**Dz.U.2013.1457**

**ACT**

of 4 February 2011

**on care for children under the age of 3**

(consolidated text)

**Chapter 1**

**General provisions**

**Article 1.** This Act defines:

1) the rules of organisation and functioning of the care of children under the age of 3;

2) the conditions of the provided services;

3) the qualifications of persons providing such childcare;

4) the rules of financing such childcare;

5) the supervision of the conditions and the quality of provided childcare.

**Article 2.** 1. The care of children under the age of 3 may be organised in the form of a nursery or a kids club and provided by a daycare provider and by a nanny.

2. The functions of childcare shall include the caring, the upbringing and the educational function.

3. Childcare may be provided until the child completes the school year during which they become three years old or, in the case where the child cannot be enrolled in a kindergarten or such enrolment is hampered, during which they become four years old.

4. In the event where a child who is three years old is placed in a nursery or in a kids club, or they are being minded by a daycare provider, the child's parents shall be obliged to submit a declaration to the childcare provider that the child's kindergarten enrolment is hampered.

**Article 3.** Whenever the term "parents" is used herein, it shall also include legal guardians and other persons in whom the court vests the task of childcare.

**Article 3a.** 1. Parents applying for the enrolment of their child in a nursery or in a kids club or for the services of a daycare provider shall present the following data in the form of a declaration or a certificate:

1) first name, last name, date of birth and PESEL number of the child;

2) first names, last names and PESEL numbers of the child's parents;

3) place of residence of the parents and the child;

4) e-mail address and telephone number of the parents, if available;

5) place of work of the parents or school or university attended by the parents, if the parents work or study;

6) data regarding health, diet and psychological and physical development of the child;

7) data regarding the amount of the parents' income, if the parents apply for a partial or full release from the fees, if such release depends on the income.

2. The entity managing a nursery or a kids club and the entity employing the daycare provider may process the data referred to in Paragraph 1 above solely for recruitment purposes, to the extent that they provide appropriate care to the child and with a view to provide such care.

**Article 4.** Persons providing care of children under the age of 3 in accordance with this Act shall be subject to mandatory sanitary epidemic examinations pursuant to the Act of 5 December 2008 on preventing and combating human infections and infectious diseases (Dz.U. of 2013, item 947).

**Article 5.** The minister competent for family matters:

1) shall monitor the process of implementation of this Act;

2) shall disseminate information about the forms of care of children under the age of 3;

3) shall initiate the research, experts' opinions and analyses concerning the system of care of children under the age of 3.

4) (repealed).

**Article 6.** Each year, by 30 September, the Council of Ministers shall submit a report on the implementation of this Act to the Sejm and the Senate.

**Chapter 2**

**Nurseries and kids clubs**

**Article 7.** 1. Childcare in nurseries shall be provided for children over 20 weeks old.

2. Childcare in kids clubs shall be provided for children over one year old.

**Article 8.** 1. Nurseries and kids clubs may be established and managed by:

1) gminas;

2) individuals;

3) corporations and organisational units without legal personality.

2. Gminas shall establish nurseries and kids clubs in the form of gmina budgetary units.

3. A nursery or a kids club shall mean each organisational unit which, regardless of its name, performs the tasks listed in Article 10.

**Article 9.** 1. For organisational purposes, the entities referred to in Article 8(1), who manage nurseries or kids clubs, may combine them to form a complex and specify the rules of operation of such complex. Such a combination shall not prejudice separate registration of nurseries or kids clubs. The provisions of Article 11 shall apply accordingly.

2. The head of the complex shall be the head of the nursery or the manager of the kids club.

3. The head of a complex of nurseries or kids clubs may be a person having at least one year's experience in managing a nursery or a kids club.

4. Gminas shall establish complexes of nurseries or kids clubs in the form of gmina budgetary units.

**Article 9a.** 1. The entities referred to in Article 8(1) may organise joint administrative, financial and organisational management of nurseries, kids clubs or the complexes thereof.

2. The management referred to in Paragraph 1 above may be also performed by the entities referred to in Article 5(9) of the Act of 7 September 1991 on the education system (Dz.U. of 2004, No. 256, item 2572, as amended).

**Article 10.** The tasks of a nursery and the kids club shall include in particular:

1) ensuring that the child is taken care of under the living conditions that are similar to those at home;

2) guaranteeing appropriate care and education through play-as-you-learn activities, taking individual needs of the child into account;

3) organising upbringing and educational activities, taking the child's psychomotor development into account and adjusted to the age of the child.

