may be deemed not to be non-compliant or additional non-compliances may be identified.

VOs reserve the right to take copies of any records, books or other documents or extracts therefrom, in support of non-compliances that they find during the course of their inspection.

Please note that a Service Provider may receive more than one visit during a cycle.

3.3 Compliance Outcomes

As the compliance visit is an on-site check, the outcomes are based on the documentation/information made available for review on the day of the visit. With the exception in certain circumstances of staff qualifications, information submitted to Pobal post visit cannot be considered in determining the final outcome.

Once the quality assurance review is completed, the Service Provider receives a notification on the Hive informing them that the Compliance Report is now available.

The compliance outcomes in relation to ECCE are as follows:

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

If there are non-compliant issues identified, the overall Compliance Outcome for ECCE will reflect the highest non-compliant categorisation. The Service Provider receives an 'Outcome Summary' which details the overall outcome per inspection category. The service will also receive any non-compliant outcome reasons and where relevant, the 'Action Required' from the Service Provider to address the non-compliance issues identified.

The Service Provider may be required to submit a self-declaration to confirm that appropriate actions will be taken to address the non-compliance issues identified. In some cases the rectification action will also require submission of evidence that the rectification action has been taken. It is expected that rectification actions are

undertaken by services by the Rectification Due date as outlined in the Compliance Report.

The table below provides a summary of the compliance outcome categorisations and examples of the main reasons for a given outcome. More detailed information on compliance categorisations in ECCE is available in **Appendix 2, ECCE Post Inspection Rectification Actions 2022/2023**

Table 1: Summary of Compliance Categorisations:

Outcome	Reasons
Major non-compliant	<ul style="list-style-type: none"> • Failure to facilitate a visit • Records not available for review • Incorrect Hive registrations* • Signed Hive Parental Declaration not on-site* • Signed Service Fees Information Letters not on-site * • Inadequate attendance records* • AIM Level 1 requirements not met • Parent charged for core ECCE hours • ECCE provision requirements not met*
Moderate non-compliant	<ul style="list-style-type: none"> • Moderate instances of * above • Fees List requirements not met • Staff qualification requirements not met* • Inadequate Fee Records* • Fees/Subvention issues i.e. overcharging • ECCE room not meeting minimum staff ratio requirements
Minor non-compliant	<ul style="list-style-type: none"> • Minor instances of * above • AIM Level 1 application not amended on the Hive • Document display issues (Calendar and Fees List) • ECCE Minimum enrolment requirements not met
Compliant	<ul style="list-style-type: none"> • No compliance issues identified (based on sample records checked)

3.4 Compliance Outcomes – Request for review



- The local City/County Childcare Committee (CCC) are available to provide on-going support with all DCEDIY Childcare Funding programmes
- Service Providers can submit a query in relation to the Compliance process by raising a request on the Hive portal (Hive → Requests → select 'Compliance' as request type)
- Services Providers can also contact the Early Years Provider Centre (EYPC) by phone 01 5117 222 or eypc@pobal.ie

If a Service Provider does not agree with the outcome of a compliance visit a request for a review of the outcome can be made by raising a request on the Hive. The review of the outcome will be undertaken by the Compliance Team or the Early Years Team depending on the circumstance of the request and a response issued through the Hive to the Service Provider explaining the rationale for the outcome. All requests for review should be made within 30 calendar days from the date the Compliance Report is issued.

3.5 Rectification Actions



- **ECCE Funding Agreement:**
Clause 9.3 (v): Term and Termination

Under the ECCE Funding Agreement, where a Service Provider commits a breach of any term or condition of the Agreement, they are required to remedy any such breach (where such breach is capable of remedy).

Services will be informed of all relevant rectification actions that they are required to take in relation to the specific non-compliances identified during the compliance visit. This will be referred to as the 'Action Required' within the 'Non-Compliance Detail' section of a service's Compliance Report. Services are required to take this action by the 'Rectification Due' date outlined.

Services will also receive weekly reminders via the Hive prompting them to review their Compliance Report if there are any relevant actions required which are outstanding.

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

- On-site revisit where a visit is not facilitated and/or where attendance records were not available at initial inspection.
- Desk-based follow-up for all other relevant non-compliance issues, where the Service Provider is required to submit a self-declaration² that the issue has been rectified

² A self-declaration is to be completed by the Service Provider on the Compliance Report via the Hive. This declaration and tick box is available in the non-compliance detail of each relevant non-compliant outcome on the report.

and/or commitment to future compliance is agreed. In some cases photographic evidence of rectification action taken is also required to be submitted.

Where a non-compliance relates to a non-admittance and/or attendance records not available at the initial inspection, an on-site revisit may occur.

All other non-compliance issues require a self-declaration to be completed by the Service Provider and in some cases a post-visit submission of relevant photographic evidence. The Compliance Report on the Hive will display the Rectification 'Action Required' and the 'Rectification Due' date.

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

- Rectified
- Not Rectified or
- N/A

3.6 Sanctions

'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.'



- **DCEDIY Rules for ECCE Programme:** 1.1, 2.5.2, 9.1
- **ECCE Funding Agreement:**
Section 3: Term and Conditions of Funding

After the Compliance Report has been issued, the Service Provider may be asked to take rectification actions within a specified timeframe i.e. by the Rectification Due date. Where a Service Provider has failed to take the required rectification action(s) within the specified timeframe, a sanction may apply.

4. Compliance Checks

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



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

4.1 Service Reference number & Tusla registration

i. Programme Rules, Terms & Conditions:

'A service 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 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.'



- **DCEDIY Rules for ECCE Programme:** 1.2; 1.4
- **ECCE Funding Agreement:** Clause 4.3 *Undertakings and Warranties*

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

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

Services must operate within the parameters of their Tusla registration.

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

4.2 Attendance Records

i. Programme Rules, Terms & Conditions:

‘Approved Providers must keep an accurate record of each child’s actual attendance to include daily arrival and departure times for each child. The ELC services’ registrations on the EY Hive must match actual attendance (actual child attendance and not opening times of session/service) as recorded in the attendance records.’

‘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.’

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

‘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 hours attendance (i.e. sessional/half sessional service). The DCEDIY may withdraw future payments from the provider and/or require repayment of over-claimed monies already paid for the period concerned.’



- **DCEDIY Rules for ECCE Programme:** 8.1, 8.2, 8.3
ECCE Funding Agreement: Clause 7: Access, Reporting Requirements and Retention of Records
- **Good Practice Guide – Attendance Records** – attached as appendix to Rules document and available on the Hive

ii. Compliance Check/s:

Services in receipt of DCEDIY childcare funding are required to keep appropriate records of attendance for all children and to make these records available for inspection. The VO will request the records that are maintained by staff members in each of the ECCE sessions and completed as children arrive and depart the service. These are considered the source record. **The source records must be retained for inspection.** The source records are reviewed by the VO to establish that attendance records are adequate and to confirm:

- Attendance records for all rooms are available on-site for inspection.
- Available attendance records are in an adequate format to allow compliance to be checked.
- Attendance records are free from any gaps/inadequacies (e.g. absences are recorded).
- ECCE Provision i.e. service opening times/days/weeks are in line with the Hive calendar submitted.
- That Hive registrations are correct in terms of days per week and session type attended and include actual arrival and departure times.
- ECCE staff to child ratio requirements are being met.

