Child Care (Pre-School Services) (No 2) Regulations 2006 and Child Care (Pre-School Services) (No 2) (Amendment) Regulations 2006

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S.I. No 604 of 2006 Child Care (Pre-School Services) (No 2) Regulations, 2006 and
S.I. No. 643 of 2006 Child Care (Pre-School Services) (No 2) (Amendment)
Regulations 2006

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S.I. No. 604 of 2006

CHILD CARE (PRE-SCHOOL SERVICES) (No 2) REGULATIONS 2006

I, BRIAN LENIHAN, Minister of State at the Department of Health and Children, in the exercise of the powers conferred on me by Sections 50 and 68 of the Child Care Act 1991, (No. 17 of 1991) as adapted by the Health (Alteration of Name of Department and Title of Minister) Order (S.I. No. 308 of 1997) and the Health and Children (Delegation of Ministerial Functions) Order 2004 (S.I. No. 842 of 2004) and after consultation with the Minister for Education and Science and the Minister for the Environment, Heritage and Local Government hereby make the following Regulations:-

PART 1

CITATION

1. These Regulations may be cited as the Child Care (Pre-School Services) (No 2) Regulations 2006.

COMMENCEMENT

2. (1) These Regulations (other than Regulation 3(2)) come into operation on 3 September 2007.

(2) Regulation 3(2) comes into operation on the 7 December 2007.

REVOCATION

3. (1) The Child Care (Pre-School Services) Regulations 1996 (S.I. No. 398 of 1996) and the Child Care (Pre-School Services) (Amendment) Regulations 1997 (S.I. No. 268 of 1997) are revoked.

(2) The Child Care (Pre-School Services) Regulations 2006 (S.I. No. 505 of 2006) are revoked.

INTERPRETATION

4. In these Regulations –

"Act" means the Child Care Act 1991;

“authorised person” means a person appointed under Section 54 of the Act to be an authorised person for the purposes of Part VII of the Act;

“childminding service” means a pre-school service, which may include an overnight service, offered by a person who single-handedly takes care of pre-school children, including the childminder’s own children, in the childminder’s home for a total of more than 2 hours per day, except where the exemptions provided in Section 58 of the Child Care Act 1991 apply;

“childminder” is a person who provides a childminding service as defined in these Regulations;

“Full day care service” means a pre-school service offering a structured day care service for pre-school children for more than 5 hours per day; and which may include a sessional pre-school service for pre-school children not attending the full day care service;

“Health Service Executive” means the Health Service Executive established by Section 6 of the Health Act 2004 (S.I. no. 42 of 2004);

“overnight pre-school service” means a service in which pre-school children are taken care of for a total of more than 2 hours between the hours of 7pm and 6am except where the exemptions provided in Section 58 of the Child Care Act 1991 apply;

“part-time day care service” means a pre-school service offering a structured day care service for pre-school children for a total of more than 3.5 hours and less than 5 hours per day; and which may include a sessional pre-school service for pre-school children not attending the part-time day care service;

"premises" means a premises, building or part of a building, and any out-offices, yard, garden or land appurtenant thereto or usually enjoyed therewith in which a pre-school service is being or is proposed to be carried on;

"pre-school service in a drop-in centre" means a pre-school service offering day care which is used exclusively on an intermittent basis;

“pre-school service in a temporary drop-in centre” means a pre-school service offering day care exclusively on a temporary basis;

“record" means any record kept or retained in pursuance of these Regulations including any book, card, form, tape, film, note or any record in permanent form including a record that is not in a legible form but which is capable of being reproduced in a legible form;

"sessional pre-school service" means a pre-school service offering a planned programme to pre-school children for a total of not more than 3.5 hours per session.

PART II

HEALTH, WELFARE AND DEVELOPMENT OF THE CHILD

5. A person carrying on a pre-school service shall ensure that each child's learning, development and well-being is facilitated within the daily life of the service through the provision of the appropriate opportunities, experiences, activities, interaction, materials and equipment, having regard to the age and stage of development of the child and the child's cultural context.

FIRST AID

6. There shall be a suitably equipped first-aid box for children in the premises**.**

MEDICAL ASSISTANCE

7. A person carrying on a pre-school service shall ensure that -
(a) adequate arrangements are in place to summon medical assistance promptly in an emergency, and
(b) a protocol is in place for the administration of medication.

MANAGEMENT AND STAFFING

8. (1) A person carrying on a pre-school service shall ensure that –

(a) a sufficient number of suitable and competent adults are working directly with the pre-school children in the pre-school service at all times,

(b) the service has a designated person in charge and a named person who is able to deputise as required, and

(c) at all times during the period when the pre-school service is being carried on, the designated person in charge or the named person referred to in paragraph 1(b) is on the premises.

