National Childcare Scheme (NCS)
Compliance Post Inspection Rectification Actions for Approved Providers

Following a NCS compliance inspection, approved providers will receive a notification, via the Hive, alerting them to the availability of the inspection report and outcomes. For each check conducted the inspection report will outline the:

- final compliance outcome (Compliant, Minor Non-Compliant, Moderate Non-Compliant or Major Non-Compliant),
- reason for outcome,
- required rectification action (if applicable); and,
- details of any relevant comments, claim corrections and/or calendar closure adjustments.

For any non-compliant outcome, the provider will be required to take rectification action on the issue identified and make a commitment to comply with the NCS 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 report under the title 'Rectification Due Date'. All rectification actions will then be verified by the Compliance team and each non-compliant outcome will be determined as 'Rectified' or 'Not Rectified'.

Where a provider fails to rectify a non-compliance outcome within the required timeframe[1], then a sanction may be imposed. Depending on the outcome(s), the approved provider may be referred onto the Compliance Framework. The Framework, consisting of an initial Supports Level, Level 1 and Level 2 will provide supports to assist the service in rectifying the non-compliant outcome(s). However, repeated failure to rectify the non-compliant outcome(s), as set out on the Framework, and/or engage with supports offered may result in a sanction. See also DCDE Compliance Framework Guidance available on Hive.

Where issues in relation to the adequacy of attendance records are not rectified, then a financial correction will be applied i.e. zero or minimum hours of attendance applied to claims from the date the provider was notified the compliance report was available for review to the date of the follow up inspection, and/or ending of relevant claims.

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

[1] This document makes reference to deadlines for rectification actions, follow up inspections, etc. It should be noted that these are all included with the caveat, that if an appeal of a review decision is received, the compliance process is paused, and these deadlines are adjusted accordingly.

#	Non-Compliant Outcome Reasons	Non-Compliant categorisation	Rectification Action for Provider
PRE-REQUISITES			
1	Approved provider did not facilitate the inspection – 1st occurrence	Major non-compliant	• Facilitate future compliance inspections
2	Approved provider did not facilitate the inspection – 2nd occurrence	Major non-compliant	• Facilitate any future compliance inspections. Please note, that given the seriousness of this outcome, all instances will be escalated to the DCDE.
PARENT STATEMENTS			
3	Signed Parent Statements not on file for all currently registered children, as per the sample selected for inspection (greater than or equal to 90% but less than 95% on file)	Minor non-compliant	• Ensure all parent statements are signed and on file within 30 calendar days of receiving notification that compliance report is available for review. The parent/guardian must sign the parent statement. • Upload copies of signed parent statements, identified as not signed/on file at initial inspection, on the Hive within 30 calendar days of receiving notification that compliance report is available for review using the upload/create button • Complete self-declaration within the compliance report on the Hive within 30 calendar days of receiving notification that compliance report is available for review. • NB All relevant parent statements should be uploaded at the one time before completing the self-declaration.
4	Signed Parent Statements not on file for all current registered children, as per the sample selected for inspection (< 90% available) - Follow-up	Moderate non-compliant	• Ensure all parent statements are signed and on file within 30 calendar days of receiving notification that compliance report is available for review. To be reviewed at an on-site follow up inspection. The parent/guardian must sign the parent statement.
5	Signed Parent Statements not on file for all current registered children, as per the	Moderate non-compliant	• Ensure all parent statements are signed and on file within 30 calendar days of receiving notification that compliance report is available for