- ECCE minimum staff requirements are met in each session.
- ECCE minimum enrolment requirements are met every day and in each session.

For periods where no attendance has been recorded, or not made available for review, it may be deemed that the service was not in operation for this period.

Details of the minimum requirements for attendance records are laid out in detail in the **ECCE Rules documents and Good Practice Guide – Attendance Records**.

iii. Possible non-compliant outcomes:

Inspection Category	Compliance outcome	Compliance categorisation	Reason for outcome
Attendance Records	Attendance Records do not exist	Major non-compliant	Attendance records have not been maintained for all of the cycle to date of visit
Attendance Records	Attendance records for all rooms are not available on-site for inspection on day of initial inspection.	Major non-compliant	Attendance records are maintained, however, records for all rooms are not available/kept on-site for all or part of cycle
Attendance Records	Attendance records for all rooms are not available on-site for inspection on day of revisit	Major non-compliant	Attendance records are maintained, however, not available/kept on-site for all or part of cycle on the day of the revisit.
Attendance Records	Attendance records are not in an adequate format to allow compliance to be checked	Major non-compliant	Attendance records do not meet requirements as laid out by DCEDIY. Compliance with programme rules cannot be confirmed. Examples: <ul style="list-style-type: none"> • Records do not allow the VO to accurately track attendance of all registered children • Records do not allow the VO to review registrations in a timely manner • Records maintained in a format that does not allow VO to confirm compliance • Attendance is recorded in advance

Attendance Records	Attendance records have gaps/inadequacies	Moderate non-compliant	<p>Attendance records do not meet requirements as laid out by DCEDIY but do allow the VO to track attendance of all registered children. Examples:</p> <ul style="list-style-type: none"> • Children’s times of arrival and departure are not recorded or are not recorded by staff in real time i.e. as child arrives and departs. • Number of gaps during the programme cycle of times in/out but pattern of attendance could be established. • Attendance records missing for a limited number of days during the cycle but pattern of attendance could be established. • Absences are not recorded
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iv. Rectification Action required:

Service Providers must ensure that attendance records are maintained and on-site for the full cycle period for all registrations. Where inadequacies have been identified these should be addressed **immediately** to ensure appropriate records are being maintained going forward.

4.3 Registrations and Hive Updating Requirements

i. Programme Rules, Terms & Conditions:

'Where attendance differs from registration in a consistent pattern over a 4 week period, registrations must be updated to reflect the actual pattern of attendance. 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 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.'



□ **DCEDIY Rules for ECCE Programme** 7.1; 7.2; 7.3; 7.4; 7.5

□ **ECCE Funding Agreement**
7.1; 7.2; 7.6 Access, Reporting Requirements and Retention of Records

ii. Compliance Check/s:

The VO will review the attendance records to evidence and confirm that each ECCE registered child is included on the attendance record. The VO will then review the attendance patterns for a sample of ECCE children chosen to confirm that each child has attended as registered. The source attendance record, (see 4.2 ii above) is the only record that is used to establish attendance. If a child has not been included on the attendance record, it may be deemed that the child did not attend.

Special circumstance³ exemptions approved by Pobal prior to date of visit will be taken into account when reviewing attendance patterns.

The VO will highlight to the staff member facilitating the visit each incorrect registration identified within the sample of records reviewed, if any, with reference to the attendance records. The VO will record on the compliance form that the review has been completed and all of the incorrect registrations identified have been discussed with the staff member (note that this is subject to a second desk-based quality assurance review, post-visit).

The percentage of children identified with an incorrect registration will determine the level of non-compliant outcome i.e. major, moderate or minor.

It is the responsibility of the Service Provider to ensure that all relevant attendance records for each registered child are made available to the VO on the day of visit for review. Where the attendance record for a registered child is not made available this may result in the registration being deemed incorrect and/or ineligible.

³ See ECCE Rules document 7.2 *Special Circumstances* for further details on criteria and how to apply.

iii. Possible non-compliant outcomes:

Inspection Category	Compliance outcome	Compliance categorisation	Reason for outcome
Overclaims	HIVE was not reflective of all absenteeism	Major / Moderate / Minor non-compliant determined by the percentage of incorrect registrations identified.	Examples: <ul style="list-style-type: none"> Child has been absent for more than 4 consecutive weeks and a special circumstance exemption has not been approved.
Overclaims	HIVE was not reflective of all leavers	Major / Moderate / Minor non-compliant determined by the percentage of incorrect registrations identified.	<ul style="list-style-type: none"> Leavers not updated on the Hive or incorrect leave date entered.
Overclaims	HIVE was not reflective of all under-attendance of 4 weeks or more	Major / Moderate / Minor non-compliant determined by the percentage of incorrect registrations identified.	<ul style="list-style-type: none"> Attendance differ from registration in a consistent pattern for a 4 week period or more and Hive has not been updated and/or a special circumstance exemption has not been approved e.g. Child registered for 5 days but only attending 3 days.
Overclaims	HIVE was not reflective with regards to actual start dates of child/ren	Major / Moderate / Minor non-compliant determined by the percentage of incorrect registrations identified.	<ul style="list-style-type: none"> Registration start date incorrect.
Overclaims	Not all registered HIVE children have taken up their place in the Service	Major / Moderate / Minor non-compliant determined by the percentage of incorrect registrations identified.	<ul style="list-style-type: none"> Child registered but did not take up a place.
Overclaims	Not all registered HIVE children have been evidenced in the attendance records	Major / Moderate / Minor non-compliant determined by the percentage of incorrect registrations identified.	<ul style="list-style-type: none"> Child does not appear in the attendance record.
Overclaims	HIVE Registrations were incorrect with regard to facility the child is attending	Major / Moderate / Minor non-compliant determined by the percentage of incorrect registrations identified.	A child is attending a different/sister DCEDIY registered facility to which they are registered.

iv. Rectification Action required:

Pobal will action a compliance correction in relation to all identified overclaims. The adjustments to the Allocations i.e. the Allocation Value (the financial impact) will be outlined on the 'Compliance Correction' section of the Compliance Report.

Going forward, the Service Provider shall ensure that all registrations on the Hive are kept up to date in line with the rules of the programme and are based on actual attendance as per the attendance records maintained and are reflective of:

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

The Service Provider will also be required to complete a self-declaration to this effect by the Rectification Due date.

4.4 Documentation

4.4.1 Documentation Display Requirements – Fees Lists and Calendars

i. Programme Rules, Terms & Conditions:

'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 Approved Provider which is for the purpose of advertising its services.'

'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 Approved Provider for the purpose of advertising its services.'