(2) A person carrying on a pre-school service shall ensure appropriate vetting of all staff, students and volunteers who have access to a child –

(a) by reference to past employer references in particular the most recent employer reference, in respect of all staff , and

(b) by reference to references from reputable sources, in respect of all students and volunteers, and

(c) by acquiring Garda vetting from An Garda Síochána when An Garda Síochána have set down procedures to make such vetting available, and

(d) in circumstances where Garda vetting is not available for staff, students and volunteers who have lived outside the jurisdiction, by ensuring that these persons provide the necessary police vetting from other police authorities.

(3) Such vetting procedures shall be carried out prior to any person being appointed or assigned or being allowed access to a child in the pre-school service.

BEHAVIOUR MANAGEMENT

9.(1) A person carrying on a pre-school service shall ensure that no corporal punishment is inflicted on a pre-school child attending the service**.**

(2) A person carrying on a pre-school service shall ensure that no practices that are disrespectful, degrading, exploitive, intimidating, emotionally or physically harmful or neglectful are carried out in respect of any child.

(3) A person carrying on a pre-school service shall ensure that written policies and procedures are in place to deal with and to manage a child's challenging behaviour and to assist the child to manage his or her behaviour as appropriate to the age and stage of development of the child.

PART III

NOTICE TO BE GIVEN BY PERSON PROPOSING TO CARRYING ON A PRE-SCHOOL SERVICE

10.(1) Where a person proposes to carry on a pre-school service that person shall, at least 28 days before the commencement of the service, give notice in writing to the Health Service Executive.

(2) Notwithstanding paragraph (1) herein, where a person proposes to carry on a pre-school service in a temporary drop-in centre, that person shall, at least 14 days before the commencement of the service, give notice in writing to the Health Service Executive**.**

(3) A notice under paragraph (1) or (2**)** of this Regulation shall be in the form set out in the Schedule to these Regulations or in a form to the like effect which shall contain all the particulars specified in that form.

NOTIFICATION OF CHANGE IN CIRCUMSTANCES

11.(1) A person carrying on a pre-school service shall, within 28 days, notify in writing the Health Service Executive of any change in the particulars contained in the notice given by that person in the Schedule to these Regulations or in a form to the like effect.

(2) A person who ceases to carry on a pre-school service shall, within 14 days of the cessation of the service, give notice in writing to the Health Service Executive.

NUMBER OF PRE-SCHOOL CHILDREN WHO MAY BE CATERED FOR

12.(1) After inspection of a premises, the Health Service Executive may make a proposal to fix the maximum number of pre-school children who may be catered for at the same time in a premises in which a pre-school service is being carried on. The Health Service Executive shall, when making such a proposal, have regard to the age range of the pre-school children, the adult/child ratios, the group size and the space per child. The Executive shall notify in writing the person carrying on the service of its proposal and of the reasons for it and the notification shall include a statement that the person concerned may make representations to the Executive within 21 days of the receipt by that person of the notification.

(2) A person carrying on a pre-school service who has been notified of a proposal under paragraph (1) of this Regulation may, within 21 days of the receipt of the notification, make representations in writing to the Chief Executive Officer of the Health Service Executive and the Chief Executive Officer or his designated officer shall -

(i) before deciding the matter, take into consideration any representations duly made to it under this paragraph in relation to the proposal, and

(ii) notify the person in writing of the decision and of the reasons for it.

(3) The person carrying on the pre-school service shall comply with the decision referred to at paragraph (2) herein.

(4) Without prejudice to the obligation to comply set out in paragraph (3) such person may apply in writing to the Chief Executive Officer of the Health Service Executive at any time after the decision in paragraph (2) is made, seeking amendment of the decision on the grounds that the circumstances which led to the decision have changed.

(5) Upon receipt of such application, the Chief Executive Officer or his designated officer shall consider the representations made and decide on whether the maximum number fixed be amended.

(6) The decision referred to in paragraph (5) and the reasons for it shall be notified to the person carrying on the pre-school service who shall comply with such decision.

PART IV

REGISTER OF PRE-SCHOOL CHILDREN

13.(1) Subject to paragraph (3) of this Regulation a person carrying on a pre-school service shall keep a register and shall enter in the register the following particulars in respect of each pre-school child attending the service –

(a) the name and date of birth of the pre-school child,

(b) the date on which the pre-school child first attended the service,

(c) the date on which the pre-school child ceased to attend the service,

(d) the name and address of a parent or guardian of the pre-school child and, a telephone number where that parent **or** guardian or a relative or friend of such child can be contacted during the hours of operation,

(e) authorisation for the collection of the pre-school child,

(f) details of any illness, disability, allergy or special need of a pre-school child, together with all the notes relevant to the provision of special care or attention,

(g) the name and telephone number of the pre-school child's general practitioner,

(h) record of immunisations, if any, received by the pre-school child, and

(i) written parental consent for appropriate medical treatment in the event of an emergency.

