

CHILDREN’S CENTRE (CPE)

RULES GOVERNING ADMISSION TO AND OPERATION OF THE CPE ESTABLISHMENTS

(CRÈCHE, DAY-CARE, STUDY CENTRE)

IMPLEMENTING RULES

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ARTICLE 2

Admission

ALLOCATION OF PLACES

Parents shall be informed which area they have been assigned to in the acknowledgement of receipt which they receive.

However, a shortage of places may mean that they are offered a different crèche.

Once an allocated place has been accepted, it shall not, in principle, be permitted to transfer to another crèche.

ARTICLE 3

Priorities for admission

Priority 1:

A single parent¹ having sole responsibility for the child’s upbringing and education.

¹ The father, mother or any other person having legal custody of the child.

A PARENT DECLARING THAT THEY ARE BRINGING UP THEIR CHILD ALONE

In this case, only the salary of the parent who is an official shall be taken into account.

Genuine priority 1, for which only the salary of one parent is taken into account, concerns a parent with sole custody of his or her child. This may be a divorced parent without a new spouse or a parent bringing up a child alone.

Any maintenance payment shall nevertheless be taken into account in the calculation of the contribution. The parent must submit a copy of the divorce decision. If the parents have never been married, both parents shall be asked to submit any application they have made for payment of maintenance, as well as a notarised or private document stating who has care of the child.

If the parents' status changes and they are separated at the time of the child's admission, it shall be up to the paying parent to provide proof of the separation – in the absence of such proof, the application cannot be considered priority 1.

Priority 2:

- **Both parents work full time**
- **One parent works full time and the other at least half time.**

Where the parents are married or in a partnership, both their salaries must be taken into account when calculating the contribution.

FATHER OR MOTHER OF THE CHILD LIVING WITH A SPOUSE WHO IS NEITHER THE MOTHER NOR THE FATHER OF THE CHILD

The couple are considered to be a household as it is understood that they both contribute to the costs of the household. To ensure that applications are processed fairly, both salary statements will be required by the managing department. As a result, this parent cannot be considered priority 1 since the income is not the same² as that of a parent living alone and having sole care of a child.

In the case of a reconstituted family, the contribution shall be calculated by taking into account the salary of the paying parent and of his or her spouse or partner. The contribution cannot, however, also include the income of the second parent on the birth certificate – the managing department only takes into account two salaries, not three.

In the case of a mother declaring on the admission form that she is a single mother, if the father is declared on the birth certificate then the application shall be considered priority 2 irrespective of whether he does or does not live with the parent registering the child, even if he is working abroad. The father's salary shall be taken into account by the managing department for the purpose of calculating the parental contribution.

² A single parent with a salary of EUR 5 000 cannot be considered equivalent to a single parent with the same salary living together with a person who also receives a salary of EUR 5 000.

Once the parenthood is established, whether or not the parents are married or in a partnership and whether or not they live in the same household, the managing department will request the second salary statement or any other document showing the monthly net income received by the spouse of the paying parent. If the paying parent refuses to provide this information, the managing department shall inform that parent that the maximum contribution will be applied and, where applicable, a retroactive calculation of the contributions paid will be made.

In the case of a couple where the non-paying parent is declared to be living abroad without a professional income, the application shall be considered priority 3.

Priority 3:

One parent works full time and one parent works less than half time or is unemployed.

Point 3.3 of the CPE rules is strictly applied to the Luxembourg crèche, as there is a waiting list.

As places become available, they shall be allocated to parents in priority 3.

Applications for registration shall be ranked by priority and in chronological order of submission.

PARENTAL LEAVE

If, at the time of the application for admission of the child, the parent extends his or her parental leave, the administration shall defer the requested admission date to the date on which the parent returns to work, and a new place will be offered, subject to availability.

Parents on parental leave shall be considered priority 3. The application for registration will be re-examined at the end of the parental leave. If such persons already have one child at the crèche, that child shall keep his or her place.