□ **DCEDIY Rules for ECCE Programme:** 2.10; 3.3

ECCE Funding Agreement: Appendix 1, *General Terms & Conditions*, Point 9,11

ii. Compliance Check/s:

The VO will confirm if all the required documentation for the ECCE programme is on display and accessible to parent/guardians.

Where the most up-to-date version of both the submitted Hive fees list and calendar are on display and/or on any online platform used for advertising purposes, this is deemed sufficient for compliance.

Where required information is not on display this may result in a minor non-compliant outcome.

iii. Possible Non-Compliant Outcomes:

Inspection Category	Compliance outcome	Compliance categorisation	Reason for outcome ⁴
Fees List	The Service Provider is not displaying the most up to date Fees List, as per the HIVE, within the Service in an area accessible to parents	Minor non-compliant	<ul style="list-style-type: none"> Fees list is not on display within the service in an area accessible to parents at date of visit Fees list has been updated on the Hive and documents on display are not the most up to date version.
Fees List	The Service Provider has not published its most up to date fees list, as per the HIVE, on all its online platforms	Minor non-compliant	<ul style="list-style-type: none"> Fees list is not published on all online platforms maintained for advertising purposes at date of visit Fees list has been updated on the Hive and documents published are not the most up to date version
Service Calendar	Service Provider is not displaying the most up to date Calendar, as per the HIVE, within the Service in an area accessible to parents	Minor non-compliant	<ul style="list-style-type: none"> Service Calendar is not on display within the service in an area accessible to parents at date of visit Service Calendar has been updated on the Hive and documents on display are not the most up to date version
Service Calendar	Service Provider has not published its most up to date Calendar, as per the HIVE, on its online platforms.	Minor non-compliant	<ul style="list-style-type: none"> Service Calendar is not published on all online platforms maintained for advertising purposes at date of visit Service Calendar has been updated on the Hive and documents published are not the most up to date version

iv. Rectification Action Required:

Service Provider to ensure that all required programme documentation is on display within the service in an area(s) accessible to parent and published on all online platforms maintained by the service for advertising purposes from the date of visit. This includes where the fees list and/or calendar is updated during the programme cycle.

The service will be required to submit photographic evidence to this effect and complete a self-declaration by the Rectification Due date.

⁴ The outcome reasons in this table are applicable when there are children currently registered on ECCE as at date of the compliance visit.

4.4.2 Document Retention Requirement

4.4.2.1 Parents Service Fees Information letter

i. Programme Rules, Terms & Conditions:

'Parents/guardians must sign the EY Hive Service Fees Information Letter to indicate that they understand the charges that the service will apply.'



- **DCEDIY Rules for ECCE Programme:** 2.8; 2.11
- **ECCE Funding Agreement:** Appendix 1, *General Terms & Conditions*, Point 13, 19

Service Providers must have a Hive Service Fees Information Letter signed by the parent/guardian on file in respect of each child registered on the programme. The letters signed by parents/guardians must be the letter generated from the current, most up to date, fees list submitted on the Hive.

ii. Compliance Check/s:

The VO will check that there is a Service Fees Information Letter that has been fully signed and initialled by the parent/guardian for a sample of currently registered children under ECCE, from the start of the current cycle.

The percentage of Service Fees Information Letters not signed/on file will determine the level of non-compliant outcome i.e. major, moderate or minor.

iii. Possible non-compliant outcome:

Inspection Category	Compliance outcome	Compliance categorisation	Reason for outcome
Service Fees Information Letters	Signed Service Fees Information Letter not on file for all currently registered children selected for inspection	Major / Moderate / Minor non-compliant determined by the percentage of Service Fees Information Letters not signed/not on file.	All Service Fees Information letters for sample of registrations, not on file, or not fully signed/initialled, or not made available for review at time of visit or letter signed is not the most up to date letter generated from the Hive

iv. Rectification Action required:

Service to ensure that parent/guardians of all currently registered children have fully signed the most up to date Hive Service Fees Information Letter and retain these on file for compliance purposes.

The service will be required to complete a self-declaration to this effect by the Rectification Due date.

4.4.2.2 Hive Parental Declarations

i. Programme Rules, Terms & Conditions:

'Approved 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 Approved Provider.'



□ DCEDIY Rules for ECCE Programme: 6.1.1

ii. Compliance Checks:

The VO will check that there is a Hive Parental Declaration Form, for each registration, that has been fully signed by the parent/guardian for a sample of currently registered children under ECCE, from the start of the current cycle.

The percentage of Hive Parental Declaration forms not signed/on file will determine the level of non-compliant outcome i.e. major, moderate or minor.

iii. Possible non-compliant outcome:

Inspection Category	Compliance outcome	Compliance categorisation	Reason for outcome
Parental Declaration	Signed Parental Declaration not on file for all currently registered children selected for inspection	Major / Moderate / Minor non-compliant determined by the percentage of Parental Declarations not signed/not on file.	All signed Parental Declarations for sample of registrations, not on file or not made available for review at time of visit.

iv. Rectification Action required:

Service to ensure that parent/guardians of all currently registered children have signed the Hive Parental Declaration Forms and retain a copy on file for compliance purposes.

The service will be required to complete a self-declaration to this effect by the Rectification Due date.

4.5 Fee Lists and Calendars

4.5.1 Fees lists

i. Programme Rules, Terms & Conditions:

'Approved Providers must complete a Fees list at the beginning of each programme year. A service's fees list must show details of all the fees charged to parents, ECCE fees must be reflected on a weekly basis over the ECCE programme year, as well as

details of any additional charges, optional extras (as approved by the local CCC), or any discounts, applied by the service.’



- **DCEDIY Rules for ECCE Programme:** Chapter 2
- **ECCE Funding Agreement:** Clause 5.1, 5.2, 5.3 Operation of the ECCE Programme, Appendix 1 General Terms & Conditions Points 10, 11, 12, 13, 14



- The accuracy of a services fees list may also be checked by CCCs and Early Years throughout the programme cycle

ii. Compliance Check/s:

For the purpose of the compliance visit, the VO will check that the current Registered Fees List on the Hive:

- Is completed correctly according to the programme guides,
- Reflects actual fees charged in the service, and
- Includes all required information

iii. Possible non-compliant outcomes:

Inspection Category	Compliance outcome	Compliance categorisation	Reason for outcome
Fees List	The fees list on the HIVE does not comply with programme requirements	Moderate non-compliant	Fees list does not comply with requirements laid out in rules or programme guides document and/or is incorrect or inaccurate. Examples (not exhaustive):
			<ul style="list-style-type: none"> • Fees list not completed correctly as per Rules documents and Programme guides • Optional extras not included or inadequate e.g. listed together with one cost • Discounts not included • All session types offered not included • Fees incorrect (e.g. weekly rate incorrectly calculated / full subvention not applied / fees have increased but fees list not updated) • Non-pro rata rates not included
Fees Charged	The Service is charging for inappropriate optional extras	Moderate non-compliant	See Fees Charged, 4.6 .2, below

iv. Rectification Action required:

Service Providers must update the Hive fees list to resolve any issues identified during a compliance visit and the revised fees list⁵ must be displayed in the service as well as on any online platforms maintained by the provider for the purpose of advertising its services.