(2) The register shall be open to inspection on the premises by***:-***

(a) a parent or guardian of the pre-school child attending the service but only in respect of information entered in the register concerning that child,

(b) a person working in the pre-school service who is authorised in that behalf by the person carrying on the service, and

(c) an authorised person.

(3) A person carrying on a pre-school service in a drop-in centre or in a temporary drop-in centre shall enter in the register the particulars referred to in paragraph (1) of this Regulation, except for subparagraphs (b), (c), (g), (h) and (i).

RECORDS

14. (1) A person carrying on a pre-school service shall keep a record in writing of the following information in relation to the service –

(a) the name, position, qualifications and experience of the person in charge and of every other person, including volunteers and students working in the service,

(b) all information generated under Regulation 8 (2),

(c) details of the maximum number of pre-school children catered for at any one time,

(d) details of the type of service and age range group,

(e) details of the staff/child ratios in the service,

(f) the type of care or programme provided in the service,

(g) the facilities available,

(h) the opening hours and fees,

(i) policies and procedures of the service,

(j) details of attendance by a pre-school child on a daily basis,

(k) details of staff rosters on a daily basis,

(l) details of any medicine administered to a pre-school child attending the service with signed parental consent, and

(m) details of any accident, injury or incident involving a pre-school child attending the service.

(2) The record referred to in paragraph (1) and the documentation and records referred to in paragraph (5) of this Regulation shall be open to inspection on the premises by an authorised person.

(3) Save for the information maintained in the record under Regulation 14(1)(b) the record referred to in paragraph (1) of this Regulation shall be open to inspection on the premises by a parent or guardian of a pre-school child attending the service but only in respect of information entered in the register concerning that child.

(4) For the purposes of operating the pre school service, the record referred to in paragraph (1), other than the information maintained under Regulation 14(1)(b), shall be open to inspection on the premises by a person working in the service who is authorised in that behalf by the person carrying on the service.

(5) A person carrying on a pre-school service shall maintain all documents and records relating to references and Garda and police vetting obtained under Regulation 8(2).

INFORMATION FOR PARENTS

15. A person carrying on a pre-school service shall provide a parent or guardian of a pre-school child proposing to attend the service with the information referred to in Regulation (14) (1) (a), (c), (d), (e), (f), (g), (h) and (i) of these Regulations.

FIRE SAFETY MEASURES

16. (1) A person carrying on a pre-school service shall keep a record in writing of -

(a) all fire drills which take place in the premises, and

(b) the number, type and maintenance record of fire fighting equipment and smoke alarms in the premises.

(2) The record referred to in paragraph (1) of this Regulation shall be open to inspection by –

(a) a parent or guardian of a pre-school child attending or proposing to attend the service,

(b) every person working in the service, and

(c) an authorised person.

(3) A notice of the procedures to be followed in the event of fire shall be displayed in a conspicuous position in the premises.

COPY OF ACT AND REGULATIONS

17. A person carrying on a pre-school service shall keep a copy of Part VII of the Child Care Act 1991 and of these Regulations on the premises and the said copies shall be made available on demand for inspection by –

(a) a parent or guardian of a pre-school child attending or proposing to attend the service,

(b) every person working in the service, and

(c) an authorised person.

PART V

PREMISES AND FACILITIES

18. A person carrying on a pre-school service shall ensure that –

(a) the premises are of sound and stable structure, are safe and secure and are suitable for the purposes of providing a pre-school service,

(b) adequate space per child is provided in the premises,

(c) the premises, fixtures and fittings are kept in a proper state of repair and in a clean and hygienic condition and protected from infestation,

(d) suitable and secure storage facilities are provided for cleaning chemicals and unsafe, toxic, dangerous or hazardous materials, substances or equipment,

(e) adequate and suitable storage is provided for prams, pushchairs, carrycots, play and work equipment and personal belongings, and

(f) the premises are adequately rodent-proofed in a manner which does not compromise the safety of the pre-school children or constructed in such a manner as to prevent the ingress of pests.

HEATING

19. A person carrying on a pre-school shall ensure that -

(a) the premises are adequately heated throughout with suitable means of heating from the time of occupancy of the premises to the end of the occupancy, having regard to the needs of the pre-school children attending the service, and

(b) a heating system liable to emit into the premises offensive or harmful gases, fumes or odours is not permitted.

VENTILATION

20. A person carrying on a pre-school service shall ensure that suitable and adequate means of ventilation is provided in the premises.

LIGHTING

21. A person carrying on a pre-school service shall ensure that suitable and adequate lighting is provided in the premises.