**Article 11.** 1. Nurseries and kids clubs shall operate on the basis of the statutes.

2. The entity establishing a nursery or a kids club shall draw up the statutes thereof, indicating in particular:

1) its name and place of operation;

2) its objectives and tasks and the method of their implementation, taking into account the support for individual development of the child and for the family in the upbringing of the child, and in the case of children with disabilities, taking into account the type of disability;

3) the conditions for accepting children;

4) the rules of determination of the fees for the childcare and catering in the case where the child is absent from the nursery or kids club.

**Article 12.** 1. The working hours of a nursery or a kids club shall be determined in the organisational rules referred to in Article 21, taking the parents' opinion into account.

2. A nursery shall provide childcare of up to ten hours a day per child.

3. In particularly justified cases, daily childcare in nurseries may be extended upon the parent's request for additional fee.

4. A kids club shall provide childcare of up to five hours a day per child.

**Article 13.** 1. A nursery shall be managed by the head of the nursery.

2. The head of the nursery may be a person with:

1) higher education and at least three years' experience in working with children; or

2) at least high school education and five years' experience in working with children.

**Article 14.** The person managing the kids club may be a person having the qualifications referred to in Article 16.

**Article 15.** 1. The number of staff employed in a nursery or in a kids club shall be adjusted to the number of children attending such nursery or kids club.

2. A single care provider may take care of:

1) in a nursery: no more than eight children, and should there be a disabled child, a child with special needs or a child aged under one year in the group, no more than five children;

2) in a kids club: no more than eight children, and should there be a disabled child or a child with special needs in the group, no more than five children.

3. A nursery attended by more than twenty children shall employ at least one nurse or midwife.

**Article 16.** 1. The care provider in a nursery or kids club may be a person qualified as a nurse, midwife, childminder, kindergarten teacher, reception teacher or school counsellor.

2. The care provider in a nursery or kids club may be also a person with at least high school education and:

1) at least two years' experience in working with children under the age of 3; or

2) before their employment as a care provider in a nursery or kids club, completed 280 hours of training, of which at least 80 hours in the form of practical activities consisting in providing childcare while being supervised by the care provider referred to in Paragraph 1.

3. If the person referred to in Paragraph 2(1) had not worked with children under the age of 3 for the period of at least six months directly before their employment as a care provider, they shall be obliged to complete 80 hours of training in order to update and supplement their knowledge and skills during the six months following their start of work as such care provider.

**Article 17.** 1. Childcare in a nursery or kids club may be provided with the assistance of volunteers.

2. Before they start working in a nursery or kids club, volunteers shall be obliged to complete 40 hours of training.

3. If a volunteer has the qualifications referred to in Article 16, the provisions of Paragraph 2 above shall not apply.

**Article 18.** The head of a nursery, the manager of a kids club and the person referred to in Article 8(1)(2), the care provider, the nurse, the midwife and the volunteer in a nursery or kids club may be a person who:

1) guarantees appropriate childcare;

2) is not and has never been deprived of parental responsibility and whose parental responsibility has not been suspended or limited;

3) pays child support if such an obligation has been imposed on the basis of a writ of execution issued or approved by a court;

4) has not been sentenced for intentional crime by way of a final judgment.

**Article 19.** Care providers working in a nursery or kids club shall cooperate with the parents of the children attending such nursery or kids club, in particular through consultations and advisory services provided for parents with regard to work with children.

**Article 20.** Parents of children attending the kids club may be present during the activities in that kids club.

**Article 21.** 1. Internal organisation of a nursery or kids club shall be regulated by organisational rules determined by the head of the nursery or the manager of the kids club.

2. The head of the nursery or the manager of the kids club shall be responsible for the compliance with the rules.

**Article 22.** Nurseries shall provide catering for the children.

**Article 23.** Parents shall be obliged to pay the fees for the childcare and catering at the nursery or kids club.

**Article 24.** 1. The premises where:

1) a nursery is established and managed shall have at least two rooms, one of which being adjusted to provide a place for the children to rest;

2) a kids club is established and managed shall have at least one room.

2. Nurseries and kids clubs shall ensure hygienic conditions for the children to have their meals.

3. Kids clubs shall ensure a place for the children to rest.

**Article 25.** 1. Nurseries and kids clubs may be managed in the premises that meet the spatial and sanitary requirements provided for in the regulations issued on the basis of Paragraph 3.