The service will be required to submit photographic evidence to this effect and complete a self-declaration by the Rectification Due date.

Where appropriate, parents/guardians should be requested to re-sign updated Service Fees Information Letters.

4.5.2 Calendars and Closures

i. Programme Rules, Terms & Conditions:

'Approved Providers must submit a service calendar to the EY Hive..... new programme year 2022/23. The calendar is subject to review by the Department/Scheme Administrator/CCC.'

'A service calendar should be attached to the Service Fees Information letter but must be distributed to all parents/guardians showing the days the service is due to be open under the ECCE Programme year 2022/2023.'



DCEDIY Rules for ECCE Programme: Chapter 3

Services are required to submit a service calendar on the Hive with details of all days/weeks that the service intends to operate for the cycle.

ECCE services are contractually required to operate 182 days over 38 weeks (with the exception of those operating a 41 week service).


The service calendar must be updated with any changes to operating days including for unplanned closures during the programme cycle. Any changes to a service calendar must first be approved by the CCC.

In certain limited circumstances where an unplanned closure has occurred a calendar may not require an update, subject to a force majeure approval. However, if force majeure is not approved the service calendar must be updated to reflect the closure.

⁵ The rules of the programme require any changes to Fees Lists to be approved by the local CCC

ii. Compliance Check/s:

The VO will review service attendance records to verify that records confirm calendar opening days.



- If force majeure has been approved (or applied for) the VO will review evidence of the approval and/or application on EYP.
- Force majeure should be formally applied for no later than 5 days after the incident, even if the incident is ongoing.



- **DCEDIY Rules for ECCE Programme:** Chapter 10
ECCE Funding Agreement: Clause 11 – Force Majeure

Where a service has not been operating as per the Hive submitted calendar it will be found major non-compliant with regard to Closures if the service is closed for 3 or more days across the programme cycle. Where an ECCE service has not been operating as per submitted calendar but it is limited to two or less days, this will be found moderate non-compliant.

iii. Possible non-compliant outcomes

Inspection Category	Compliance outcome	Compliance categorisation	Reason for outcome
Closures	Calendar requirements have not been met: > 2 days	Major non-compliant	ECCE – service not operating 182 days as required. Force majeure not approved/applied for.
Closures	Calendar requirements have not been met: <= 2 days	Moderate non-compliant	ECCE – service not operating 182 days as required. Force majeure not approved/applied for.

iv. Rectification Action required:

Pobal will action a calendar correction/update in relation to any identified unreported closure days. This may result in a reduction of funding relevant to the closed days where the service is found non-compliant.

Going forward, the Service Provider shall ensure that the calendar on the Hive is up to date, reflects all closure days and is displayed in the service as well as on any online platforms maintained by the provider for the purpose of advertising its services.

The service will be required to complete a self-declaration to this effect by the Rectification Due date.

4.6 Fees

4.6.1 Fees Records

i. Programme Rules, Terms & Conditions:

'All documentation related to the financial affairs of the service, accounts, fees records...must be on-site at all times. These records must be kept for a minimum period of 6 years from expiry of the Funding Agreement.'



□ DCEDIY Rules for ECCE Programme: 9.2

Services in receipt of DCEDIY childcare funding are required to keep appropriate records of fees charged to parent/guardians and to make these records available for inspection.

ii. Compliance Check/s:

The VO will review the fee records to establish that they are appropriate and the correct fee and capitation is being applied.

Fees records are not checked where no fees are charged e.g. ECCE 3 hour only service

iii. Possible non-compliant outcomes

Inspection Category	Compliance outcome	Compliance categorisation	Reason for outcome
Fees Records	Fee records are not available for inspection on-site	Moderate non-compliant	Fees records are not kept on-site or are not accessible on-site during the visit.
Fees Records	Fee records are not adequate to allow compliance to be checked	Moderate non-compliant	Fees records are on-site but are not adequate to allow VO to confirm that correct subsidy is being applied
Fees Records	Fee records have gaps/inadequacies	Minor non-compliant	Some fees records are on-site but not for some period of the cycle and /or not for all children and/or other gaps.

iv. Rectifications Action required:


Service Providers must ensure that adequate fees records for all registered children are kept on-site and made available for review in the event of a compliance visit.

The service will be required to complete a self-declaration to this effect by the Rectification Due date.

4.6.2 Fees Charged

i. Programme Rules, Terms & Conditions:

'Where a child is attending a part-time or full-time service the Approved provider must reduce the fees paid by the parent/guardian by ECCE Subsidy €64.50'



□ **DCEDIY Rules for ECCE Programme: 4.3.11**

As per the Hive submitted fees list, the fee charged to parent/guardians must include the appropriate reductions in childcare fees for qualifying parent/guardians. It is imperative that fees are not charged for the standard ECCE 3 hour period of service.

ii. Compliance Check/s:

The VO will review the fee records to ensure that the correct fee deductions are being applied to all registered children.

Where the fees charged to parent/guardians are not in line with the fees list, this may result in a non-compliant outcome.

iii. Possible non-compliant outcomes

Inspection Category	Compliance outcome	Compliance categorisation	Reason for outcome
Fees Charged	Parent is being charged for ECCE core hours	Major non-compliant	Examples: <ul style="list-style-type: none"> Parent is being charged for the ECCE core hours covered by the ECCE subsidy
Fees Charged	The Service is charging for inappropriate optional extras	Moderate non-compliant	Examples: <ul style="list-style-type: none"> Fees are charged for extras not permitted in the DCEDIY guidance on optional extras Fees charged for extras listed as optional but all parents requested to pay regardless of uptake

Fees Charged	The fee charged to parents is not within the limits of the registered fees list as per the HIVE	Moderate non-compliant	Examples: <ul style="list-style-type: none"> Fees charged in excess of listed fees Nominal fee charge where subsidy covers cost of place Fees increased by service but Fees list not updated
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iv. **Rectification Action required:**

Service Providers must review fee records of all ECCE registered children and reimburse the parents/guardians of any ECCE registered children who were overcharged.

The service will be required to complete a self-declaration to this effect by the Rectification Due date.

5. Additional ECCE Rules

5.1 Qualifications

i. **Programme Rules, Terms & Conditions:**

‘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.’

‘Each ECCE room/session must have a Lead Educator 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, hold a Letter of Eligibility to Practice at this level issued by the DCEDIY’



- **DCEDIY Rules for ECCE Programme:** 1.7; 5.1; 5.3
- **ECCE Funding Agreement:** Appendix 1, *General Terms & Conditions*, Point 32
- **Child Care Act 1991 (Early Years Services) Regulations 2016**
- **Child Care Act 1991 (Early Years Services) (Amendment) Regulations 2021**

ii. **Compliance Check/s:**

The VO will check that all relevant staff qualifications are on-site and that all staff hold an award included on the list of DCEDIY Early Years Recognised Qualifications, or a Letter of Eligibility to practice at the appropriate level issued to the staff member by the DCEDIY. Educators in ECCE rooms/sessions may also hold a ‘Grandfathering Declaration’.