If a change is made to a parent's working-time arrangements at his or her request after his or her child has been admitted to the crèche, and if that parent was aware prior to his or her child's admission that the change would be made, but failed to inform the managing department, the latter reserves the right to withdraw the place allocated to the child in question.

The child shall lose his or her place if one of the parents is on parental leave for more than two months (excluding maternity leave). A child whose place has been withdrawn may, however, be placed on the waiting list at the parents' request, and may be offered a place in accordance with the priorities laid down in these rules, subject to availability at the crèche.

ARTICLE 4

Registration procedure

REGISTRATION APPLICATION

Applications for admission remain valid on the waiting list for a maximum of one year if a place is not allocated for the requested date.

Registrations applications must be submitted via the website of the European Parliament crèches <http://www.creche.europarl.europa.eu/cpe/sites/cpe/home.html>

Parents are informed that given the number of children registered at the crèche and the risks involved in children mixing together, all children must be vaccinated against the diseases listed on the registration form. The managing department reserves the right to refuse to admit any unvaccinated child.

After submitting an application, the parents receive an email with a list of documents to be sent to the managing department.

When the managing department has received the documents, the parents are sent an acknowledgement of receipt setting out the steps to be taken in the coming months up until the time of admission, if a place is allocated to them.

Once a place has been accepted, it shall not, in principle, be permitted to transfer to another crèche.

ARTICLE 5

Parental contribution and frequency of attendance

CALCULATION OF THE CONTRIBUTION

The parental contribution is calculated as a percentage of the net household income as follows:

- 9% for a household with one dependent child
- 7% for a household with two dependent children
- 6% for a household with three dependent children
- 5% for a household with four dependent children

The ceiling is 2.85 x the dependent child allowance and must, where appropriate, be index-linked.

A 25% reduction in the contribution shall be granted for the second (and subsequent) children registered at the crèche.

The first five working days following the child's admission that corresponds to the settling-in period will not be charged.

NET INCOME

Allowances received from other sources shall be added, where appropriate, to the net salary of the person having a contractual relationship with the institutions.

Benefits in kind or other benefits, including maintenance received from other sources, shall be included in the calculation of the contribution for persons not having a contractual link with the institutions.

In the case of a self-employed person, the net income over the year shall be extrapolated to 12 months.

Benefits in kind received by spouses not having a contractual link to the institutions shall also be added to the net salary.

In the interests of equal treatment, parents shall be required to notify the managing department of their income, whatever their financial situation. Requests for the maximum contribution to be applied shall not be taken into account.

Until the managing department receives all the documents requested, it reserves the right to apply the maximum contribution.

ALLOWANCES RECEIVED FROM OTHER SOURCES

In the case of married or partnered parents, if both parents work in the institutions, it should be verified that only one parent receives the allowance.

In the case of married or partnered parents, if one of the parents works in the private sector in Luxembourg that parent shall receive the allowance.

In the case of unmarried parents, the two salary statements shall be examined.

If there is any doubt, the managing department may refer to the decisions of the Individual Rights Unit of the institution concerned.

DEPENDENT CHILD ALLOWANCES

If the child is not a dependent of the paying parent (see judicial decision), the child allowance is paid to a third party and shall not be taken into account since the child is not part of the household. The child allowance shall therefore be deducted and the number of children taken into account reduced accordingly.

If the paying parent receives child allowances when the child lives with the other parent, the number of dependent children should be reduced.

The double allowance for disability shall be considered a basic allowance (deduction of an allocation from net income).

A person treated as a child shall not be taken into account and the maintenance payment shown on the certificate issued by the institution paid to the parent shall be deducted from the net income.

MAINTENANCE PAYMENTS

The salary shall be taken into account as well as the maintenance payment – the beneficiary parent must provide the last three bank statements showing the amount declared at the time of registration and the relevant court decision.

