



STATUTORY INSTRUMENTS.

S.I. No. 378 of 2019



CHILDCARE SUPPORT ACT 2018 (CALCULATION OF AMOUNT OF
FINANCIAL SUPPORT) 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 13 of the Childcare Support Act 2018 (No.11 of 2018) and with the consent of the Minister for Public Expenditure and Reform, hereby make the following regulations:

Citation and commencement

1. These Regulations may be cited as the Childcare Support Act 2018 (Calculation of amount of financial support) Regulations 2019.
2. These Regulations shall come into operation on 2 September 2019.

Interpretation

3. In these Regulations —

“Act” means the Childcare Support Act 2018 (No. 11 of 2018);

“base income threshold” means the reckonable income at or below which an applicant who qualifies for income-related financial support shall qualify for the maximum rate;

“ECCE” means the Early Childhood Care and Education programme funded by the Minister for Children and Youth Affairs;

“Early Start Programme” is a programme funded by the Minister for Education and Skills that provides a year of free pre-school provision in primary schools in designated disadvantaged areas;

“income limit” means the reckonable income at or above which an applicant shall not qualify for income-related financial support;

“maximum rate” is the highest income-related rate of financial support that shall be payable, having regard to the age of the child who is the subject of the application and the stage of their education;

“multiple child discount” means a discount applied to the net income of the applicant and any partner (or sole income in the case of a one parent family) in respect of two or more children under age 15 who live with the applicant (or the applicant’s partner), provided either the applicant or the applicant’s partner has custody of the child (or is *in loco parentis*) for at least part of each week;

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

“net income” means income as defined in Schedule 1 of the Act of an applicant and his/her partner (or the sole income in the case of a one parent family) less any allowable deductions specified in Schedule 1 of the Act and allowable deductions prescribed under section 11 of the Act;

“reckonable income” means net income minus any multiple child discount, if applicable;

“financial support” means income related or non-income related financial support payable by the scheme administrator under section 15 of the Act;

“term-time week” means a week agreed between a parent and a provider as a term-time week during which a child is eligible to participate in the ECCE programme, the Early Start Programme or school;

“transitioning into work or study” means a period of 4 weeks in advance of the commencement of work or study where the applicant has received formal notification of the start date of said work or study;

“transitioning out of work or study” means a period of 4 weeks following the ending of a period of work or study, whether temporary or permanent, and excluding periods of leave that are included within the definition of work.

Calculation of amount of financial support

4. The amount of financial support for which an applicant under the Scheme qualifies in respect of a child who is the subject of an application shall be calculated in accordance with these Regulations.

Amounts per hour of non-income related financial support

5. The amount per hour of non-income related financial support shall be calculated in accordance with Schedule 1.

Maximum amounts per hour of income-related financial support

6. The maximum amounts per hour of income-related financial support shall be calculated in accordance with Schedule 2.

Income limit for qualification for income-related financial support

7. The income limit for qualification for income-related financial support under the Scheme shall be €60,000.

Methodology in accordance with which the amount per hour (if any) of income-related financial support shall be calculated

8. The amount per hour (if any) of income-related financial support shall be calculated in accordance with the methodology in Schedule 3.

Maximum number of hours of financial support

9. The maximum number of hours in respect of which an applicant may qualify for financial support shall be calculated in accordance with Schedule 4.

The definitions of work and study for the purposes of the Scheme

10. The definitions of “work” and “study” for the purposes of the Scheme are set out in Schedule 5.

Unavailability to care for a child

11. The circumstances in which an applicant or his or her partner shall be deemed to be unavailable to care for a child who is the subject of an application under the Scheme are set out in Schedule 6.

SCHEDULE 1

Amounts per hour of non-income related financial support

Non-income related financial support shall be calculated at the following rate:

€0.50 per hour in the case of a child who is older than 24 weeks of age and less than 3 years of age or until the child qualifies for the Early Childhood Care and Education Programme, if later.

SCHEDULE 2

Maximum amounts per hour of income-related financial support

In the case of income-related financial support, the following maximum amounts per hour of financial support shall be calculated as follows:

- a) where the child for whom an application is being made is older than 24 weeks and less than 12 months of age, the maximum amount per hour is €5.10;
- b) where the child for whom an application is being made is between 12 and 35 months of age, the maximum amount per hour is €4.35;
- c) where the child for whom an application is being made is older than 35 months of age and where the child is not enrolled at school and is not older than 6 years of age, the maximum amount per hour is €3.95;
- d) where the child is enrolled at school or is older than 6 years of age and less than 15 years of age, the maximum amount per hour is €3.75.