If the Lead Educator in an ECCE session does not hold Major Award L6 or the Educator does not hold a Major Award L5 / Grandfathering Declaration or the qualifications have not been deemed eligible by DCEDIY, this may result in a moderate non-compliant outcome.

iii. Possible non-compliant outcomes:

Inspection Category	Compliance outcome	Compliance categorisation	Reason for outcome
Qualifications	The Service is not meeting the staff qualification requirements for room Lead Educator/s, at visit date	Moderate non-compliant	<ul style="list-style-type: none"> Lead Educator’s qualification is not on-site at time of visit and not submitted to Pobal post visit within the required timeframe⁶ Lead Educator does not hold an award L6 and no other staff member in session holds an award L6 Lead Educator’s qualification is not included on DCEDIY Early Year’s Recognised Qualification list and a Letter of Eligibility has not been evidenced.
Qualifications	The Service is not meeting the staff qualification requirements for room Educator/s, at visit date	Moderate non-compliant	<p>Educator’s qualification is not on-site at time of visit and not submitted to Pobal post visit within the required timeframe. ⁶</p> <p>Educator does not hold an award L5</p> <p>Educator’s qualification is not included on DCEDIY Early Years’ Recognised Qualification list and a Letter of Eligibility or ‘Grandfathering Declaration’ has not been evidenced.</p>
Qualifications	The relevant staff qualifications are not evidenced on-site and were not provided within required timelines	Minor non-compliant	Copies of qualification certificates and/or Letters of Eligibility to Practice and/or Grandfathering Declarations of the ECCE staff members are not on-site and not submitted to Pobal post visit ⁶ .

⁶ If a qualification is not on-site at time of visit it can be submitted to the Hive within 5 working days. If the qualification is not submitted it will be deemed that qualification requirements are not being met.

iv. Rectification Action required:

The Service Provider must ensure that all ECCE staff hold appropriate qualifications or a Letter of Eligibility to Practice and are maintained on-site at all times to allow compliance to be checked. Any qualifications not included in the DCEDIY Early Years Recognised Qualifications listing can be submitted to the DCEDIY for assessment. Pobal will notify Tusla where it cannot be determined if a staff member in an ECCE session meets the minimum qualification requirements.

The service will be required to complete a self-declaration to this effect by the Rectification Due date.

5.2 AIM Level 1 Inclusion Coordinator

i. Programme Rules, Terms & Conditions:

‘A pre-school service employing a LINC graduate can apply for additional capitation on the completion of a signed agreement by the LINC graduate that they will take on the role and responsibilities associated with the post of Inclusion Coordinator and submission of same by the preschool provider.’

‘A requirement of funding is that changes in the employment of the Inclusion Coordinator must be notified immediately to the Pobal AIM team. The types of changes that require notification are: Inclusion Coordinator ceases employment in the service, Inclusion Coordinator changes their employment conditions e.g. extended absence from work’.



- **Access and Inclusion Model (AIM) Rules 2021-2022: Chapter 4**
- **ECCE Funding Agreement:** Appendix 1, *General Terms & Conditions* Point 8, 21, 22; Appendix 2

ii. Compliance Check/s:

The VO will check that:

- The LINC Coordinator is still employed with the service
- Changes of circumstances or extended absences have been notified to the AIM team on the Hive

iii Possible non-compliant outcomes:

Inspection Category	Compliance outcome	Compliance categorisation	Reason for outcome
AIM Level 1	There is no qualified LINC coordinator engaged at the service	Major non-compliant	Current LINC Coordinator holds appropriate qualification but has ceased employment with the service or has been absent for more than four consecutive preschool weeks and Pobal AIM team has not been notified.
AIM Level 1	A replacement coordinator has been engaged but has not been added to the AIM Level 1 application	Minor non-compliant	A replacement coordinator is working in the service, however, the AIM Level 1 Application has not been amended on the Hive.

iv Rectification Action required:

Pobal will implement a correction to the AIM Level 1 application which may have a financial implication. Going forward, the Service Provider shall ensure that their AIM Level 1 Application is up to date on the Hive to reflect Notifications of Change or Extended Absences.

Any change to the AIM Level 1 LINC Coordinator must be updated on the AIM application form on the Hive.

The service will be required to complete a self-declaration to this effect by the Rectification Due date.

5.3 Minimum Enrolment

i. Programme Rules, Terms & Conditions:

‘An Approved Provider must have a minimum enrolment number of eight ECCE-eligible children per session. Exceptions to the minimum enrolment number may be granted in some circumstances. Applications must be submitted to the City/County Childcare Committee (CCC) for review and approval.’



- **DCEDIY Rules for ECCE Programme: 4.3.5**
- **ECCE Funding Agreement: Appendix 1 – General Terms and Conditions, Clause 30**

ii. Compliance Check/s:

The VO will ascertain from the number of ECCE registrations and the attendance records whether the required minimum of 8 ECCE-eligible children are enrolled each day per week in each ECCE session.

If the VO finds that there are fewer than 8 ECCE-eligible children enrolled per session/per day and no CCC exemption has been granted this may result in a minor non-compliant outcome.

iii. Possible non-compliant outcomes:

Inspection Category	Compliance outcome	Compliance categorisation	Reason for outcome
Minimum Enrolment	The service is not meeting the minimum enrolment number of eight ECCE-eligible children per session	Minor non-compliant	Service not meeting the minimum enrolment in each session operating on one or more days, and has not applied for/obtained an exemption to requirement.

iv. Rectification Action required:

Where an exemption has not been applied for, the Service Provider should do so by contacting their local City/County Childcare Committee. Where an exemption has been denied the Service Provider should liaise with their local City/County Childcare Committee to ensure action is undertaken to meet minimum enrolment requirement. Please note application form for Minimum Enrolment is located on the Hive.

The service will be required to complete a self-declaration to this effect by the Rectification Due date.

5.4 Staff to child ratios

i. Programme Rules, Terms & Conditions:

'The adult to child ratio for ECCE session is 1:11 (all children in the room must be aged between 2.8 and 6 years).'



□ **DCEDIY Rules for ECCE Programme: 4.3.4**

ii. Compliance Check/s:

The VO will ascertain from the number of ECCE registrations, the attendance records and other information provided whether the adult to child ratio is met. The number of children in each session is established from the number enrolled and expected to attend each day and not the actual attendance per day.



- Where a staff member is supported through AIM funding they should not be included for the purpose of meeting adult: child ratios. See AIM funding rules.

iii. Possible non-compliant outcomes:

Inspection Category	Compliance outcome	Compliance categorisation	Reason for outcome
Adult to Child Ratio Requirements	There is not a sufficient number of staff in the ECCE session with the number of children enrolled to attend	Moderate non-compliant	Where the number of children enrolled is in excess of the adult: child ratio on any or all days.

iv. Rectification Action required:

The Service Provider must ensure that there are sufficient number of staff in the ECCE session(s)/rooms(s) with the number of children enrolled to attend at all times.