In case of doubt, the parent who is supposed to pay the maintenance must provide a certificate of non-payment.

In Belgium and France, the maintenance payment is stated on the tax declaration, since it allows a tax reduction to be obtained. This of course only concerns people working in the private sector – officials and other staff are not required to submit a tax return. For EU staff, the manager shall check whether the PRA code is on the salary statement.

If the parents have never been married, both parents shall be asked to submit any application they have made for payment of maintenance, as well as a notarised or private document stating who has care of the child.

Concerning the calculation of the contribution:

- if the parent pays maintenance, the maintenance shall be deducted from the net income. The maintenance may be deducted automatically on the salary statement of the EU staff member (code PRA),
- if the parent receives maintenance, the maintenance shall be added to the net income,
- only maintenance for children shall be deducted; if the parent pays maintenance to his or her ex-spouse, the amount shall not be deducted.

ALTERNATING CUSTODY

This is where the father and mother are separated and, by court order, the child lives with each parent every other week, or in accordance with some other form of shared custody.

The salary statements of both parents shall be required as they both contribute equally to the child's education.

Where only one of the parents is an official, it is the parent having a link with the institution who pays the contribution.

VERIFICATION AT THE TIME WHEN THE CHILD ENTERS THE CRÈCHE

Between the time when a child is registered at the crèche and when the child enters the crèche, the situation of the parents may have changed. Parents must therefore provide evidence that they do have a professional activity.

The managing department may ask for an updated salary statement from certain parents, particularly where one of the parents works in the private sector or where it is known that the contract is for a fixed term, in order to be certain that it will be extended.

PEOPLE WITH AN EMPLOYMENT CONTRACT OF LESS THAN ONE YEAR

The Luxembourg crèche accepts applications for registration from people whose employment contract is for less than six months.

The Brussels crèches only accept applications for registration from people whose employment contract is for more than six months.

In the case where a contract has ended, the child may nevertheless remain an additional three months at the crèche on condition that the additional three months are paid for in advance (by any means, such as bank transfer, etc.).

SECONDED NATIONAL EXPERT

In Luxembourg, the allowances paid by the institution and the salary received in the country of origin are taken into account in the calculation of the contribution.

THE SELF-EMPLOYED

Self-employed people working in Luxembourg are required to provide a tax administration certificate showing their income for the current year, and sometimes also a social security certificate proving that they are declared and a certificate of income, which can be obtained from the *Centre commun de Sécurité sociale*.

Where the activity has only just begun, the amount of the contribution shall be calculated on the basis of an estimate provided by the parent. The contribution shall be recalculated once the required documents have been submitted to the managing department. In this case the parents shall be sent a reminder.

In the case of self-employed people working in Belgium, the only salary-related supporting document required is the notice of tax assessment (*avertissement-extrait de rôle*). Parents beginning a self-employed activity must provide an estimate of their income and evidence of salary from the previous activity.

In the case of a parent who is self-employed, the managing department reserves the right to request, depending on the country of domicile of the undertaking:

- in Luxembourg: the certificate of taxable income from the previous year
- in France: the tax assessment from the previous year
- in Belgium: the notice of tax assessment

Where an undertaking has recently been set up and it is impossible for the parent to provide the required document, the managing department will require the parent to provide the administration with a copy of the undertaking's articles of association or a copy of the application for registration filed with the commercial register and the VAT register, as such articles of association only exist in the case of the creation of a company (SA or SPRL). For other self-employed people, a certificate of social security affiliation shall be required (except for certain professions: doctors, lawyers, etc.). In the case of a liberal profession where the person has just begun the activity, a copy of the fees or an estimate is required.

REPEATED CHANGES IN THE FAMILY SITUATION AFFECTING THE METHOD OF CONTRIBUTION (TEMPORARY STAFF)

In the event of repeated changes in financial situation, the contribution shall be adjusted once a year on the basis of all the salaries received by the parent(s).

