
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 82

**The Milk and Healthy Snack
Scheme (Scotland) Regulations 2021**

PART 5

Administration of the Scheme

Payment under the Scheme

7.—(1) The Scottish Ministers are to make a payment to a registered childcare provider on the first day of each payment period in respect of that period.

(2) Where a childcare provider registers for the Scheme after the first day of a payment period, the Scottish Ministers are to make a payment in respect of that period within 4 weeks of the date of registration.

Registration

8. In order to register under the Scheme, a childcare provider must provide the registration information specified in schedule 2 to the Scottish Ministers.

Determining the amount payable

9.—(1) The payment made by the Scottish Ministers to a childcare provider in accordance with regulation 7, in respect of a payment period, is to be determined by reference to—

- (a) the number of eligible children enrolled with that childcare provider at the beginning of each financial year,
- (b) the benefits provided (or reasonably expected to be provided) by that childcare provider under regulation 6,
- (c) the market price of the benefit provided (or reasonably expected to be provided) by that childcare provider under regulation 6, and
- (d) any adjustment made under regulation 10.

(2) In determining the payment under paragraph (1) the Scottish Ministers may also take into account any other relevant matter.

Adjustment to the amount payable

10.—(1) The Scottish Ministers may make an adjustment to the amount payable under regulation 9 in respect of a payment period as a result of a significant change, in that period, to—

- (a) the number of eligible children enrolled with that childcare provider,
- (b) the benefits provided by that childcare provider under regulation 6, and
- (c) the market price of the benefit provided by that childcare provider under regulation 6.

(2) The Scottish Ministers must make any adjustment to the amount payable in respect of a payment period by the end of the immediately following payment period.

Provision of information in respect of significant change

11. In relation to a payment period, a childcare provider must inform the Scottish Ministers of any significant change to—

- (a) the number of eligible children enrolled with that childcare provider, and
- (b) the benefits provided by that childcare provider under regulation 6.

Change of circumstances affecting eligibility for the Scheme

12. A childcare provider that is no longer entitled to a payment under the Scheme due to a change in circumstances must inform the Scottish Ministers of that change as soon as reasonably practicable.

Provision of information for monitoring purposes

13. A childcare provider must provide to the Scottish Ministers, on request, the following information—

- (a) its status as a childcare provider under regulation 4,
- (b) the number of eligible children enrolled with the childcare provider during any period,
- (c) records of attendance in relation to any eligible child during any period,
- (d) the eligibility of a child under regulation 3,
- (e) the entitlement of a child under regulation 5,
- (f) the benefit provided or expected to be provided to a child under regulation 6, and
- (g) any other relevant information which the Scottish Ministers reasonably require in order to administer the Scheme.

Failure to provide benefit

14. In the event that the Scottish Ministers consider that a childcare provider has failed to provide a benefit under the Scheme, the Scottish Ministers may—

- (a) reduce the amount payable in forthcoming payment periods,
- (b) take any other action, which they consider reasonable, in all the circumstances.

Delegation

15. The following functions of the Scottish Ministers are delegated to the local authority for its area—

- (a) the function of determining a payment period shorter than 12 months under regulation 2, and
- (b) the functions under regulations 7 to 14.

Direction: local authority

16. A local authority must follow any direction issued by the Scottish Ministers when exercising any function under the Scheme.

Guidance: local authority

17. A local authority must have regard to any guidance issued by the Scottish Ministers when exercising any function under the Scheme.

Guidance: childcare provider

18. A childcare provider must have regard to any guidance issued by the Scottish Ministers with respect to the operation of the Scheme.

Information Sharing

19.—(1) A local authority must, on request, disclose the information specified in paragraph (2) to—

- (a) SCSWIS,
- (b) another local authority.

(2) For the purposes of paragraph (1), the information specified is information provided by—

- (a) a childcare provider under regulations 8, 11, 12 or 13,
- (b) SCSWIS,
- (c) another local authority,

in connection with the Scheme.

(3) SCSWIS must, on request, disclose to a local authority the information specified in paragraph (4).

(4) For the purposes of paragraph (3), the information specified is—

- (a) the name and address of a childcare provider,
- (b) the age groups to which a childcare provider provides services,
- (c) the number of meals a childcare provider provides, and
- (d) the types of day care a childcare provider provides.

Reporting requirement

20. A local authority must report to the Scottish Ministers annually, by such date as the Scottish Ministers may direct, on the following matters—

- (a) the number of childcare providers registered under the Scheme on 15 July 2021, and thereafter at the end of the immediately preceding financial year,
- (b) the amount paid to each childcare provider under the Scheme in the immediately preceding financial year,
- (c) the number of eligible children enrolled with each childcare provider at the end of the immediately preceding financial year,
- (d) the expenditure incurred by the authority in the administration of the Scheme in the immediately preceding financial year, and
- (e) such other information relating to the operation of the Scheme as the Scottish Ministers may direct.