2. The fact that the requirements referred to in Paragraph 1 above have been met shall be confirmed by a positive opinion of the poviat (municipal) state fire chief and by a positive opinion of the competent state sanitary inspector.

3. The minister competent for family matters, in consultation with the minister competent for health, shall determine, by way of an ordinance, the spatial and sanitary requirements to be met by the premises where a nursery or a kids club shall be managed, taking into account the need to ensure appropriate quality of the childcare and fire protection measures and the number of children covered by such childcare.

**Chapter 3**

**Register of nurseries and kids clubs**

**Article 26.** Management of a nursery or a kids club is considered a regulated activity within the meaning of the Act of 2 July 2004 on freedom of economic activity (Dz.U. of 2013, item 672, as amended) and requires entering such nursery or kids club into the register of nurseries and kids clubs, hereinafter referred to as the "register".

**Article 27.** 1. The register shall be kept by the vogt, mayor or president of the city competent for the location of the nursery or the kids club.

2. The register shall be open and it shall be published in the Public Information Bulletin of the gmina that keeps the register.

2a. The vogt, mayor or president of the city shall publish the register through the telecommunications and IT system referred to in Article 64(2).

3. The register shall include:

1) the name or the first name and last name and the seat or place of residence of the entity managing the nursery or the kids club;

2) the NIP (Tax Identification Number) and REGON (Statistical Identification Number) of the entity managing the nursery or the kids club;

3) the address of the nursery or kids club;

4) the number of places in the nursery or the kids club.

4. The address of the individual managing the nursery or the kids club shall not be disclosed in the Public Information Bulletin if it differs from the address of the nursery or the kids club managed by such individual.

**Article 28.** 1. The vogt, mayor or president of the city shall register the nursery or the kids club on the basis of a written application for registration, submitted by the entity planning to manage a nursery or a kids club. Such application shall include:

1) in the case of a corporation or organisational unit without legal personality: the number or index identifying such entity in the appropriate public register, confirming the status of the entity;

2) the NIP and REGON, if such numbers have been attributed to the applicant;

3) the declaration that the spatial requirements have been met;

4) in the case of individuals: the declaration of lack of intentional crime record;

5) the declaration of holding a legal title to the premises where the nursery or the kids club shall be organised;

6) in the case of individuals: their PESEL (Personal Identification Number).

2. (repealed).

3. Together with the application referred to in Paragraph 1, the entity shall produce an appropriate declaration to confirm the payment of the fee referred to in Article 33.

4. In order to verify the conformity of the data referred to in Paragraph 1 above, the vogt, mayor or president of the city may request a copy from the appropriate register, a document confirming the applicant's identity, a certificate of lack of criminal record or a document confirming the legal title to the premises where the nursery or the kids club shall be organised.

**Article 29.** (repealed).

**Article 30.** 1. The vogt, mayor or president of the city shall issue a certificate that the entity has been registered.

2. Such certificate shall include the following data:

1) the name of the authority making the entry;

2) the date and number of entry into the register;

3) the organisational form of childcare and its name;

4) the name or the first name and last name of the entity managing the nursery or the kids club;

5) the address of the nursery or the kids club.

**Article 31.** The vogt, mayor or president of the city shall refuse to register the entity if:

1) such entity fails to meet the requirements to establish and manage the nursery or the kids club;

2) a final decision has been issued prohibiting the entrepreneur to pursue business activity to which the entry refers.

**Article 32.** An entry may be deleted from the register if:

1) the registered entity applies for deletion;

2) the entity fails to eliminate the irregularities relating to the management of a nursery or a kids club within a specific deadline;

3) the application and the documents attached thereto, referred to in Article 28, contain information that does not correspond to the actual state.

**Article 33.** 1. Entry into the register shall be made for a fee which forms own income of the gmina.

2. The amount of the fee shall be agreed by the gmina council by way of a resolution.

3. The amount of the fee cannot exceed 50% of the minimum salary determined in accordance with the regulations relating to the minimum salary.

4. All amendments of the entry and deletion from the register shall be made free of charge.

5. The gmina shall be released from the registration fee.

**Article 34.** Rejection to make an entry into the register and to delete it shall be communicated by way of an administrative decision.

**Article 35.** 1. The registered entity shall be obliged to inform the authority keeping the register about any change of data contained in the application or in the documents referred to in Article 28 within 14 days after the occurrence of such changes.