SANITARY ACCOMMODATION

22. A person carrying on a pre-school service shall ensure that adequate and suitable sanitary facilities are provided within the building.

DRAINAGE AND SEWAGE DISPOSAL

23. A person carrying on a pre-school service shall ensure that suitable and effective means of drainage and sewage disposal are provided to the premises.

WASTE STORAGE AND DISPOSAL

24. A person carrying on a pre-school service shall ensure that all waste and other refuse is stored hygienically and disposed of frequently and in such a manner as not to cause a nuisance.

EQUIPMENT AND MATERIALS

25. A person carrying on a pre-school service shall ensure that -

(a) there is sufficient furniture, play and work equipment and materials and that such furniture, equipment and materials are suitable, non-toxic, in a proper state of repair and are maintained in a clean and hygienic condition, and

(b) there is an appropriate supply of clean bedding, towels and spare clothes for the pre-school children.

FOOD AND DRINK

26. (1) A person carrying on a pre-school service shall ensure that suitable, sufficient, nutritious and varied food is available for a pre-school child attending the service.

(2) Where food is consumed on the premises by a pre-school child, the person carrying on the pre-school service shall ensure that –

(a) adequate and suitable facilities are provided for the storage, preparation, cooking and serving of food, and

(b) adequate and suitable eating utensils, hand washing, wash-up and sterilising facilities are provided.

(3) This Regulation is without prejudice to

(a) the provisions of the Health Act 1947 and regulations made pursuant to that Act,

(b) the provisions of the Food Safety Authority of Ireland Act 1998 and

(c) any secondary legislation made pursuant to the European Communities Act 1972 relating to food safety.

SAFETY MEASURES

27. A person carrying on a pre-school service shall take all reasonable measures to safeguard the health, safety and welfare of a pre-school child attending the service and in particular shall ensure that –

(a) all heat emitting surfaces are protected by a fixed guard or are thermostatically controlled to ensure safe surface temperatures,

(b) hot water provided for use by a pre-school child is thermostatically controlled to ensure a safe temperature,

(c) any garden or external play area is so fenced and doors and gates are so secured as to prevent a pre-school child gaining unsupervised access to a roadway or other source of danger and to prevent unauthorised access to the garden or external play area,

(d) ponds, pits and other hazards in any garden or external play area are so fenced as to ensure the safety of a pre-school child attending the service,

(e) steps are taken to prevent the spread of infection, and

(f) operational procedures for the safe conduct of outings are in place and a pre-school child is safely escorted on any outing.

FACILITIES FOR REST AND PLAY

28. A person carrying on a pre-school service shall ensure that -

(a) adequate and suitable facilities for a pre-school child to rest during the day and night (if an overnight pre-school service is provided) are provided, and

(b) adequate and suitable facilities for a pre-school child to play indoors and outdoors during the day are provided, having regard to the number of pre-school children attending the service, their age and the amount of time they spend in the premises.

PART VI

FURNISHING OF INFORMATION TO THE HEALTH SERVICE EXECUTIVE

29. A person carrying on a pre-school service shall furnish the Health Service Executive with such information as the Executive may reasonably require for the purpose of enforcing and executing these Regulations and the information shall be in such form (if any) as may be specified by the Executive.

INSURANCE

30. A person carrying on a pre-school service shall ensure that the pre-school children attending the service are adequately insured against injury while attending the service.

ANNUAL FEES

31.(1) Subject to sub-article 4 of this article, a person carrying on a pre-school service shall pay to the Health Service Executive an annual fee towards the cost of inspections under Part VII of the Act and the amount of such fee shall be:

(a) where the service provided does not exceed 3.5 hours in the day - €40.00

(b) childminding service - €40.00

(c) in all other cases - € 80.00

(2) The Health Service Executive shall, as near as may be to the first anniversary of the notification referred to in Regulation 10 of these Regulations, and annually thereafter, notify the person carrying on a pre-school service of the annual fee to be paid to it by that person.

(3) The person carrying on a pre-school service shall, within 28 days of the receipt by him or her of a notification under paragraph (2) of this Regulation pay the Health Service Executive the fee specified in the notification.

(4) The Health Service Executive may exempt from a fee a person carrying on a pre-school service in which no pre-school child is maintained for profit.

INSPECTION

32.(1) The Health Service Executive shall, following an inspection by an authorised person, furnish a report in writing to the person carrying on the pre-school service of the outcome of the inspection.

(2) Subject to paragraph (1) of this Regulation the Health Service Executive shall take such steps as are necessary to enforce these Regulations in relation to the pre-school service concerned.

ENFORCEMENT AND EXECUTION

33. These Regulations shall be enforced and executed by the Health Service Executive.

SCHEDULE

Notification to the Health Service Executive by a person proposing to carry on a pre-school service.