	sample selected for inspection (< 90% available) – Submit Evidence		review. The parent/guardian must sign the parent statement. • Upload copies of signed parent statements, identified as not signed/on file at initial inspection, on the Hive within 30 calendar days of receiving notification that compliance report is available for review using the upload/create button. • Complete self-declaration within the compliance report on the Hive within 30 calendar days of receiving notification that compliance report is available for review. • NB All relevant parent statements should be uploaded at the one time before completing the self- declaration.
FEE TABLE			
6	The Fee Table on the Hive does not comply with programme requirements	Moderate non-compliant	• Update fee table on the Hive immediately to comply with programme requirements and ensure correct/updated version is displayed in the facility and published online if applicable. • Complete self-declaration within the compliance report on the Hive within 30 calendar days of receiving notification that compliance report is available for review.
FEES RECORDS			
7	Fee records are not maintained and available for inspection on site	Moderate non-compliant	• Ensure all fee records for all current children are available on-site. • Complete self-declaration within the compliance report on the Hive within 30 calendar days of receiving notification that compliance report is available for review.
8	Fee records not adequate to allow compliance to be checked	Moderate non-compliant	• Ensure all fee records for all current children are maintained in an adequate format to allow compliance to be checked immediately. • Complete self-declaration within the compliance report on the Hive within 30 calendar days of receiving notification that compliance report is available for review.

PARENTAL CO-PAYMENT			
9	The co-payment charged to parents/ guardians is not within the limits of the registered Fee Table as per the Hive / not reflective of the full subsidy received	Moderate non-compliant	• Ensure all co-payments charged are reflective of the full subsidy received. • Review all co-payments charged to parents/guardians and reimburse any parents/guardians that have been overcharged. • Complete self-declaration within the compliance report on the Hive within 30 calendar days of receiving notification that compliance report is available for review.
10	Service has charged a co-payment/fee for sponsored children	Major non-compliant	• Ensure no co-payment/fee is charged to any parent/guardian of sponsored children immediately. • Review records of all sponsored children and reimburse the parents/guardians of any sponsored children who were charged any co-payment/fee. • Complete self-declaration within the compliance report on the Hive within 30 calendar days of receiving notification that compliance report is available for review.
ATTENDANCE RECORDS			
11	Attendance records for prior periods do not exist (e.g. destroyed, lost or never kept)	Major non-compliant	• Attendance records to be maintained immediately and in the required format that will allow compliance to be checked. To be reviewed at an on-site follow up inspection within 20 working days from receiving notification that compliance report is available for review.
12	Attendance records for prior periods do not exist (e.g. destroyed, lost or never kept) – historical issue	Major non-compliant	• Complete self-declaration within the compliance report on the Hive within 30 calendar days of receiving notification that compliance report is available for review.
13	Attendance records for all rooms are not available on-site for inspection on day of initial inspection **Note**: this outcome reason will not be issued to the approved	Major non-compliant	• Retrieve records immediately. To be reviewed at an on-site revisit inspection (normally conducted within 5 working days of initial inspection).

	provider until a revisit has been conducted		
14	Attendance records for all rooms are not available on-site for inspection on day of revisit	Major non-compliant	• Attendance records to be maintained immediately and in the required format that will allow compliance to be checked. To be reviewed at an on-site follow up inspection within 20 working days of receiving notification that compliance report is available for review.
15	Attendance records for all rooms are not available on-site for inspection on day of revisit – historical issue	Major non-compliant	• Complete self-declaration within the compliance report on the Hive within 30 calendar days of receiving notification that compliance report is available for review.
16	Attendance records not adequate to allow compliance to be checked	Major non-compliant	• Attendance records to be maintained in the required format that will allow compliance to be checked immediately. To be reviewed at an on-site follow up inspection within 20 working days of receiving notification that compliance report is available for review.
17	Attendance records not adequate to allow compliance to be checked – historical issue	Major non-compliant	• Complete self-declaration within the compliance report on the Hive within 30 calendar days of receiving notification that compliance report is available for review.
18	Attendance records have gaps/inadequacies	Major non-compliant	• Attendance records to be immediately maintained in the required format that will allow compliance to be checked. • Complete self-declaration within the compliance report on the Hive within 30 calendar days of receiving notification that compliance report is available for review.
OVERCLAIMS			
19	Hive returns were not reflective of all under attendance of 8 to 12 weeks	Minor non-compliant	• Ensure all future returns on the Hive are submitted based on actual attendance. • Complete self-declaration within the compliance report on the Hive within 30 calendar days of receiving notification that compliance report is available for review.
20	Hive returns were not reflective of all	Determined by the % of incorrect	• Ensure all future returns on the Hive are submitted based on actual attendance.