2. After the receipt of the information referred to in Paragraph 1 above, the authority keeping the register shall amend the register and issue the certificate referred to in Article 30, including such amendments, to the registered entity.

**Article 35a.** 1. The minister competent for family matters shall specify, by way of an ordinance, the templates of electronic applications for the entry, amendment and deletion from the register of nurseries and kids clubs, taking into account the need to consolidate the form of the submitted applications, to facilitate their transfer and to streamline the procedure.

2. The minister competent for family matters shall place the templates referred to in Paragraph 1 above in the central repository of templates of electronic documents referred to in the Act of 17 February 2005 on the digitisation of operations of entities performing public tasks (Dz.U. of 2013, item 235).

**Chapter 4**

**Daycare providers**

**Article 36.** 1. A daycare provider shall mean an individual employed by the entities referred to in Article 8(1)(1) and (3) on the basis of service level agreement, to which, in accordance with the Civil code, the regulations relating to mandates shall apply.

2. Daycare providers shall provide childcare for children over 20 weeks old.

3. The agreement referred to in Paragraph 1 shall specify in particular:

1) the parties thereto;

2) the objective and the subject matter of the agreement;

3) the time and place of provided childcare;

4) the number of children taken care of;

5) the obligations of the daycare provider;

6) the amount of remuneration and the method and deadline of its payment;

7) the duration of the agreement;

8) the conditions for and manner of amending and terminating the agreement.

**Article 37.** The tasks of a daycare provider shall include in particular:

1) ensuring that the child is taken care of under the living conditions that are similar to those at home;

2) guaranteeing appropriate care and education, taking individual needs of the child into account;

3) organising upbringing and educational activities, taking the child's psychomotor development into account and adjusted to the age of the child.

**Article 38.** 1. A daycare provider shall take care of no more than five children, and should there be a child aged under one year, a disabled child or a child with special needs in the group, no more than three children.

2. Daycare providers may provide childcare with the assistance of volunteers.

**Article 39.** 1. The daycare provider may be a person who:

1) guarantees appropriate childcare;

2) is not and has never been deprived of parental responsibility and whose parental responsibility has not been suspended or limited;

3) pays child support if such an obligation has been imposed on the basis of a writ of execution issued or approved by a court;

4) has not been sentenced for intentional crime by way of a final judgment;

5) has the premises which ensure safe provision of childcare services;

6) has completed:

a) 160 hours of training, or

b) 40 hours of supplementary training, including first-aid for children, if they have the qualifications referred to in Article 16(1).

2. Persons who had worked with children under the age of 3 for the period of at least twelve months directly before their employment as daycare providers shall not be obliged to complete training.

3. For the purposes of verification whether the candidate for a daycare provider employed by the gmina meets the requirements referred to in Paragraph 1, the head of social assistance centre may carry out a background check of the candidate. The background check shall be carried out upon the request of the vogt, mayor or president of the city.

4. Verification whether the candidate for a daycare provider employed by the entities referred to in Article 8(1)(3) meets the requirements referred to in Paragraph 1 shall be carried out by those entities.

**Article 40.** Daycare providers working with children shall cooperate with their parents, in particular through:

1) using the parents' help in taking care of children during the activities;

2) providing consultations and advisory services to parents with regard to work with children.

**Article 41.** 1. Daycare providers shall be subject to mandatory third party liability insurance for the damages caused during the provision of childcare services.

2. The entity employing a daycare provider shall be obliged to execute a third party liability insurance contract for the daycare provider and to pay and finance the premiums for such insurance.

3. The vogt, mayor or president of the city shall execute the contract referred to in Paragraph 2 above on conditions specified in the Act of 29 January 2004 – Public Procurement Law (Dz.U. of 2013, items 907, 984 and 1047).

**Article 42.** 1. Daycare providers shall provide childcare services in the premises to which they hold a legal title.

2. The entity employing a daycare provider may offer or equip the premises for the purposes of the provision of childcare services by the daycare provider.

**Article 43.** The maximum amount of remuneration of the daycare provider employed by the gmina and the rules of its determination shall be specified by the gmina council by way of a resolution.

**Article 44**. Parents shall be obliged to pay the fees for the childcare and catering at the daycare provider's premises.

**Article 45.** The vogt, mayor or president of the city shall select daycare providers in an open tender carried out on conditions specified in the Act of 24 April 2003 on public benefit activities and voluntary work (Dz.U. of 2010, No. 234, item 1536, as amended).