I ……. of……., aged over eighteen years, hereby give notice to the Health Service Executive that it is my intention to carry on a pre-school service situated at: -

Address
of pre-school _____

_____

_____

Telephone No. _____

Mobile No. _____

Fax No. _____

E-mail address _____

Type of facility – Please tick as appropriate

Childminding service _____
Full day care service _____
Overnight pre-school service _____
Part-time day care service _____
Pre-school service in a drop-in centre _____
Pre-school service in a temporary drop-in centre_____
Sessional pre-school service _____

Have you previously contacted the Health Service Executive to avail of their pre-school advisory service? _____

If yes, date of contact _____

If the pre-school service is carried on by an individual, please complete Section 1.

If the pre-school service is carried on by an organisation such as a voluntary group, company or other body, please complete Section 2.

Section 1

Personal Details

1. If an individual is carrying on the pre-school service please complete (a), (b), (c) and (d) where appropriate.

   (a) Please state full name, previous name(s), date of birth, home address, home telephone number**,** mobile number, fax number and email address of the individual carrying on the pre-school service**.**

   Name _____

   Previous Name(s) _____

   Date of Birth _____

   Home Address _____
   _____
   _____
   _____
   _____

   Home Telephone No. _____

   Mobile No. _____

   Fax No. _____

   E-mail address _____

   (b) Please state the full name, previous name(s), home address, home telephone number, mobile number, fax number and email address of the adult in charge of operating the pre-school service.

   Name _____

   Previous Name(s) _____

   Date of Birth _____

   Home Address _____
   _____
   _____
   _____

_____

Home Telephone No. *_____

Mobile No. * _____

Fax No. * _____

E-mail address * _____

**** only if different from the above***

(c) Information to be given about the individual carrying on the pre-school service.

(i) Relevant qualification(s) (title and date of qualification(s), name of organisation granting qualification(s)/awarding body(ies)).

Qualification(s) _____
_____
_____

Name of Organisation(s) /awarding body(ies) _____
_____
_____

Address of Registered Office of Organisation(s) or awarding body(ies) _____
_____
_____

(ii) Relevant experience including previous voluntary or paid work with children.

Insert details here
_____
(use additional
_____
sheet if necessary)
_____

_____

(d) Information to be given about the adult in charge of operating the pre-school service.

(i) Relevant qualification(s) (title and date of qualification(s), name of organisation granting qualification(s)/awarding body(ies)).

Qualification(s) _____
_____
_____

Name of Organisation(s) /awarding body(ies) _____
_____
_____

Address of Registered Office of Organisation(s) or awarding body(ies) _____
_____
_____

_____

(iii) Relevant experience including previous voluntary or paid work with children.

Insert details here

_____

(use additional

_____

sheet if necessary)

_____

_____

Section 2

2. If the pre-school service is carried on by an organisation such as a voluntary group, company or other body:

(a) Please state the name and address, telephone number, mobile number, fax number and email address of the organisation and the full name of the person acting on behalf of the organisation his\her position and home address, home telephone number, mobile number, fax number and email address.

Name of Organisation _____

Address of Organisation _____
_____

_____
_____

Telephone No. _____

Mobile No. _____

Fax No. _____

E-mail address _____

Name of person acting
on behalf of Organisation _____

Position in Organisation _____

Address (if different _____
from above) _____
_____
_____
_____

Home Telephone No. _____

Mobile No.* _____

Fax No.* _____

E-mail address* _____

**** only if different from above***

(b) Please state the full name, previous name(s), home address and home telephone number, mobile number, fax number and email address of the adult in charge of operating the pre-school service.

Name _____

Previous Name(s) _____

Date of Birth _____

Home Address _____
_____
_____

_____

Home Telephone No _____

Mobile No. _____

Fax No. _____

E-mail address _____

(c) In the case of a registered company, the name and address of the registered office, the name of the Company Secretary and the company registration number must also be given

Name of Company _____

Address _____
of Registered Office _____
_____
_____

Company Secretary Name _____

Company Registration No. (if applicable) _____

(d) Information to be given about the adult in charge of operating the pre-school service.

(i) Relevant qualification(s) (title and date of qualification(s), name of organisation granting qualification(s)/awarding body(ies)).

Qualification(s) _____
_____
_____

Name of Organisation / _____
awarding body(ies) _____
_____

Address of Registered _____
Office of Organisation _____
or awarding body(ies) _____
_____

(ii) Relevant experience including previous voluntary or paid work with children.