Pobal will notify Tusla where it has been determined that the adult to child ratio requirement is not being met in any of the ECCE session(s).

The service will be required to complete a self-declaration to this effect by the Rectification Due date.

Appendix 1 – ECCE Compliance Checklist for Service Providers

Early Childhood Care and Education (ECCE)
Compliance Visits 2022/2023
COMPLIANCE CHECKLIST FOR ELC SERVICE PROVIDERS*

*** NOTE TO PROVIDERS:** It is the responsibility of the Service Provider to ensure compliance with their contractual requirements. This checklist is intended for information purposes only and is not exhaustive. It is essential that Service Providers are familiar with the programme information including the Funding Agreements, Programme Guides and DCEDIY Rules documentation including AIM Rules available on the Hive and DCEDIY website. For further information please refer to the ECCE Compliance Guide for Service Providers available on the Hive.

All Pobal compliance visits in the 2022/2023 programme cycle will be undertaken in adherence with any relevant public health guidelines.

Please tick

The following points are a guide as to the types of information that Visit Officers seek to review on a Compliance Visit.		
Compliance File		
1	To minimise disruption to the service’s operation, Pobal recommend that services collate information for review on these visits in a <u>Compliance File which is readily available, on-site, at all times</u> . This File should not contain any information which is not relevant to the Compliance checks as outlined below. Attendance Records and Fee Records should also be easily accessible.	Yes <input type="checkbox"/>
Tusla Registration		
2	Is the most up to date Tusla Registration Certificate available for review?	Yes <input type="checkbox"/>
Attendance Records		
3	Are there adequate attendance records on-site for each session? Attendance records must be maintained and readily accessible from the start of the programme year. These are to be maintained by staff in each session, recording the children’s times in and out as they arrive and depart as well as any non-attendance (e.g. absences).	Yes <input type="checkbox"/>
4	Are the attendance records (i.e. Roll Books, Attendance Sheets) maintained and structured adequately to allow for easy and efficient monitoring of child attendance patterns in each session to assist identifying the Hive updating requirements? The same requirement applies if attendance records are maintained in electronic format/software package. The package should have the functionality to generate attendance reports by child or session. Please see <i>Good Practice Guide – Attendance Records</i> in the programme rules documentation.	Yes <input type="checkbox"/>

Hive Registrations		
5	Are all ECCE Registrations on the Hive accurate and reflective of actual levels of attendance i.e. correct start/end dates, correct session type/level of service registered?	Yes <input type="checkbox"/>
6	Have ECCE Registrations been updated on the Hive to reflect any changes since initial registration i.e. absences, leavers, changes to session type/level of service?	Yes <input type="checkbox"/>
7	Did all ECCE children registered on the Hive take up their place in the service?	Yes <input type="checkbox"/>
8	Are all ECCE children registered on the Hive attending the facility they are registered on the Hive to attend?	Yes <input type="checkbox"/>
9	Has approval for special circumstances been sought in relation to extended absences and/or under-attendances, in line with the Programme rules, where relevant?	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Staff Qualifications		
10	<p>Are the relevant staff qualifications* / signed Grandfathering Declarations / DCEDIY Letters of Eligibility to Practice on file for all staff working in each ECCE session and/or room with ECCE children enrolled? Having these documents, which meet the relevant qualification requirements, available on-site will ensure a reduced level of non-compliance in relation to staff qualifications.</p> <p>Note: Qualifications are checked against the DCEDIY Early Years Recognised Qualifications list available on the DCEDIY website. Qualifications must be in English or Irish, any documents not originally in English or Irish must be accompanied with a translation to English or Irish. Certified translations only can be accepted.</p> <p>*Where a Qualification is not on the DCEDIY Early Years Recognised Qualifications list, the individual must apply to the DCEDIY for assessment. See www.gov.ie/dcediy for more information.</p>	Yes <input type="checkbox"/>
11	<p>Do all ECCE Room Lead Educator/s hold at least a minimum QQI level 6 qualification?</p> <p>Do all ECCE Room Educator/s hold a minimum QQI level 5 qualification?</p>	<p>Yes <input type="checkbox"/></p> <p>Yes <input type="checkbox"/></p>
12	Is there sufficient number of staff, excluding AIM staff, in the ECCE session with the number of children enrolled to attend?	Yes <input type="checkbox"/>
AIM Level 1 Inclusion Coordinator		
13	Have any changes of circumstances in the employment of the Inclusion Coordinator or extended absence of four or more consecutive preschool weeks been notified to the Pobal AIM team via the Hive?	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
14	Where a replacement Coordinator is engaged with the service, has the AIM Level 1 Application on the Hive been amended?	Yes <input type="checkbox"/> N/A <input type="checkbox"/>

Hive Parental Declaration Forms		
15	Are Parental Declaration forms for all registrations (including amendments during the year) printed, signed by parents/guardians and on file?	Yes <input type="checkbox"/>
16	In the interest of GDPR, has the service disposed of, in an appropriate manner, all documentation that contains PPS Numbers?	Yes <input type="checkbox"/>
Fee Records		
17	Are adequate fee records accessible for the Visit Officer to verify fees/eligible optional extras charged in line with the Hive Fees List? If direct debit is applicable, access to records must be available on-site (this can be online access).	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Minimum Enrolment		
18	Has a Minimum Enrolment Exemption been applied for, through the relevant CCC, for each ECCE session and/or room which does not meet the requirement of 8 ECCE-eligible children enrolled on a daily basis? A copy of the approved exemption notification must be available for review during a compliance visit (electronically or paper based).	Yes <input type="checkbox"/> N/A <input type="checkbox"/>
Hive Fees List, Service Fees Information Letters and Service Calendars		
19	Does the Hive Fees List comply with programme requirements and accurately reflect actual fees charged for the types of provision that the service operates?	Yes <input type="checkbox"/>
20	Are Hive generated Service Fees Information Letters i.e. Parent Fees Letters for all registrations printed, each page initialed/signed by parents/guardians and on file?	Yes <input type="checkbox"/>
21	Is the most up to date Hive Fees List, and Service Calendar displayed in the service in a location easily accessible to all parents and published on any online platform(s) maintained by the provider for the purpose of advertising its services?	Yes <input type="checkbox"/>
22	Does the Service Calendar on the Hive reflect all closure days including unplanned closure days? Note: Please remember to ensure your Hive generated service calendar is in line with any future closure dates that occur throughout the year. In the event of closures for force majeure, please ensure completed force majeure applications are submitted on the Hive no later than 5 days.	Yes <input type="checkbox"/>
23	Tusla/HSE directed closures: If applicable, is evidence on-site of any Tusla/HSE directions to close as a result of a public health concern?	Yes <input type="checkbox"/> N/A <input type="checkbox"/>

Appendix 2 – ECCE Compliance Post Inspection Rectification Actions 2022/2023

Following an ECCE Compliance Inspection, Service Providers will receive a Compliance Notification, via the Hive, alerting them to the availability of the Compliance Report and outcomes. For each check conducted the inspection report will outline the:

- Final compliance outcome (Compliant or Minor / Moderate / Major Non-Compliant),
- Non-compliance outcome reasons,
- Required rectification action (if applicable) and
- Details of any comments and Compliance corrections

For non-compliant outcomes, the service will be required to take rectification action on the issue identified and make a commitment to comply with the ECCE requirements going forward. All rectification actions must be taken and reported on through the Hive within the required timeframe. This timeline will be outlined within the Compliance Report under the title 'Rectification Due' date. All rectification actions will then be verified and each non-compliant outcome will be determined as 'Rectified' or 'Not Rectified'.