**Article 46.** 1. The vogt, mayor or president of the city shall keep a list of daycare providers.

2. The list shall include the first names and last names of the daycare providers referred to in Paragraph 1 above.

3. The list shall be open and it shall be published in the Public Information Bulletin of the gmina that keeps the list.

4. The vogt, mayor or president of the city shall publish the list of daycare providers through the telecommunications and IT system referred to in Article 64(2).

**Article 46a.** The entity employing a daycare provider shall be obliged to report daycare providers to be included in the list of daycare providers referred to in Article 46(1).

**Article 47.** In the event of a termination or expiration of the agreement with a daycare provider, such daycare provider shall be deleted from the list.

**Chapter 5**

**Training**

**Article 48.** 1. The plans of trainings referred to in Article 16(2)(2) and Article 16(3), Article 17(2) and Article 39(1)(6) shall be approved by the minister competent for family matters for the period of five years upon the request of the entity organising the training.

2. The training plans shall be approved or denied approval by way of an administrative decision.

3. The list of the training plans referred to in Paragraph 1 above shall be published in the Public Information Bulletin.

**Article 49.** The minister competent for family matters shall specify, by way of an ordinance, the scope of training plans, taking into account the specific nature of the caring, the upbringing and the educational tasks of the nursery, kids club and daycare provider, considering the need to ensure appropriate performance of such tasks.

**Chapter 6**

**Nannies**

**Article 50.** 1. A nanny shall mean an individual providing childcare on the basis of a service level agreement to which, in accordance with the Civil Code, the regulations relating to the mandate shall apply, hereinafter referred to as the "activation contract".

2. Nannies shall provide childcare for children over 20 weeks old.

3. The activation contract shall be executed in writing between the nanny and the parents or single parent.

4. The activation contract shall specify in particular:

1) the parties thereto;

2) the objective and the subject matter of the agreement;

3) the time and place of provided childcare;

4) the number of children taken care of;

5) the obligations of the nanny;

6) the amount of remuneration and the method and deadline of its payment;

7) the duration of the agreement;

8) the conditions for and manner of amending and terminating the agreement.

5. A single parent shall mean a parent being a maiden, bachelor, widow, widower, divorcee or a separated parent within the meaning of separate regulations, as well as a parent who is married, if their spouse has been deprived of parental responsibility or is serving time.

**Article 51.** 1. Nanny's contributions for pension, disability and accident insurance, as well as for health insurance, shall be paid by:

1) the Social Insurance Institution: on the basis equal to the amount not exceeding the amount of the minimum salary determined in accordance with the regulations relating to minimum salary;

2) the parent (remitter): on the basis equal to the amount of surplus over the amount of the minimum salary;

- on conditions specified in the regulations relating to the social insurance system and to health care services financed from public funds.

2. In the case of nannies who voluntarily accessed the sickness insurance scheme, contributions in this respect shall be paid by the parent on conditions applicable to contractors, specified in the regulations relating to the social insurance system.

3. The Social Insurance Institution shall pay the contributions if all of the following conditions are met:

1) the nanny has been notified by the parent to social insurance and health insurance schemes;

2) the parents or the single parent are employed, provide services on the basis of a civil law contract which forms the basis for social insurance, pursue non-agricultural activity or agricultural activity;

3) the child has not been enrolled in a nursery, kids club and they have not been taken care of by a daycare provider.

4. If the parents or the single parent become unemployed, cease to provide the services or to pursue the activity referred to in paragraph 3(2), the contributions shall be paid for three months following the date when such circumstances have occurred.

5. The Social Insurance Institution shall not pay the contributions if:

1) the parent benefits from the relief, based on the activation contract, referred to in Article 61c(1) of the Act of 20 April 2004 on employment promotion and labour market institutions, in the version effective before 26 October 2007, together with an unemployed person in order to perform paid work in the household; or

2) the activation contract has been executed between the nanny and the persons acting as professional foster parents; or

3) the parent is subject to pension and disability insurance in accordance with Article 6(1)(19) of the Act of 13 October 1998 on the social insurance system (Dz.U. of 2013, item 1442).

**Article 52.** The parent (remitter) shall be obliged to immediately inform the Social Insurance Institution about each change that may affect the payment of contributions, in particular about termination or expiration of the activation contract.

**Article 53.** 1. The Social Insurance Institution shall provide information about the number of nannies reported for social insurance or for health insurance in respective months and about the expenditures incurred in this respect to the minister competent for family matters.