Insert details here

_____

(use additional

_____

sheet if necessary)

_____

_____

3. Description of facilities - whether premises is domestic or otherwise.

		Domestic dwelling	Other than domestic dwelling
(a)	Childminding service	_____	_____
	Full day care service	_____	_____
	Overnight pre-school service	_____	_____
	Part-time day care service	_____	_____
	Pre-school service in a drop-in centre	_____	_____
	Pre-school service in a temporary drop-in centre	_____	_____
	Sessional pre-school service	_____	_____

(b) State the number of children catered for in the premises _____

Age range of children to be catered for _____

(c) Number of staff employed _____

(i) Adult childcare staff (working directly with children) _____

(ii) Student childcare staff _____

(iii) Ancillary staff (staff not working directly with children) _____

(d) Hours of opening

	from	to
(i)	_____	_____
(ii)	_____	_____
(iii)	_____	_____

(e) No. of weeks open _____

(f) No. of weeks closed (if appropriate) _____

(g) Dates closed (if appropriate)

	from	to
(i)	_____	_____
(ii)	_____	_____

(h) Duration of service and nature of event (in the case of a pre-school service in a temporary drop-in centre) _____

4. Declaration

I declare that all the information set out in this notice is correct.

Signed _____

Date _____

GIVEN under my hand

6 December 2006

Brian Lenihan
Minister of State at the
Department of Health and Children

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

These Regulations set out the various requirements to be complied with by persons carrying on pre-school services for the purposes of securing the health, safety and welfare and promoting the development of pre-school children.

The Child Care (Pre-School Services) Regulations 1996(S.I. No. 398 of 1996) and the Child Care (Pre-School Services) Regulations 1997(S.I. No. 268 of 1997) are revoked on commencement of these Regulations and the Child Care (Pre-School Services) Regulations 2006 (S.I. No. 505 of 2006) are revoked immediately.

S.I. No. 643 of 2006

CHILD CARE (PRE-SCHOOL SERVICES) (No 2) (AMENDMENT) REGULATIONS 2006

I, BRIAN LENIHAN, Minister of State at the Department of Health and Children, in the exercise of the powers conferred on me by Sections 50 and 68 of the Child Care Act 1991, (No. 17 of 1991) as adapted by the Health (Alteration of Name of Department and Title of Minister) Order (S.I. No. 308 of 1997) and the Health and Children (Delegation of Ministerial Functions) Order 2004 (S.I. No. 842 of 2004) and after consultation with the Minister for Education and Science and the Minister for the

Environment, Heritage and Local Government hereby make the following Regulations:-

CITATION

1. These Regulations may be cited as the Child Care (Pre-School Services) (No 2) (Amendment) Regulations 2006.

COMMENCEMENT

2. The following paragraph is substituted for Paragraph 2(2) of the Child Care (Pre-School Services) (No 2) Regulations 2006 (S.I. No 604 of 2006).

"(2) Regulation 3(2) comes into operation on 19 December 2006."

GIVEN under my hand

18 December 2006

Brian Lenihan
Minister of State at the
Department of Health and Children

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

This Regulation amends the Child Care (Pre-School Services) (No 2) Regulations 2006 (S.I. No. 604 of 2006) to revoke the Child Care (Pre-School Services) Regulations 2006 (S.I. No. 505 of 2006) with effect from 19 December 2006.

PART II

EXPLANATORY GUIDE TO REQUIREMENTS AND PROCEDURES FOR NOTIFICATION AND INSPECTION

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PART 1

1. INTRODUCTION

1.1 The main provisions of the Child Care Act 1991, in so far as pre-school services are concerned, are set out in Part VII of the Act. A pre-school child is defined as a child under six years of age who is not attending a national school or equivalent. Services covered include pre-schools, playgroups, crèches, day nurseries, Montessori pre-schools, naíonraí, notifiable childminders or similar services, which cater for children in the 0-6 year age bracket.

Part VII of the Act

(i) provides for the making of regulations for the purpose of securing the health, safety and welfare and promoting the development of pre-school children attending pre-school services,

(ii) obliges pre-school providers to notify the Health Service Executive,

(iii) places a duty on the person carrying on a pre-school service to take all reasonable measures to safeguard the health, safety and welfare and to promote the development of pre-school children attending the service,

(iv) provides for the supervision and inspection by the Health Service Executive of a pre-school service,

(v) obliges the Health Service Executive to provide information on pre-school services,

(vi) provides for offences under Part VII and for appropriate sanctions.

1.2 Certain exemptions from the provisions of Part VII are provided as follows:-

(a) the care of one or more pre-school children undertaken by a relative of the child or children or the spouse of such relative,

(b) a person taking care of one or more pre-school children of the same family and no other such children (other than that person's own such children) in that person's home,

(c) a person taking care of not more than three pre-school children of different families (other than that person's own such children) in that person' s home.

In this context, a relative in relation to a child means a brother, sister, uncle, aunt, grandparent or step-parent of the child.