SCHEDULE 3

Methodology in accordance with which the amount per hour (if any) of income-related financial support shall be calculated

- (a) The base income threshold shall be €26,000.
- (b) A minimum amount of income-related financial support at the rate of €0.50 per hour applies to a child aged between 24 weeks and 35 months of age and to a child who is older than 35 months of age who is not eligible to participate in ECCE and has not commenced participation in the Early Start Programme.
- (c) A minimum of income-related financial support at the rate of €0.00 per hour applies to a child aged over 35 months of age who is eligible to participate in ECCE and has not commenced participation in ECCE or who has not commenced participation in the Early Start Programme.
- (d) If an applicant qualifies for income-related financial support, the scheme administrator shall determine the amount per hour of income-related financial support as follows:
- (i) where an applicant's reckonable income is below or equal to the base income threshold, the maximum amount per hour will apply;
 - (ii) subject to paragraph (b), where an applicant's reckonable income is at or exceeds the income limit, the amount per hour shall be zero;
 - (iii) where an applicant's reckonable income is between the base income threshold and the income limit, the amount per hour shall be determined by the following formula:

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

where—

NS is the minimum amount of financial support per hour,

XS is the maximum amount of financial support per hour,

MT is the income limit,

BT is the base income threshold, and

RI is the reckonable income.

- (e) Where the scheme administrator determines the amount per hour of income related financial support in respect of a child is between €0.01 per hour and €0.32 per hour, the scheme administrator will pay a rate of €0.33 per hour in respect of that child.

- (f) In determining the amount per hour, if any, of income-related financial support, a Multiple Child Discount shall be applied to net income by the scheme administrator in relation to children under the age of 15 years -
 - (1) who reside with the applicant or with his or her partner, and
 - (2) where the applicant or his or her partner is a parent of the child.

The discount which shall be applied to net income to determine the amount per hour of income related financial support shall be:

- (i) €4,300 in relation to two children;
- (ii) €8,600 in relation to more than two children.

Regulation 9

SCHEDULE 4

Maximum number of hours in respect of which an applicant may qualify for financial support

Maximum number of hours for non-income related financial support

In the case of an application for non-income related financial support, the maximum number of hours per week for which an applicant may qualify for financial support shall be:

- (a) 40 hours per week where the child is under 3 years of age and does not qualify for either ECCE or any pre-school programme funded by the Minister for Children and Youth Affairs or the Minister for Education and Skills;
- (b) where the child is under 3 years of age and qualifies for ECCE or any other pre-school programme funded by either the Minister for Children and Youth Affairs or the Minister for Education and Skills, the maximum number of hours for which an applicant will qualify for financial support will be the difference between 40 hours per week and any hours per week in relation to a pre-school programme funded by either the Minister for Children and Youth Affairs or the Minister for Education and Skills; or
- (c) 40 hours per week where the child has reached 3 years of age and does not yet qualify for the ECCE programme or any other pre-school programme funded by either the Minister for Children and Youth Affairs or the Minister for Education and Skills, until such time as they are eligible for ECCE at which point eligibility for non-income related financial support ceases.

Maximum number of hours for income-related financial support

In the case of an application for income-related financial support, the maximum number of hours of financial support for which an applicant may qualify shall be:

- (a) where the applicant and his or her partner both satisfy one or more of the following -
 - i) are engaged in work or study,
 - ii) are transitioning into or out of work or study, or
 - iii) are unavailable to care for the child who is the subject of the application,

the maximum number of hours per week of income-related financial support for which the applicant qualifies, is:

- 40 hours less any hours for which the child is enrolled in or eligible to be enrolled in ECCE, the Early Start Programme or school in a term-time week; and
- 40 hours in any other week.

- (b) Where the criteria specified in paragraph (a) above are not met, then the maximum number of hours per week of financial support for which an applicant qualifies is:
- 15 hours less any hours for which the child is enrolled in or eligible to be enrolled in ECCE, the Early Start Programme or school in a term-time week; and
 - 15 hours in any other week.

Regulation 10

SCHEDULE 5

The definitions of work and study for the purposes of the Scheme

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

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

Regulation 11

SCHEDULE 6

Unavailability to care for a child

The circumstances in which an applicant or his or her partner shall be deemed to be “unavailable to care for a child” are where:

- (a) s/he is in prison custody sentenced to a term of imprisonment for a minimum period of 30 days or where prison custody relates to a remand period of 30 days or more;
- (b) s/he is in hospital and expected to remain in hospital for a minimum period of 30 days;
- (c) s/he is suffering from a significant illness or ongoing disability that prevents him/her from providing childcare for the child in respect of whom the application is made; or
- (d) a child of the applicant or his/her partner is suffering from a significant illness or ongoing disability which prevents the applicant or partner from providing childcare for the child in respect of whom the application is made.

The Minister for Public Expenditure and Reform consents to the making of the foregoing Regulations.



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 section 13 of the Childcare Support Act 2018 with the consent of the Minister for Public Expenditure and Reform.

These Regulations provide for the particulars and methodology by which the scheme administrator shall calculate the amount of financial support for which an eligible applicant under the Affordable Childcare Scheme (commonly termed the “National Childcare Scheme”) may qualify.

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