Certain particularly complicated situations may nevertheless be examined by the managing department on a case-by-case basis.

PEOPLE REGISTERED WITH ADEM

People who are registered with ADEM in Luxembourg or Actiris (formerly ONEM) in Brussels are considered priority 3. The registration or re-registration application shall be retained for the entire school year. When the person finds a job the application shall be re-examined and a place allocated subject to availability.

PEOPLE WITH A FIXED-TERM CONTRACT

At the time of registration, if the parent having a contractual link with an institution has a fixed-term contract, the place shall be guaranteed for the duration of the contract. Parents are informed that the place shall nevertheless be guaranteed beyond the date of the end of the contract if they can prove that the contract is being extended.

When the contract with the institution comes to an end, the place may be retained only if the other parent has a contractual link with an institution.

In the case where a contract has ended, the child may nevertheless remain an additional three months at the crèche on condition that the additional three months are paid for in advance (by any means, such as bank transfer, etc.).

At the time of registration, in the case of a parent working in the private sector or designated as other staff member, the managing department shall request a copy of the employment contract.

TEACHERS AT THE EUROPEAN SCHOOL

Allowances paid by the European School and the salary received in the country of origin shall be taken into account in the calculation of the contribution.

Local teachers do not have a salary in their country as they are not seconded.

PARENTS SEEKING A JOB

If a parent is a jobseeker, in Luxembourg or abroad, an official certificate confirming that status, stipulating, where applicable, the amount of the monthly unemployment benefit must be provided together with an income certificate, which can be obtained from the *Centre commun d'assurance maladie*.

People registered with ADEM in Luxembourg or Actiris (formerly ONEM) in Brussels are considered priority 3. The registration or re-registration application shall be retained for the entire school year. When the person finds a job the application shall be re-examined and a place allocated subject to availability.

LEAVE MANAGEMENT

The crèche managing department shall deduct 10% each month from the amount of the contribution as compensation for absences owing to leave.

Parents are not required to inform Parliament's administration when their children are absent from the crèche owing to leave, but they must inform the director of the crèche.

Parents are asked to give preference to periods of continuous family leave of at least 15 days.

ANNUAL REVIEW OF PARENTAL CONTRIBUTIONS

As part of the annual verification of overall family income, parents are required to send to the managing department the salary statements for December and January and any document which the managing department considers relevant to the calculation.

The maximum contribution shall be deducted automatically if those documents do not reach the managing department in due time, with no subsequent readjustment.

The contribution shall be adjusted retroactively as at the date of a change in household income.

In the event of a non-notified change in the situation resulting in an increased contribution, the managing department shall recalculate the contribution with retroactive effect.

ARTICLE 6 **Absence of the child**

MISSION

If a child is absent for at least five consecutive working days because parents are on mission, a refund shall be paid after the mission has been completed, at the request of the parent and in accordance with the effective duration specified on the mission order approved by the line manager.

Where two or more children are registered at the crèche, a 25% reduction shall be granted from the second child. In the case of a refund for absence, the refund shall relate to the contribution of the absent child in question. In the case of the first child, the calculation shall therefore be based on 100% of the contribution, but 75% for subsequent children.

PRO RATA

Refunds for sickness or mission shall be paid on a pro rata basis of one day = 1/20th, with public holidays and office closing days subtracted.

Other pro rata calculations shall be made on the basis of the number of calendar days excluding weekends.

In December, the departure pro rata calculations shall be made on the basis of calendar days excluding closing days if the child leaves before the closing day. If the child remains until the last working day, the contribution shall obviously be the monthly fee. There shall be no refund for the Christmas closure period.

ARTICLE 7

Support hours

The crèche is open from 8.00 to 19.00 (18.30 on Fridays).

Parents who repeatedly fail to comply with these timings will be charged for the excess hours.

In the interests of sound management of the activities of the crèche, parents are required to bring their children before 9.00.