Where a service fails to rectify a non-compliance outcome within the required timeframe, then a sanction may be imposed.

The table below outlines all possible non-compliant outcome reasons and the relevant rectification action which will be required of the service to ensure no sanctions are imposed.

The level of non-compliance is indicated in the table below by the asterisk Minor* / Moderate** / Major***.

	Non-Compliant Outcome Reasons	Rectification Action for Provider
PRE-REQUISITES		
1. ***	Service Provider did not facilitate the inspection – 1 st occurrence.	<ul style="list-style-type: none"> • Facilitate future compliance inspections immediately.
2. ***	Service Provider did not facilitate the inspection – 2 nd occurrence.	<ul style="list-style-type: none"> • No further Service Provider action is possible as this constitutes a serious Compliance infringement. A sanction may be applied. • Facilitate any future compliance inspections.
SERVICE CALENDAR		
3. *	Service Provider is not displaying the most up to date Calendar, as per the Hive, within the Service in an area accessible to parents.	<ul style="list-style-type: none"> • Display the most up to date calendar, as per the Hive, at the service immediately. • Upload photographic evidence on the Hive of the calendar on display, using the upload/create button, by the Rectification Due date. • Complete a self-declaration within the compliance report on the Hive by the Rectification Due date.

4. *	Service Provider has not published its most up to date Calendar, as per the Hive, on its online platforms.	<ul style="list-style-type: none"> • Publish the most up to date calendar, as per the Hive, on all online platforms maintained immediately. • Upload photographic evidence on the Hive of the calendar published online by the Rectification Due date (e.g. screenshot of calendar online and URL link) using the upload/create button. • Complete a self-declaration within the compliance report on the Hive by the Rectification Due date.
PARENTAL DOCUMENTS⁷		
5.	Signed Parental Declaration not on file for all currently registered children selected for inspection.	<ul style="list-style-type: none"> • Ensure all Parental Declaration forms for all currently registered children are signed, dated and on file. • Complete a self-declaration within the compliance report on the Hive by the Rectification Due date.
6.	Signed Service Fees Information Letter not on file for all currently registered children selected for inspection.	<ul style="list-style-type: none"> • Ensure all Service Fees Information Letters for all currently registered children are signed, dated and on file. • Complete a self-declaration within the compliance report on the Hive by the Rectification Due date.
FEES LIST		
7. *	The Service Provider is not displaying the most up to date Fees List, as per the HIVE, within the Service in an area accessible to parents.	<ul style="list-style-type: none"> • Display the most up to date fees list, as per the Hive, at the service immediately. • Upload photographic evidence on the Hive of the fees list on display in the service by the Rectification Due date. • Complete a self-declaration within the compliance report on the Hive by the Rectification Due date.
8. *	The Service Provider has not published its most up to date fees list, as per the HIVE, on all its online platforms.	<ul style="list-style-type: none"> • Publish the most up to date fees list, as per the Hive, on all online platforms maintained immediately. • Upload photographic evidence on the Hive of the fees list published online by the Rectification Due date (i.e. screenshot of fees list online and URL link) using the upload/create button. • Complete a self-declaration within the compliance report on the Hive by the Rectification Due date.

⁷ The categorisation of Compliant or Minor / Moderate / Major non-compliant for Parental Documents will be determined by the percentage of signed and dated Parental Documents available on-site for review.

- ≥ 90 -100% Compliant
- ≥ 70 -89% Minor non-compliant
- ≥ 50 -69% Moderate non-compliant
- ≤ 49 % Major non-compliant

9. **	The fees list on the HIVE does not comply with programme requirements.	<ul style="list-style-type: none"> • Update fees list on the Hive immediately to comply with programme requirements and ensure correct/updated version is displayed in the service, and published online if applicable. • Upload photographic evidence on the Hive of updated fees list on display in the service, and published online if applicable by the Rectification Due date (e.g. screenshot of fees list displayed and URL link if applicable) using the upload/create button. • Complete a self-declaration within the compliance report on the Hive by the Rectification Due date.
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FEES RECORDS

10. **	Fee records are not available for inspection on site.	<ul style="list-style-type: none"> • Ensure all fee records for all registered children are available on site immediately. • Complete a self-declaration within the compliance report on the Hive by the Rectification Due date.
11. **	Fee records are not adequate to allow compliance to be checked.	<ul style="list-style-type: none"> • Ensure all fee records for all registered children are maintained in an adequate format to allow compliance to be checked immediately. • Complete a self-declaration within the compliance report on the Hive by the Rectification Due date.
12. *	Fee records have gaps/inadequacies.	<ul style="list-style-type: none"> • Ensure all fee records for all registered children are maintained free of gaps and inadequacies immediately. • Complete a self-declaration within the compliance report on the Hive by the Rectification Due date.

FEES CHARGED

13. ***	Parent is being charged for ECCE core hours.	<ul style="list-style-type: none"> • Review fee records of all ECCE registered children and reimburse the parents/guardians of any ECCE registered children who were charged fees for ECCE core hours. • Complete a self-declaration within the compliance report on the Hive by the Rectification Due date.
14. **	The Service is charging for inappropriate optional extras.	<ul style="list-style-type: none"> • Review fee records of all ECCE registered children and reimburse the parents/guardians of any ECCE registered children who were charged fees for inappropriate optional extras. • Complete a self-declaration within the compliance report on the Hive by the Rectification Due date.
15. **	The fee charged to parents is not within the limits of the registered fees list as per the HIVE.	<ul style="list-style-type: none"> • Review all fees charged to parents/guardians of ECCE registered children to ensure that they are in line with the fees list as per the Hive and reimburse any parents/guardians that have been overcharged. • Complete a self-declaration within the compliance report on the Hive by the Rectification Due date.

