

Compliance Framework Guidance



Overview

The Compliance Framework is designed to support providers in reducing the number of instances and severity of non-compliant outcomes as a result of a Pobal Compliance Inspection.

Following a Pobal Compliance Inspection a provider will receive a compliance outcome for each check conducted. Checks that are passed are deemed compliant and checks that are not passed or do not adhere to the funding agreements or guidelines of a beneficiary scheme may be deemed non-compliant.

Through a managed referral process via Pobal, a County or City Childcare Committee (CCC) administer supports to providers who have received a non-compliant outcome after a Pobal compliance visit.

The Framework covers three levels of support: **Initial Support Level, Level 1, Level 2**. These supports will differ depending on the nature of a non-compliant outcome. However, if there are repeated failures to rectify a non-compliant outcome or there is no engagement with supports offered a sanction will be issued.

All providers who enter the Compliance Framework are treated on an individual basis and the process is tailored to their level of support requirements.

Compliance Framework Levels of Support:

1 Initial Support Level

- This level is designed to refer non-compliant providers to CCCs
- The CCCs will offer supports to providers to assist them in rectifying any non-compliant outcome(s) received as a result of a compliance visit
- This level is active from when the providers receive a non-compliant outcome(s) to when the rectification period for the outcome(s) expires (30 calendar days)
- If a provider rectifies the non-compliant outcome at this stage, then they exit from the Framework
- If the provider does not engage with their CCC and does not rectify the non-compliance outcome(s), then the provider moves to Level 1 of the Framework

2 Level 1

- Level 1 comprises of additional engagement and supports offered to the provider through their CCC, to assist in rectifying a non-compliant outcome(s)
- This level covers the period after the rectification period has passed, up until the second compliance visit, with the second visit typically taking place the following programme year
- If a provider rectifies the non-compliant outcome at this stage, then they exit from the Framework
- If the provider does not engage with their CCC and does not rectify the non-compliance outcome(s), then a provider moves to Level 2 of the Framework

3 Level 2

- Level 2 sees further engagement by a provider's respective CCC and covers the time period from the second compliance visit to the third visit
- A sanction is applied to the provider (where applicable) when initially placed on Level 2, 80% of which is payable at this time
- If a provider engages with their CCC and is found to be compliant on the subsequent compliance visit while on Level 2, then that provider is removed from the Compliance Framework and will not have the remaining 20% of the sanction applied. However, if the provider is again found to be non-compliant, then the remaining 20% of the sanction will be applied
- This subsequent, third, compliance visit will typically take place in the following programme year

If, by the conclusion of Level 2, the provider is still non-compliant, then the provider's continued participation in the beneficiary schemes may also be considered by the Department of Children, Equality, Disability, Integration and Youth.

How Non-Compliance Scoring is Calculated

Each non-compliant outcome carries a numerical value which corresponds to the severity of the outcome. It is by adding these values together that a provider's total non-compliance score is given.

For outcomes considered to be minor breaches of scheme rules, the corresponding minor non-compliant outcome is worth 2 points, each moderate non-compliance is worth 6 points and each major non-compliance is worth 12 points.

Whether or not a provider is placed on the Compliance Framework depends on two scenarios:

1. The provider does not rectify any of the major non-compliant outcomes
2. The provider does not rectify its "score" of 18 or more points, across all non-compliant outcomes received

A provider can be placed on Level 1 of the Compliance Framework for either scenario 1 or 2 or a combination of both. This can take place after the Initial Support Level or rectification period.

For example, a provider does not rectify one major non-compliant outcome (12) and has a score of 10 for other non-compliant outcomes. If the provider rectifies the non-compliant outcomes (10), that provider will still be placed on Level 1 of the Framework due to the major non-compliance (12).

Similarly, if a provider enters the initial supports level and has two non-rectified major non-compliances (24) and a further score of 20 from non-rectified minor and moderate outcomes, then even if the two major non-compliances (24) are addressed and one minor (2) is rectified a score of 18 remains and the provider will be placed on Level 1 of the Framework.

How Sanctions are Applied

A provider will receive a sanction when placed on Level 2. This is as a result of persistent non-rectification of non-compliant outcome(s) following a compliance inspection (any programme) and/or failing to engage with the supports provided.

This sanction, if reached, constitutes 6% of a provider's annual Core Funding allocation (where applicable). The sanction is solely calculated using a provider's Core Funding allocation and does not take into account other funding streams.

The sanction is calculated using the provider's Core Funding allocation pertaining to the programme year the non-compliant outcome was issued, not the year the sanction is applied. 80% of the sanction is payable when a provider is initially placed on Level 2 of the Framework with the remaining 20% payable if a service fails to rectify at the end of Level 2.

The provider in this case will be referred on to Pobal Integrated Case Management (ICM) for further supports and the provider's continued participation in the beneficiary schemes may also be considered by the Department of Children, Equality, Disability, Integration and Youth on failure to rectify at the conclusion of Level 2 of the Compliance Framework.

Major Non-Compliance Outcomes per provider

Community Childcare Subvention Plus (CCSP)

1. Provider did not facilitate the inspection – second occurrence
2. Attendance records do not exist
3. Attendance records for all rooms are not available on-site for inspection on day of revisit
4. Attendance records are not in an adequate format to allow compliance to be checked

Early Childhood Care & Education Programme (ECCE)

1. Provider did not facilitate the inspection – second occurrence
2. Attendance records do not exist
3. Attendance records for all rooms are not available on-site for inspection on day of revisit
4. Attendance records are not in an adequate format to allow compliance to be checked

National Childcare Scheme (NCS)

1. Provider did not facilitate the inspection - second occurrence
2. Attendance records for prior periods do not exist e.g., destroyed, lost, or never kept for current and historical issues
3. Attendance records for all rooms are not available on-site for inspection on day of revisit
4. Attendance records not adequate to allow compliance to be checked, for current and historical issues

For further information please see the Compliance Framework FAQs here: <https://earlyyearshive.ncs.gov.ie/downloads/>