2. The Social Insurance Institution shall submit the information referred to in Paragraph 1 above:

1) by 25 February for the period from 1 July to 31 December;

2) by 25 August for the period from 1 January to 30 June.

**Chapter 7**

**Supervision of nurseries, kids clubs and daycare providers**

**Article 54.** The vogt, mayor or president of the city competent for the location of the nursery or kids club or for the place where the daycare provider offers childcare shall supervise such nursery, kids club or daycare provider in terms of the conditions and the quality of the provided childcare services.

**Article 55.** 1. Supervision shall be based on the supervision plan adopted by the gmina council by way of a resolution.

2. In the case of any information about irregularities in the organisation and functioning of the nursery, the kids club or the childcare services provided by a daycare provider, the vogt, mayor or president of the city shall carry out supervisory activities also beyond the scope of supervision referred to in Paragraph 1.

**Article 56.** 1. Supervisory activities shall be carried out by persons authorised by the vogt, mayor or president of the city, hereinafter referred to as the "authorised persons".

2. The authorised persons shall be entitled in particular:

1) to enter the real property, facility, premises or a part thereof on the days and at the times when the activity is, or should be, carried out;

2) to request verbal or written clarifications, presentation of documents or other information carriers and provision of access to data related to the supervised entity;

3) to obtain access to human resources documentation of the persons employed in the supervised nurseries or kids clubs.

**Article 57.** 1. In the event where the supervisory body ascertains that the entity managing the nursery or the kids club, or the daycare provider, fails to meet childcare standards, the supervisory body shall oblige such entity to eliminate the revealed irregularities within a specific deadline.

2. The entity managing the nursery or the kids club, or the daycare provider, shall be entitled to submit their substantiated objections to the findings of the supervisory body, in writing, within seven days following the date of receipt of the information about the revealed irregularities.

3. Should such objections be dismissed in whole or in part, the supervisory body shall prepare its opinion in writing and submit it to the entity managing the nursery or the kids club, or to the daycare provider.

4. In order to examine whether and to what extent follow-up recommendations are being implemented, the supervisory body may carry out audit activities.

5. In the event of failure to eliminate the irregularities within the specified deadline, the vogt, mayor or president of the city shall delete the nursery or kids club from the register or terminate the agreement with the daycare provider without notice.

**Chapter 8**

**Financing and ordering tasks related to childcare**

**Article 58.** 1. The amount of the fee and the fees referred to in Article 12(3) due to the childcare in a nursery or in a kids club established by the gmina, or at the premises of a daycare provider employed by the gmina, as well as the maximum amount of the catering fee, shall be determined by the gmina council by way of resolution.

2. In the event where a nursery or kids club is established by the entities referred to in Article 8(1)(2) and (3), the amount of fees shall be determined by the entity establishing such nursery or kids club.

3. In the event where a daycare provider is employed by the entities referred to in Article 8(1)(3), the amount of fees shall be determined by the entity employing such daycare provider.

**Article 59.** 1. The fees referred to in Article 58(1), paid by the parents for the nursery and kids club established by the gmina and for the services of the daycare provider, shall be paid to the gmina.

2. The gmina council may determine the conditions for partial or full release from fees, by way of resolution.

**Article 60.** 1. The entities referred to in Article 8(1), who manage a nursery or a kids club or who employ daycare providers, may receive an earmarked grant from the gmina budget for each child in the nursery or kids club or taken care of by the daycare provider.

2. The amount and the rules of determination and settlement of the earmarked grant referred to in Paragraph 1 above shall be specified by the gmina by way of resolution.

**Article 61.** 1. The vogt, mayor or president of the city may order organisation of childcare in the form of a nursery or kids club, or provided by daycare providers, to the entities referred to in Article 8(1).

2. To the selection of entities to organise the childcare referred to in Paragraph 1, the appropriate provisions of the Act of 24 April 2003 on public benefit activities and voluntary work shall apply.

**Article 62.** 1. The minister competent for family matters shall prepare ministerial and governmental programmes of the development of the institutions responsible for the care of children under the age of 3 and provide financial support in this respect. The programmes shall be developed and implemented in cooperation with the voivod.

2. The programmes referred to in Paragraph 1 above shall specify the procedure and criteria of selection of entities using such programmes, including in particular:

1) the quality or scope of the offered services;

2) the demand for the services provided by those entities;

3) the minimum period of functioning of institutions or childcare centres co-financed from state budget grants.