ATTENDANCE RECORDS			
16.	***	Attendance Records do not exist.	<ul style="list-style-type: none"> No further Service Provider action is possible as this constitutes a serious compliance infringement. This may result in financial implications, including an assumption of zero hours.
17.	***	Attendance records for all rooms are not available on-site for inspection on day of initial inspection.	<ul style="list-style-type: none"> Ensure that all attendance records since the start of the Programme year, for all session(s)/room(s), are available on site for inspection at all times.
18.	***	Attendance records for all rooms are not available on-site for inspection on day of revisit.	<ul style="list-style-type: none"> Ensure that all attendance records for all session(s)/room(s) are maintained on site, in the required format and be made available for inspection at all times. Complete a self-declaration within the compliance report on the Hive by the Rectification Due date.
19.	***	Attendance records are not in an adequate format to allow compliance to be checked.	<ul style="list-style-type: none"> Ensure that all attendance records for all session(s)/room(s) are maintained on site, in the required format and be made available for inspection at all times. Complete a self-declaration within the compliance report on the Hive by the Rectification Due date.
20.	**	Attendance records have gaps/inadequacies.	<ul style="list-style-type: none"> Ensure that all attendance records for all session(s)/room(s) are maintained on site, in the required format and be made available for inspection at all times. Complete a self-declaration within the compliance report on the Hive by the Rectification Due date.
OVERCLAIMS⁸			
21.		HIVE was not reflective of all absenteeism.	<ul style="list-style-type: none"> Ensure that all registrations on the Hive are kept up to date in line with the rules of the programme and are reflective of any absenteeism. Complete a self-declaration within the compliance report on the Hive by the Rectification Due date. <p>Note: any compliance corrections recorded to be actioned by Pobal.</p>
22.		HIVE was not reflective of all leavers.	<ul style="list-style-type: none"> Ensure that all registrations on the Hive are kept up to date in line with the rules of the programme and are reflective of any leavers.

⁸ The categorisation of Minor / Moderate / Major non-compliant for Overclaims will be determined by the percentage of **correct** registrations identified in the sample checked.

- >95 - <100% Minor non-compliant
- >80 - <=95% Moderate non-compliant
- <= 80% Major non-compliant

		<ul style="list-style-type: none"> • Complete a self-declaration within the compliance report on the Hive by the Rectification Due date. <p>Note: any compliance corrections recorded to be actioned by Pobal.</p>
23.	HIVE was not reflective of all under-attendance of 4 weeks or more.	<ul style="list-style-type: none"> • Ensure that all registrations on the Hive are kept up to date in line with the rules of the programme and are reflective of any under-attendance. • Complete a self-declaration within the compliance report on the Hive by the Rectification Due date. <p>Note: any compliance corrections recorded to be actioned by Pobal.</p>
24.	HIVE was not reflective with regards to actual start dates of child/ren.	<ul style="list-style-type: none"> • Ensure that all registrations on the Hive are kept up to date in line with the rules of the programme and are reflective of correct start dates. • Complete a self-declaration within the compliance report on the Hive by the Rectification Due date. <p>Note: any compliance corrections recorded to be actioned by Pobal.</p>
25.	Not all registered HIVE children have taken up their place in the Service.	<ul style="list-style-type: none"> • Ensure that all registrations on the Hive are kept up to date in line with the rules of the programme and are based on children who have actually taken up their place. • Complete a self-declaration within the compliance report on the Hive by the Rectification Due date. <p>Note: any compliance corrections recorded to be actioned by Pobal.</p>
26.	Not all registered HIVE children have been evidenced in the attendance records.	<ul style="list-style-type: none"> • Ensure that all registrations on the Hive are kept up to date in line with the rules of the programme and all registered children are recorded in attendance records. • Complete a self-declaration within the compliance report on the Hive by the Rectification Due date. <p>Note: any compliance corrections recorded to be actioned by Pobal.</p>
27.	HIVE Registrations were incorrect with regard to facility the child is attending.	<ul style="list-style-type: none"> • Ensure that all registrations on the Hive are kept up to date in line with the rules of the programme and are based on children who have actually taken up their place within the correct childcare facility. • Complete a self-declaration within the compliance report on the Hive by the Rectification Due date. <p>• Note: any compliance corrections recorded to be actioned by Pobal.</p>

CLOSURES

28.	***	Calendar requirements have not been met: > 2 days	<ul style="list-style-type: none"> • Ensure that the calendar on the Hive is up to date and reflects all closure day/s. • Complete a self-declaration within the compliance report on the Hive by the Rectification Due date. <p>Note: any calendar correction/update in relation to any identified unreported closure days to be actioned by Pobal and may result in a reduction of funding relevant to the closed days.</p>
29.	**	Calendar requirements have not been met: <= 2 days	<ul style="list-style-type: none"> • Ensure that the calendar on the Hive is up to date and reflects all closure day/s. • Complete a self-declaration within the compliance report on the Hive by the Rectification Due date. <p>Note: any calendar correction/update in relation to any identified unreported closure days to be actioned by Pobal and may result in a reduction of funding relevant to the closed days.</p>

QUALIFICATIONS

30.	*	The relevant staff qualifications are not evidenced on site and were not provided within required timelines.	<ul style="list-style-type: none"> • Ensure that all relevant staff qualifications for staff working in the ECCE session(s)/room(s) are maintained on site at all times, to allow compliance to be checked. • Complete a self-declaration within the compliance report on the Hive by the Rectification Due date.
31.	**	The Service is not meeting the staff qualification requirements for room Lead Educator/s, at visit date.	<ul style="list-style-type: none"> • Ensure that all ECCE session(s)/room(s) operating have a room Lead Educator/s who meets the minimum requirement for staff qualifications in line with the ECCE programme rules. • Complete a self-declaration within the compliance report on the Hive by the Rectification Due date.
32.	**	The Service is not meeting the staff qualification requirements for room Educator/s, at visit date.	<ul style="list-style-type: none"> • Ensure that all ECCE session(s)/room(s) operating have a room Educator/s who meets the minimum requirement for staff qualifications in line with the ECCE programme rules. • Complete a self-declaration within the compliance report on the Hive by the Rectification Due date.

MINIMUM ENROLMENT

33.	*	The service is not meeting the minimum enrolment number of eight ECCE-eligible children per session.	<ul style="list-style-type: none"> • Ensure the minimum enrolment number of eight ECCE-eligible children per session/per day is met, or apply for a minimum enrolment exemption to the local CCC, in line with the ECCE programme rules. • Complete a self-declaration within the compliance report on the Hive by the Rectification Due date.
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ADULT TO CHILD RATIO REQUIREMENTS

34.	**	There is not a sufficient number of staff in the ECCE session with the number of children enrolled to attend.	<ul style="list-style-type: none"> • Ensure that there is a sufficient number of staff in the ECCE session(s)/rooms(s) with the number of children enrolled to attend. • Complete a self-declaration within the compliance report on the Hive by the Rectification Due date.
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AIM LEVEL 1

35.	***	There is no qualified LINC coordinator engaged at the service	<ul style="list-style-type: none"> • Ensure that the AIM Level 1 Application is up to date on the Hive to reflect Notifications of Change or Extended Absences in respect of the LINC coordinator. • Complete a self-declaration within the compliance report on the Hive by the Rectification Due date. <p>Note: Pobal will implement a correction to the AIM Level 1 application which may have a financial implication.</p>
36.	*	A replacement coordinator has been engaged but has not been added to the AIM Level 1 application	<ul style="list-style-type: none"> • Ensure that the LINC coordinator is updated on the AIM Level 1 application, as per the AIM agreement. • Complete a self-declaration within the compliance report on the Hive by the Rectification Due date.