1.3 The purpose of this Guide is to offer guidance in relation to the *Child Care (Pre-School Services) (No 2) Regulations 2006.* The Guide will assist in interpreting the

Regulations and also offer guidance on good practice in relation to areas covered by the Regulations. It is written for anyone affected by its provisions, for persons charged with responsibility for implementing the legislation, for persons who are carrying on or proposing to carry on a pre-school service and for families of children attending such services. The Regulations are made under Part VII of the Child Care Act 1991 and prescribe the measures which must be in place to meet the requirements of the Act relating to the:-

- promotion of the health, welfare and development of children
- notifications to be given to the Health Service Executive
- keeping of records
- standard of premises and facilities
- general administration

The Child Care (Pre-School Services) Regulations, 1996 (S.I. No. 398 of 1996) and the Child Care (Pre-School Services) (Amendment) Regulations, 1997 (S.I. No.268 of 1997) are revoked by the Child Care (Pre-School Services) (No 2) Regulations 2006 and the Child Care (Pre-School Services) (No 2) (Amendment) Regulations 2006.

1.4 The Regulations impact across the various types of pre-school provision, ranging from voluntary provision of community playgroups through to full day care provision in the private sector.

The implementation of the revised Regulations will be monitored. This Guide may be updated from time to time to provide guidance on new issues as they arise.

Additional information is given in Appendix A on documents referenced in this Explanatory Guide.

2. CATEGORISATION OF PRE-SCHOOL SERVICES

Section 50 of the Act states that Regulations may-

(a) make different provision for different classes of pre-school services;

(b) prescribe different requirements for different classes of pre-school services;

(c) provide for exemptions from any provisions of the Regulations for a specified class or classes of pre-school services.

The Regulations have not been broken down into specific requirements for different classes of pre-school services. The following classes of pre-school services are defined for the purposes of the Regulations-

(i) Sessional Services

"Sessional pre-school service" means a pre-school service offering a planned programme to pre-school children for a total of not more than 3.5 hours per session.

Services covered by the above definition may include pre-schools, playgroups, crèches, montessori pre-schools, naíonraí, notifiable childminders or similar services which generally cater for pre-school children in the 0-6 year age bracket.

(ii) Part-time day care

"Part-time day care service" means a pre-school service offering a structured day care service for pre-school children for a total of more than 3.5 hours and less than 5 hours per day and which may include a sessional pre-school service for pre-school children not attending the part-time day care service.

The service must provide the same physical environment, including rest, play and sanitary facilities, as for full day care.

Services covered by the above definition may include pre-schools, playgroups, crèches, montessori pre-schools, naíonraí, notifiable childminders or similar services which generally cater for pre-school children in the 0-6 year age bracket.

(iii) Full-day care

"Full day care service" means a pre-school service offering a structured day care service for pre-school children for more than 5 hours per day and which may include a sessional pre-school service for pre-school children not attending the full day care service.

Services such as those currently described as day nurseries and crèches are included in this definition.

Where a full day care service also caters for children who do not attend on a full day basis, the adult/child ratio and group size for sessional services should apply.

(iv) Childminding service

"Childminding service" means a pre-school service which may include an overnight service offered by a person who single-handedly takes care of pre-school children, including the childminder's own children, in the childminder's home for a total of more than 2 hours per day, except where the exemptions provided in Section 58 of the Child Care Act 1991 apply.

"Childminder" is a person who provides a childminding service as defined in the Regulations.

This service refers to pre-school children looked after in the childminder's home. This service is offered for the full working day or for different periods during the day.

Childminders who are not statutorily obliged to notify should contact the City/County Childcare Committee or the Health Service Executive and avail of the voluntary notification and support system.

(v) Pre-school service in a drop-in centre and in a temporary drop-in centre

"Pre-school service in a drop-in centre" means a pre-school service offering day care which is used exclusively on an intermittent basis.

"Pre-school service in a temporary drop-in centre" means a pre-school service offering day care exclusively on a temporary basis.

A pre-school service in a drop-in centre refers to a service where a pre-school child is cared for over a period of not more than two hours while the parent or guardian is availing of a service or attending an event. Such services are mainly located in shopping centres, leisure centres or other establishments as part of customer/client service.

A pre-school service in a temporary drop-in centre refers to a service where a pre-school child is cared for while the parent or guardian is attending a once-off event such as a conference or a sports event.

A person or organisation intending to set up a temporary drop-in childcare service for pre-school children to meet the needs of parents attending such an event should seek advice from the Health Service Executive at an early stage in the development of the service and notify the Health Service Executive 14 days prior to the event.

