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PEACE III Programme

GUIDANCE NOTE 16

Guidance on the eligibility of Childcare provision in the PEACE III Programme

G16/PIII

1.0 Background

1.1 The Managing Authority issued a clarification notice on 26 October 2009 due to a number of queries in relation to the eligibility of childcare provision. As a result of this clarification notice, a number of PEACE III Projects expressed concern that there would be possible detrimental effects on participants of projects. As a result, the Managing Authority have undertaken extensive research as well as taken advice from a number of government departments and have issued this guidance which sets out the eligibility of childcare provision in the PEACE III Programme to ensure sound financial management and also to ensure compliance with legislation in this area.

2.0 Definition

2.1 For the purposes of the PEACE III Programme, childcare costs are defined as those costs that are essential for the implementation of a project where this has been stated in the project proposal and approved budget. An example of such an occasion would be to enable mothers (or other parent) to attend a training session that they would otherwise be unable to attend.

3.0 Legal Context in Northern Ireland

3.1 Childcare is governed by The Children (Northern Ireland) Order 1995. (Statutory instrument 1995 No. 755 (N.I. 2)).

3.2 Article 118 of the above act states:

“Every authority shall keep a register of:

(a) persons who act as child minders on domestic premises within the authorities area.

3.2 Article 119 of the above act states:

For the purposes of this act, a person acts as a child minder if –

(a) he looks after one or more children under the age of twelve for reward;

(b) the period, or total of the periods, which he spends so looking after children in any day exceeds two hours.

A person who –

(a) is the parent, or a relative, of a child;

(b) has parental responsibility for a child; or

(c) is a foster parent of a child,

does not act as a child minder for the purposes of this Part in relation to that child when looking after him.

3.3 Article 132 states:

(3) No person shall act as a child minder on domestic premises within the area of an authority unless he is registered by the authority under Article 118 (1) (a).

3.4 The Managing Authority has also considered the following documents in writing this Guidance Note:

- The Northern Ireland Child Minders Association (NICMA) ‘Choosing a child minder – A Guide for Parents’;

- Department of Employment and Learning (DEL) 'Steps to Work Programme' guidance;
- The Northern Ireland Rules on Eligibility of Expenditure for the 2007-2013 Structural Funds Programmes (Guidance Note 5, paragraph 4.5).

4.0 Legal Context in Ireland

- 4.1 Pre-school childcare (children under 6, not attending school), is covered by Childcare (Pre-school Services) (No.2) Regulations 2006 and Childcare (Pre-school Services (No. 2) (Amendment) Regulations 2006.

This places a requirement of the provider to notify the HSE of his intention to provide a service. However, there are a number of exceptions to this:

- (a) the care of one or more pre-school children undertaken by a relative of the child or children or the spouse of such relative,*
- (b) a person taking care of one or more pre-school children of the same family and no other such children (other than that person's own such children) in that person's home,*
- (c) a person taking care of not more than three pre-school children of different families (other than that person's own such children) in that person's home.*

In this context, a relative in relation to a child means a brother, sister, uncle, aunt, or grandparent of the child.

- 4.2 Other providers of child minding services are not required to notify the HSE but are encouraged to register with the County Childcare Committee. This is a voluntary registration scheme.

5.0 Eligibility

- 5.1 Taking the legal contexts of both Northern Ireland and Ireland on board the Managing Authority is now clarifying their position in relation to childcare costs.
- 5.2 Childcare costs are eligible in the PEACE III Programme where the availability of childcare provision is essential for the implementation of a project and where this has been stated in the project proposal and approved budget. An example of such an occasion would be to enable mothers (or other parent) to attend a training session that they would otherwise be unable to attend.
- 5.3 The Managing Authority is of the view that, whilst it is not in contravention of the NI Child Order Act 1995, and that it has no role in regulating the implementation of that Act, it should nonetheless not facilitate others to contravene the Act.
- 5.4 The Managing Authority thereby issues the following guidance to those projects that will have eligible childcare costs:

In Northern Ireland:

To qualify for childcare assistance, care must be provided by:

- registered child minders, nurseries or play schemes registered with the health and social services board;
- out of hours clubs run by schools on school premises;
- childcare schemes run on Crown/government property;
- a relative (for the purposes of payment a relative is defined as someone who is over 18 years of age and who is the grandparent, brother, sister, aunt or uncle of the child or children for whom the care is provided).

In Ireland:

Childcare assistance is eligible if:

- care is provided under Childcare (Pre-School Services) (No.2) Regulations 2006, proof of notification to HSE is required;
- care falls outside these regulations; costs will be covered, subject to normal financial verification arrangements, in the following exceptions:

- (a) the care of one or more pre-school children undertaken by a relative of the child or children or the spouse of such relative,*
- (b) a person taking care of one or more pre-school children of the same family and no other such children (other than that person's own such children in that person's home),*
- (c) a person taking care of not more than three pre-school children of different families (other than that person's own such children in that person's home).*

5.5 For the purposes of formal verification, the Annex 1 and Annex 2 (attached) must be completed in all instances.

5.6 Whilst the Managing Authority understands the importance of providing flexible childcare to ensure participation of parents in training opportunities etc, and whilst the Managing Authority recognizes that such provision may be limited in some areas, the Managing Authority itself has limited discretion in this matter.

**Issued by Managing Authority
January 2011 (Version 1)**

PEACE III Programme
Application for Reimbursement of Childcare Costs

Title: _____ Name: _____

Address: _____

Postcode: _____ Telephone Number: _____

Details of Child(ren)* requiring childcare

Name & Address

Name & Address

Date of Birth (evidence to be provided)

Date of Birth (evidence to be provided)

Nominated Child Minder**

Name: _____

Address: _____

Post Code: _____ Telephone Number: _____

Relationship to Child(ren) named above: _____

**Definition of a Child – a person under the age of 16 for whom the participant in the PEACE III funded training programme is the legal guardian.*

***The spouse/partner of the programme participant is not eligible to claim child-minding expenses for the above mentioned child(ren)*

**PEACE III Programme
Claim form for reimbursement of Childcare costs**

Total amount claimed

I declare that the above costs for childcare have been incurred as a result of undertaking a PEACE III funded training programme. I confirm that I am not in receipt of any alternative source of childcare funding for the above mentioned child(ren) and that this care only took place during the recorded hours in which I attended the PEACE III funded training programme.

Signed: _____

Date: _____

Print Name: _____

To be completed by the Child Minder

Name of Child Minder: _____

Address of Child Minder: _____

Post Code: _____

Registered Child Minder? YES NO

If YES, please enclose a copy of your Registered Child Minders Certificate.

If NO, please state relationship to the child(ren) named above: _____

Name(s) of Child(ren) cared for: _____

Total number of hours claimed: _____

Total Amount Claimed: £/€_____ based on a rate of £/€_____ per hour

(Maximum £3.00 per hour in Northern Ireland and €3.50 per hour in the Border Region of Ireland, which includes counties Cavan, Donegal, Leitrim, Louth, Monaghan and Sligo).

Please provide a detailed breakdown of date and times of care in the table overleaf

Details of Hours claimed

Date of Care	From (Time)	To (Time)	Total hours for day
Total Hours Claimed			

I declare that I have provided child minding services for the above named children for the duration, dates and costs as stated on this claim.

Signed: _____

Date: _____

Print Name: _____