3. The programmes referred to in Paragraph 1 above may be addressed to the entities referred to in Article 8(1).

4. The entities referred to in Article 8(1), using the programmes referred to in Paragraph 1 above, may receive earmarked grants from the state budget for the co-financing of the establishment or functioning of nurseries, kids clubs or daycare providers, whereas the amount of the grant cannot exceed 80% of the costs of implementation of the task.

5. The grants referred to in Paragraph 4 above shall be extended by the voivod after consultations with the minister competent for family matters.

6. When extending the grant referred to in Paragraph 4 above to an entity, the voivod executes an agreement with that entity, which defines in particular:

1) a detailed description of the task, including the purpose of the grant and the deadline for its completion;

2) the amount of the extended grant;

3) the payment procedure;

4) the deadline for the disbursement of the grant, no longer than until 31 December of a given budgetary year;

5) the deadline and the method of settlement of the extended grant, including the rules of settlement of the grant in the case of shortened period of the functioning of the institution or places where childcare services are provided, co-financed from the grant referred to in Paragraph 2(3);

6) the deadline for the return of the undisbursed part of the grant, no longer than 15 days following the date of completion of the task specified in the agreement;

7) the procedure for the completion of the task; the agreement may include the provision stating that the control shall be carried out on conditions and in accordance with the procedure specified in the regulations relating to government administration control;

8) the conditions and the method of amending and terminating the agreement, including the rules of return of the grant in the case of shortened period of the functioning of the institution or places where childcare services are provided, co-financed from the grant referred to in Paragraph 2(3).

**Article 63.** 1. The gmina may receive earmarked grants from the state budget for the co-financing of own tasks relating to the organisation of the care of children under the age of 3 on conditions specified in the regulations relating to public finance.

2. (repealed).

**Article 64.** 1. The gmina shall be obliged to draw up material and financial reports on care for children under the age of 3 and to submit such reports in electronic form to the competent voivod.

2. The telecommunications and IT systems used in public administration offices which carry out the tasks falling within the scope of this Act shall form integral part of the telecommunications and IT systems used for the delivery of family benefits, specified in the Act of 28 November 2003 on family benefits (Dz.U. of 2013, item 1456).

3. The minister competent for family matters shall determine, by way of ordinance, the template, the deadlines and the manner of preparation of material and financial reports on the implementation of tasks relating to the care of children under the age of 3, considering the need to consolidate the information provided by the entities implementing the Act.

**Article 64a.** 1. The gmina shall be obliged to provide the data from the register and the list of daycare providers to the minister competent for family matters through the telecommunications and IT system referred to in Article 64(2).

2. The minister competent for family matters shall publish the data referred to in Paragraph 1 above on the ministry's websites.

**Chapter 9**

**Amendments to the existing regulations**

**Article 65.** The Act of 26 July 1991 on personal income tax (Dz.U. of 2010 No. 51, item 307, as amended) shall be amended as follows: (amendments omitted).

**Article 66.** The Act of 30 August 1991 on health care centres (Dz.U. of 2007 No. 14, item 89, as amended) shall be amended as follows: (amendments omitted).

**Article 67.** The Act of 4 March 1994 on the company social benefits fund (Dz.U. of 1996 No. 70, item 335, as amended) shall be amended as follows: (amendments omitted).

**Article 68.** The Annex to the Act of 7 July 1994 – Construction Law (Dz.U. of 2010 No. 243, item 1623 and of 2011 No. 32, item 159) shall be amended as follows:

1) in the table, in the category of structures, Category IX shall read as follows:

"Category IX – cultural, scientific and educational buildings, such as theatres, opera houses, cinemas, museums, art galleries, libraries, archives, cultural centres, school and kindergarten buildings, nurseries, kids clubs, boarding houses, dormitories and students' hostels, laboratories and research centres, meteorological and hydrological stations, observatories, zoological and botanical garden buildings";

2) in the table, in the category of structures, Category XI shall read as follows:

"Category XI – health care, social assistance and social aid buildings, such as hospitals, sanatoria, hospices, outpatient clinics, dispensaries, blood donor centres, veterinary clinics, social assistance and social aid centres, orphanages, nursing homes, asylums and hostels".

**Article 69.** The Act of 5 July 1996 on the occupation of nurses and midwives (Dz.U. of 2009 No. 151, item 1217 and No. 219, item 1706 and of 2010 No. 238, item 1578) shall be amended as follows:(amendments omitted).