ARTICLE 9

Reception and departure of children

PERSONS AUTHORISED TO COLLECT CHILDREN

The full name and telephone number must be provided of persons authorised to pick up children.

In practice, the crèche will require the full name, telephone number and e-mail address upon registration. If an unknown person comes to collect the child, the crèche staff must have been informed in advance by the child's legal guardian.

ARTICLE 10

Medical provisions

Parents who have not been able to obtain from their paediatrician or general practitioner a medical certificate stating that their child is fit to attend the crèche, must make an appointment with the crèche's paediatrician so that the paediatrician can issue the certificate to be submitted at the time of admission.

Parents are informed that, due to the number of children enrolled in the crèches and the risk incurred by contact with other children, children must be vaccinated against the illnesses quoted in the application form. The management service reserves the right to refuse any child who is not vaccinated.

The child's vaccination status will be regularly checked to ensure that the compulsory vaccination scheme, which is annexed to the registration form, has been duly carried out. Parents must provide proof that their child has received the obligatory vaccinations. The EP managing service reserves the right to revoke any granted admission if this rule is not complied with.

ARTICLE 13

Suspension or expulsion

DELIBERATE INFRINGEMENTS

In the event of a failure to comply with the obligations arising under these rules, observe the timetables, inappropriate behaviour on the part of a parent, false declarations or any other action which might disrupt the smooth running of the crèche, the CCPE may take appropriate measures, including withdrawal of the child's place. The child's place may also be withdrawn if the other parent has deliberately failed to comply with the conditions set out in these rules.

If a child is absent frequently and/or for extended periods without good reason over a period of two months, the CCPE, acting on a proposal from Parliament's managing department, may decide to expel the child.

ARTICLE 14

Cancellation of registration

IN THE CASE OF CANCELLATION

If the registration is cancelled before the child enters the crèche, the crèche managing department shall apply a 30-day notice period to the calculation of the contribution.

If a child is to be withdrawn, written notice must be sent one month in advance to Parliament's managing department. The parental contribution shall remain payable for a period of one month from the date of notice. It is the same if the place has been cancelled during the settling-in period.

If notice is given late, the parental contribution shall nevertheless remain payable for one month from the date of the written notice.

If Parliament's managing department receives no written notice by the statutory deadline, the parental contribution shall remain payable for one month after the child's departure.

The notice period may not be covered by a medical certificate.

Following a cancellation, if the parent decides to submit a new application, that application shall be placed at the bottom of the list of applications, taking into account the priorities.

In the event of cancellation prior to the admission of the child, there will be no adaptation period (as the child will not be present) and the full contribution shall be charged.

DEFERRAL OF THE REGISTRATION DATE

Examples: registration to be taken into account as from 1 September

- On 1 August, the parent informs the managing department that the child will not start until 15 September because the child is not yet toilet trained or because the parent does not begin work in the institution until that date. The place is nevertheless retained and the contribution is due only as from 15 September. The managing department accepts the reasons given by the parent.
- If, on the other hand, the deferral is the parent's own choice and the managing department considers that the reason is not linked to an unavoidable imperative, the place will be retained but the contribution will be due for the whole month of September.
- If the deferral is for one month or more, the place will in all cases be offered to another family and the child's application will be placed at the bottom of the list of applications. This shall apply in particular where the place offered is in a private crèche.
- If the child is ill and consequently cannot begin on 1 September, a refund may be considered from the 6th day on presentation of a medical certificate. If the child has a medical certificate for one month, the full month will, of course, be refunded (minus the first five days).
- If the parent wishes to defer the registration by a month, for example, while paying the contribution for that month, the managing department shall reserve the place for the child in question.

ARTICLE 15 Acceptance of the rules

Submission of an application for admission implies that the parents accept these rules.

Signing of the 'Application for admission' form shall be taken to signify knowledge, acceptance and approval of all of the terms and conditions set out in these rules.

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