



STATUTORY INSTRUMENTS.

**S.I. No. 370 of 2019**



CHILDCARE SUPPORT ACT 2018(REVIEWS) REGULATIONS 2019

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I, Katherine Zappone, Minister for Children and Youth Affairs, in the exercise of the powers conferred on me by section 17 of the Childcare Support Act 2018 (No. 11 of 2018), hereby make the following regulations:

*Citation and commencement*

1. (1) These Regulations may be cited as the Childcare Support Act 2018 (Reviews) Regulations 2019.

(2) These Regulations shall come into operation on 2 September 2019.

*Interpretation*

2. In these Regulations —

“Act” means the Childcare Support Act 2018;

“agreement in relation to the provision of childcare services” means an agreement in relation to the provision of childcare services referred to in section 15(1) of the Act between a parent and a childcare services provider or agreed between a body specified in Schedule 2 of the Act and a childcare services provider pursuant to an agreement under section 14 of the Act and in respect of which financial support is payable under section 15 of the Act;

“authorised officer” means a person who is appointed by the scheme administrator under section 18 of the Act to be an authorised officer for the purposes of the Act;

“day” means working day;

“determination” means a determination made by the scheme administrator under section 12 of the Act;

“review” shall be construed in accordance with section 17(1) of the Act;

“suitable person” means a person specially appointed by the scheme administrator to carry out a review -

- (a) under section 17(1)(a) of the Act on the initiative of the scheme administrator in relation to an applicant,
- (b) under section 17(1)(b) of the Act at the request of an applicant or a person in receipt of financial support in respect of a child the subject of an agreement under section 14 of the Act, or
- (c) under section 17(1)(c) of the Act at the request of an approved childcare services provider.

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 30th July, 2019.*

*Procedures for reviews initiated by the scheme administrator*

3. (1) A review may be initiated by the scheme administrator under section 17(1)(a) of the Act in relation to:

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

(2) Where a review initiated by the scheme administrator under section 17(1)(a) of the Act relates to an applicant regarding:

- (a) the eligibility of the person to make an application under section 7 of the Act;
- (b) the eligibility of an applicant to continue to receive financial support under section 15 of the Act;
- (c) information provided during the application process;

the scheme administrator shall cause a review to be carried out by a suitable person.

(3) Where a review initiated by the scheme administrator under section 17(1)(a) of the Act relates to a childcare services provider regarding:

- (a) the number of hours of childcare services provided in any week by the childcare services provider for a child in relation to whom financial support is paid;
- (b) the amount charged by the childcare services provider to the parent of a child in respect of whom financial support is paid;

the scheme administrator shall cause a review to be carried out by an authorised officer.

*Procedures for reviews requested by an applicant, a person in receipt of financial support under section 14 of the Act or an approved childcare service provider*

4. (1) A review may be requested by an applicant in relation to –

- (a) eligibility to make an application under section 7 of the Act;
- (b) the amount of financial support specified in a determination;
- (c) the period of validity of a determination;

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within 30 days of the date of the determination.

(2) A review may be requested by an applicant in relation to the amount of financial support paid each week -

within 30 days of the payment by the scheme administrator of the financial support.

(3) A review may be requested by a person in receipt of financial support in respect of a child the subject of an agreement under section 14 of the Act in relation to -

- (a) the number of hours of childcare services provided in any week by an approved childcare services provider within 30 days from the end of that particular week;
- (b) the amount of financial support paid each week within 30 days of the payment by the scheme administrator of the financial support.

(4) A review may be requested by an approved childcare services provider in relation to the amount of financial support paid each week -

within 30 days of the payment by the scheme administrator of the financial support.

(5) A review shall not be considered by the scheme administrator where a review request has been made later than the periods referred to in Regulations 4(1), 4(2), 4(3) and 4(4).

(6) A request for a review shall be made in writing to the scheme administrator in such form and manner as may be specified by the scheme administrator from time to time and shall include -

- (a) the name and unique identifier number in respect of the application or the unique identifier number in respect of the determination,
- (b) the name and the address of the approved childcare services provider and the Department of Children and Youth Affairs reference number, if appropriate, and
- (c) the grounds on which the review is requested.

(7) The scheme administrator shall acknowledge receipt of a request for a review referred to in Regulation 4 within 10 days of the receipt of such request.

(8) Where a review relates to matters referred to in Regulations 4(1), 4(2), 4(3) or 4(4), the scheme administrator shall cause a review to be carried out by a suitable person.

*Provision of documentation to the scheme administrator*

5. (1) Where the scheme administrator requires an applicant or a person in receipt of financial support in respect of a child the subject of an agreement under section 14 of the Act or a childcare services provider to provide documentation under section 17(3) of the Act in relation to any matter that may be relevant to a decision by the scheme administrator in a review under section 17(1) of the Act, the scheme administrator may fix the time for furnishing any such documentation and such period shall be not less than 20 days from the date of the request.

(2) Notwithstanding that any documentation requested has not been provided within the period specified by the scheme administrator under Regulation 5(1) by a person to whom such a request was made, the scheme administrator may proceed to make a decision in relation to the matter under review.

*Review decision by the scheme administrator*

6. A decision in relation to a review requested -
- (a) under section 17(1)(b) of the Act by an applicant or a person in receipt of financial support in respect of a child the subject of an agreement under section 14 of the Act, or
  - (b) under section 17(1)(c) of the Act by an approved childcare services provider,

shall be made by the scheme administrator within 40 days of receipt of the review request or within 40 days of the receipt of information requested under section 17(3) of the Act.

*Withdrawal of review requests*

7. An applicant, a person in receipt of financial support in respect of a child the subject of an agreement under section 14 of the Act or an approved childcare services provider may withdraw a review request made under section 17(1)(b) or (c) of the Act by sending a written notice to that effect to the scheme administrator.



GIVEN under my Official Seal,  
24 July, 2019.

KATHERINE ZAPPONE,  
Minister for Children and Youth Affairs.



EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

These Regulations are made pursuant to powers conferred on the Minister for Children and Youth Affairs under the Childcare Support Act 2018.

These Regulations provide for procedures relating to reviews carried out under section 17 of the Childcare Support Act 2018 by the scheme administrator of its own initiative and reviews requested by an applicant, a person in receipt of financial support in accordance with an agreement under section 14 of the Act or an approved childcare services provider in relation to the specific issues specified in section 17(2) of the Act.

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