	absenteeism and/or leavers	registrations identified in the sample checked i.e. <5% Minor non-compliant ≥5% but <20% Moderate non-compliant ≥20% Major non-compliant	• Complete self-declaration within the compliance report on the Hive within 30 calendar days of receiving notification that compliance report is available for review. • **Note**: any claim corrections recorded to be actioned by Pobal.
21	Hive returns were not reflective of all under attendance of greater than 12 weeks	See above	• Ensure all future returns on the Hive are submitted based on actual attendance. • Complete self-declaration within the compliance report on the Hive within 30 calendar days of receiving notification that compliance report is available for review. • **Note**: any claim corrections recorded to be actioned by Pobal.
22	Hive was not reflective with regards to actual start dates of child/ren	See above	• Ensure all future claims on the Hive are submitted based on actual start dates. • Complete self-declaration within the compliance report on the Hive within 30 calendar days of receiving notification that compliance report is available for review. • **Note**: any claim corrections recorded to be actioned by Pobal.
23	Ineligible claims identified as child/ren did not take up place in the service	See above	• Ensure all future returns on the Hive are submitted based on actual attendance. • Complete self-declaration within the compliance report on the Hive within 30 calendar days of receiving notification that compliance report is available for review. • **Note**: any claim corrections recorded to be actioned by Pobal.
24	The Hive claims were incorrect with regards to facility the children are attending	See above	• Ensure all future claims on the Hive are submitted based on actual attendance in the correct facility. • Complete self-declaration within the compliance report on the Hive within 30 calendar days of receiving notification

			that compliance report is available for review.
25	Not all registered Hive children, as per sample reviewed, have been evidenced in the attendance records	See above	• 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 self-declaration within the compliance report on the Hive within 30 calendar days of receiving notification that compliance report is available for review. • **Note**: any claim corrections recorded to be actioned by Pobal.
26	HIVE registrations were not within the levels possible, based on the education stage of the child and term/out of term status of the child's school or the service's ECCE timetable	See above	• Ensure all future registrations on the Hive will be submitted in line with the rules of the programme and will be reflective of the possible level of attendance based on child's education stage • Complete self-declaration within the compliance report on the Hive within 30 calendar days of receiving notification that compliance report is available for review. • **Note**: any claim corrections recorded to be actioned by Pobal.
CLOSURES			
27	Registered service calendar on the Hive is not up to date – i.e. does not reflect all identified <u>paid</u> closure days	Minor non-compliant	• Complete self-declaration within the compliance report on the Hive within 30 calendar days of receiving notification that compliance report is available for review. • Ensure the calendar on the Hive reflects all subsidised and unsubsidised closures going forward. **Note:** update to Calendar to reflect unreported Paid Closures will be actioned by Pobal.
28	Registered service calendar on the Hive is not up to date – i.e. does not reflect all identified <u>unpaid</u> closure	Moderate non-compliant	• Complete self-declaration within the compliance report on the Hive within 30 calendar days of receiving notification that compliance report is available for review.

	days: 1 day closure not reflected on calendar		• Ensure the calendar on the Hive reflects all subsidised and unsubsidised closures going forward. **Note**: any claim corrections (from calendar closure adjustments recorded) will be actioned by Pobal
29	Registered service calendar on the Hive is not up to date - i.e. does not reflect all identified unpaid closure days: more than 1 day closure not reflected on calendar	Major non-compliant	• Complete self-declaration within the compliance report on the Hive within 30 calendar days of receiving notification that compliance report is available for review. • Ensure the calendar on the Hive reflects all subsidised and unsubsidised closures going forward. **Note**: any claim corrections (from calendar closure adjustments recorded) will be actioned by Pobal
SERVICE CALENDAR			
30	The opening hours recorded on the active Service Calendar, as per the Hive, are inaccurate	Moderate non-compliant	• Complete self-declaration within the compliance report on the Hive within 30 calendar days of receiving notification that compliance report is available for review. • Ensure the calendar on the Hive reflects the actual opening hours of the service going forward.