



STATUTORY INSTRUMENTS.

**S.I. No. 371 of 2019**



CHILDCARE SUPPORT ACT 2018 (APPEALS) REGULATIONS 2019

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CHILDCARE SUPPORT ACT 2018 (APPEALS) REGULATIONS 2019

I, KATHERINE ZAPPONE, Minister for Children and Youth Affairs, in the exercise of the powers conferred on me by section 20 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 (Appeals) 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;

“appeal” means an appeal under section 20 of the Act;

“Appeals Officer” means a person appointed by the scheme administrator under section 20 of the Act to consider an appeal;

“appellant” means any person who brings an appeal against a review decision by the scheme administrator under section 17 of the Act;

“day” means working day;

“hearing” means an oral hearing conducted by an Appeals Officer in private;

“Notice of Appeal” shall be construed in accordance with Regulation 3(1).

*Submission of appeal and information supplied by appellant*

3. (1) A notice of appeal shall be submitted by an appellant, within 30 days of the date of the notice of the review decision given by the scheme administrator under section 17(7) of the Act, by giving notice to the scheme administrator in writing in the form set out in the Schedule (in these Regulations referred to as the “Notice of Appeal”).

(2) A notice of appeal shall be submitted by an appellant with such documentary evidence as the appellant wishes to rely on in support of his or her appeal, and the notice shall contain a list of any such documents.

(3) Where a notice of appeal has been received within the period referred to in Regulation 3(1) and all relevant documentary evidence in support of the appeal was not submitted with the notice of appeal, the Appeals Officer may specify a period for the receipt of such documentary evidence.

(4) An appeal shall not be considered by an Appeals Officer where an appeal has been received later than the period referred to in Regulation 3(1).

*Receipt of Notice of Appeal*

4. An Appeals Officer shall, within 10 days of his/her appointment by the scheme administrator to consider an appeal, notify the appellant of receipt of the notice of appeal.

*Further information and exchange of information*

5. (1) An Appeals Officer, may, at any time -

- (a) request any additional information or particulars from a parent, a childcare services provider or the scheme administrator as he or she deems necessary to determine an appeal, and
- (b) fix the time for furnishing any such information upon such terms as he or she may think fit.

(2) An Appeals Officer shall, within 10 days, after receiving additional information or particulars from a person give a copy of that information or particulars to the appellant or the scheme administrator, as appropriate.

(3) Each party to an appeal shall be given an opportunity to reply in writing to the information submitted to the Appeals Officer by the other party including the opportunity to reply in writing to any further information or particulars provided to the Appeals Officer following a request for additional information or particulars by the Appeals Officer under Regulation 5(1).

(4) Each party to an appeal shall furnish any replying written submissions to the Appeals Officer within 15 days of the date on which the other party's written submissions were sent to that party by the Appeals Officer or such other period as may be specified by the Appeals Officer.

*Summary appeals*

6. Where an Appeals Officer is of the opinion that an appeal is of such a nature that it can properly be determined without a hearing, he or she may determine the appeal summarily.

*Oral Hearings and attendance*

7. (1) Where, in the opinion of an Appeals Officer, a hearing is required, he or she shall, as soon as may be, fix a date and place for the hearing, and give reasonable notice of the date, venue and time to the appellant and the scheme administrator.

(2) An appellant may represent himself or herself or, may, with the consent of the Appeals Officer, be accompanied or represented by another person at the oral hearing of his or her appeal.

(3) Notwithstanding that an appellant is represented by another person at the oral hearing of his or her appeal, an Appeals Officer may make enquiries directly of the appellant as s/he deems appropriate.

(4) Any other person appearing to an Appeals Officer to be concerned may also attend at the hearing.

(5) A party to an appeal may make a request, in writing, accompanied by relevant documentation, for an adjournment of a hearing citing the reasons for such a request.

(6) Where an Appeals Officer is satisfied that exceptional circumstances exist warranting the adjournment of the hearing, s/he may grant such a request.

(7) An Appeals Officer shall determine the procedure to be followed at a hearing.

(8) An Appeals Officer may postpone or adjourn the hearing as he or she may think fit.

#### *Failure to Attend*

8. Where a party fails to appear at a hearing:

- (a) after notice of a hearing of an appeal has been given under Regulation 7(1), or
- (b) a request for an adjournment has been made under Regulation 7(5) and has been refused by the Appeals Officer,

the Appeals Officer may decide to proceed with the hearing and make a decision based on the evidence before him/her.

#### *Method of Sending Documents*

9. Any notice or other document required or authorised to be sent to any person for the purpose of these Regulations shall be deemed to be duly sent if sent by post addressed to him or her at his or her ordinary address or at his or her place of business.