**Article 70.** The Act of 13 October 1998 on the social insurance system (Dz.U. of 2009 No. 205, item 1585, as amended) shall be amended as follows:(amendments omitted).

**Article 71.** The Act of 30 October 2002 on social insurance against accidents at work and occupational diseases (Dz.U. of 2009 No. 167, item 1322 and of 2010 No. 257, item 1725) shall be amended as follows:(amendments omitted).

**Article 72.** Article 104(1) of the Act of 20 April 2004 on employment promotion and labour market institutions (Dz.U. of 2008 No. 69, item 415, as amended) shall be amended as follows:

1) Subparagraph 1(c) shall read:

"c) who work on the basis of an agency contract or a contract of mandate, or other service level agreement, to which, in accordance with the Act of 23 April 1964 – Civil Code, regulations relating to mandate apply, and for the persons cooperating with them, excluding persons working on the basis of the activation contract referred to in the Act of 4 February 2011 on care for children under the age of 3 (Dz.U. No. 45, item 235),";

2) in Subparagraph 3(h), the full stop shall be replaced with a comma and the following letter (i) shall be inserted:

"i) persons working on the basis of the activation contract referred to in the Act of 4 February 2011 on care for children under the age of 3."

**Article 73.** The Act of 27 August 2004 on health care services financed from public funds (Dz.U. of 2008 No. 164, item 1027, as amended) shall be amended as follows: (amendments omitted).

**Article 74**. In Article 157 of the Act of 27 July 2005 – Higher Education Law (Dz.U. No. 164, item 1365, as amended), after Paragraph 4 the following Paragraphs 4a and 4b shall be inserted:

"4a. Company nurseries and kids clubs may be attended by the children of BA. MA and PhD students.

4b. The fees referred to in Article 58(2) of the Act of 4 February 2011 on care for children under the age of 3 (Dz.U. No. 45, item 235) shall increase the company social benefits fund."

**Chapter 10**

**Transitional provisions**

**Article 75.** 1. The nurseries operating under the Act referred to in Article 66 shall become nurseries within the meaning of this Act as of the date of its entry into force.

2. The entities pursuing economic activity consisting in childcare until the date of entry into force of this Act may continue this activity on the basis of the regulations effective to date, yet no longer than for the period of three years from the date of entry into force of this Act.

3. After the expiry of the deadline referred to in Paragraph 2, the entities pursuing economic activity consisting in childcare until the date of entry into force of this Act may manage a nursery or a kids club, provided they meet the requirements specified herein.

**Article 76.** 1. Nursery employees acting on the basis of the regulations effective to date shall become nursery employees by law within the meaning of this Act. The provisions of Article 231 of the Act of 26 June 1974 – Labour Code (Dz.U. of 1998 No. 21, item 94, as amended) shall apply.

2. To nursery employees who, until the date of entry into force of this Act, have been employed at:

1) public health care centres, the regulations relating to self-government employees shall apply;

2) non-public health care centres, the provisions of the Labour Code shall apply.

3. Persons employed at nurseries, in charge of childcare, acting on the basis of the regulations effective to date, shall not be obliged to complete the training referred to herein.

4. Persons employed at nurseries, in charge of childcare, acting on the basis of the regulations effective to date, who do not have high school education and who are employed as of the date of entry into force of this Act, shall be obliged to complete high school education within three years following the date of entry into force of this Act.

**Article 77.** Nurses and midwives employed at nurseries as of the date of entry into force of this Act, acting on the basis of the regulations effective to date, and in charge of childcare within the meaning of this Act, shall retain their nurse or midwife licence throughout their employment period, yet for no longer than for 15 years.

**Article 78.** During 12 months following the date of publication of this Act, remitters obliged to deliver the documents referred to in Article 47a(1) of the Act listed in Article 70 for persons working on the basis of the activation contracts, shall be obliged to deliver those documents in the form of a written document drawn up according to the specific template.

**Chapter 11**

**Final provision**

**Article 79.** This Act shall enter into force one month after its publication, excluding:

1) Article 6, which shall enter into force on 1 January 2013;

2) Articles 50 through 53 and 70 through 73, which shall enter into force on the first day of the month following after the end of the six-month period from the date of its publication;

3) Articles 62 and 63, which shall enter into force on the date of its publication; and

4) Article 64(2), which shall enter into force after the end of the twelve-month period following the entry into force of this Act.