#### *Withdrawal of Appeal*

10. A person wishing to withdraw an appeal may do so by sending a written notice to that effect to the scheme administrator.

#### *Decision of Appeals Officer*

11. (1) Where an Appeals Officer considers that s/he is in receipt of complete information to enable him or her to make a decision, s/he shall make a decision within 20 days of the receipt of that information.

(2) Notwithstanding that documentary evidence is not received by the date specified by the Appeals Officer under Regulation 3(3) or that any

documentation requested under Regulation 5(1) is not provided by a person to whom such a request was made under that Regulation, an Appeals Officer may proceed to make a decision in relation to the matter under appeal.

(3) Where an oral hearing has taken place, an Appeals Officer shall make a decision within 20 days of the oral hearing, subject to the Appeals Officer deeming the information to be complete at that stage.

(4) An Appeals Officer may, by notice in writing to the parties, correct any mistake (including an omission) of a verbal or formal nature in a decision under section 20(3) of the Act.

*Failure to Comply with these Regulations*

12. An Appeals Officer may decide an appeal notwithstanding the failure or neglect of any person to comply with any requirement of these Regulations.

SCHEDULE

Regulation 3(1)

Notice of Appeal under section 20 of the Childcare Support Act 2018

*(Notice of appeal against a review decision of the scheme administrator must be given to the scheme administrator on this form.)*

**Part 1**

**Appellant details:**

**Parent**                      Yes/No                      Please tick (If parent, please complete section A)

**Service Provider**      Yes/No                      Please tick (If service provider, please complete section B)

**Section A – Parental information**

Your full name: \_\_\_\_\_

Your date of birth: \_\_\_\_\_

Your address: \_\_\_\_\_  
\_\_\_\_\_

Your contact telephone number: \_\_\_\_\_

Details of the child to whom the financial support relates (Separate notices of appeal should be submitted if appeals are being made in relation to financial support for other children):

Name of child: \_\_\_\_\_

Date of birth: \_\_\_\_\_

Application ID or CHICK: \_\_\_\_\_

Relationship to appellant: \_\_\_\_\_

**Section B – Service Provider information**

Name of person submitting appeal: \_\_\_\_\_

Business Name of Childcare Service Provider: \_\_\_\_\_

Department of Children and Youth Affairs Reference Number: \_\_\_\_\_

Business address: \_\_\_\_\_

Telephone number: \_\_\_\_\_

**Part 2**

**Details of review decision**

Please give the date and reference number of the review decision by the scheme administrator which you are appealing:

DAY / MONTH / YEAR

Reference No: \_\_\_\_\_

**Part 3**

**Reason for appeal:**

**Note – an appeal under Section 20 of the Childcare Support Act 2018 may only relate to a review decision made by the scheme administrator.**

Please tick as appropriate in the circumstances (the issue submitted for appeal will have already been the subject of a review by the scheme administrator):

Appeal relating to eligibility to apply for financial support;

Appeal relating to eligibility to continue to receive financial support;





1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

Please list any documents you do not have at this time which you intend to submit at a later stage to support your appeal. The Appeals Officer assigned to your appeal may specify in writing a date by which any supplementary documentation must be submitted:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

### Part 6

#### Confirmation of appellant:

I confirm that I am making this appeal under section 20 of the Childcare Support Act 2018.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

#### Checklist:

- Notice of Appeal is being submitted within 30 days of the notice of the review decision by the scheme administrator.
- All relevant sections of the Notice of Appeal form are fully completed.
- Notice of Appeal form is signed and dated at Part 6.
- Grounds for appeal are fully stated and all facts for consideration are stated.
- Supporting documentation attached with the appeal form.
- Details provided of any supplementary documentation to be submitted.

[ ] Original documentation submitted where available.

[ ] Proof of posting will be retained.

This form and any documents you wish to have considered in support of your appeal should be submitted on the applicant or provider portal as appropriate or to the address specified by the scheme administrator on the National Childcare Scheme website.

**Where an appeal is being submitted by post, the envelope should be clearly marked “Notice of Appeal- National Childcare Scheme Appeals Office”**

**For Appeals Officer use only:**

Date appeal received: DAY/MONTH/YEAR

Within 30 days deadline? Y/N

All relevant sections of the appeal form completed in full? Y/N

Has the appellant submitted supporting documentation? Y/N

Has the appellant indicated whether supplementary documentation will be submitted? Y/N

Notes:

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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 the manner of and procedures for the making and determination of appeals by Appeals Officers.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ó  
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