Different requirements for the different classes of pre-school service

The recommended requirements set out in the Explanatory Guide in relation to adult child ratios, space ratios and food and nutrition vary according to the class of service. Annual fees applying also vary. Otherwise, the Regulations apply across all classes unless otherwise stated in the Regulations or Explanatory Guide.

See Regulation 8 and Explanatory Guide to Regulations 8 and 18 in relation to adult child ratios and space ratios for the various categories of pre-school service.

See Food and Nutrition Guidelines for Pre-School Services (April 2004) for guidelines on the food to be offered to children in the various categories of pre-school service.

See Regulation 31 regarding annual fees applying to the various categories.

(vi) Overnight pre-school service

"Overnight pre-school service" means a service in which pre-school children are taken care of for a total of more than 2 hours between the hours of 7pm and 6am except where the exemptions provided in Section 58 of the Child Care Act 1991 apply.
Overnight pre-school services involves pre-school children being cared for overnight in a crèche type or in a childminding service to facilitate parents'/guardians' working arrangements. Legal advice has confirmed that such services come within the definition of "pre-school service" set out in the Child Care Act 1991.

Regulations 5-33 will apply.

Where an overnight pre-school service is provided in a crèche type service, the recommended adult/child ratios are:

Age	Adult/child ratio
0-1 year	1:3
1-6 years	1:5

At least one member of staff should be awake and actively supervising and checking on pre-school children at all times.

Where an overnight pre-school service is provided in a childminding service, the childminder should look after not more than 5 pre-school children including the childminder's own pre-school children. No more than two children should be less than 15 months. If it is not practical in a childminding service with 5 pre-school children or less to have an adult awake and actively supervising the pre-school children at all times, electronic baby monitor devices should be used and occasional checks carried out. See 'Checking of sleeping babies' under Regulation 28.

Where a childminder is caring for 6 pre-school children including her own pre-school children at the time of the commencement of the Child Care (Pre-School Services) (No 2) Regulations 2006, the childminder will not be required to reduce the number cared for to 5 until such time as one of that group of 6 pre-school children begins to attend school or leaves the service voluntarily.

An overnight pre-school service should have a telephone on the premises and a second person must be available to cope with emergencies.

Particular attention should be paid to the following in line with the Regulations:

Regulation 8

- ensuring the suitability (including Garda clearance, when this service is available) and experience of staff on duty at night, taking account of children's feelings and sensitivities about the gender of their carer

Regulation 9

- having a Child Protection policy based on *Children First National Guidelines for the Protection and Welfare of Children* in operation

Regulation 13

- having clear written procedures for dealing with emergencies including night time contact numbers for parents/guardians and GPs

Regulations 18, 22, 23, 24, 25, 27 and 28

- the level of hygiene, cleanliness and decoration of the sleeping areas

Regulations 25 and 28

- the type of bedding needed, taking account of the ages of the children
- having clean linen for each child
- having adequate bedding and ensuring that travel cots are not used

Regulation 19

- having safe heating systems and rooms that are heated within a comfortable range

Regulation 20

- having adequate ventilation

Regulations 18 and 21

- having stair gates and suitable low lighting, where appropriate

Regulation 28

- the location of the child's bed or cot, taking account of the gender and ages of other children and adults who are sleeping on the premises overnight
- having separate sleeping accommodation for staff
- the grouping of brothers and sisters
- agreeing the child's sleeping arrangements with the parents/guardians.

The provider should work closely with parents/guardians in relation to children's needs before, during and after sleep. This should include being aware of the child's

- preferred comforters and bed time routine
- eating and drinking preferences
- cultural or religious practices
- clothing needs for day and night time

- showering and bathing routines, and
- needs for items such as toothbrush, towels and hairbrush.

It should also include being aware of any problems which the child may have such as bedwetting or nightmares.

Regulations 16 and 27

In order to maintain security, outside doors should be properly locked and windows secured with safety and access features in line with Building Regulations 1997-2006 requirements:

- gas and electrical appliances should be turned off
- any security alarm system should be working properly
- providers should seek advice from the local Fire Authority in relation to the fire safety requirements for such services.

This part of the Explanatory Guide will be kept under review.

PART II

Regulation 5 HEALTH, WELFARE AND DEVELOPMENT OF THE CHILD

A person carrying on a pre-school service shall ensure that each child's learning, development and well-being is facilitated within the daily life of the service through the provision of the appropriate opportunities, experiences, activities, interaction, materials and equipment, having regard to the age and stage of development of the child and the child's cultural context.

Considering each child's development needs

Background

A number of initiatives have been taken by the childcare sector to support quality play opportunities, both for its own purpose and in recognition of its contribution to child development. Play is recognised by the sector as a powerful learning vehicle for young children.

The Model Framework for Education, Training and Professional Development in the Early Childhood Care and Education Sector (*Department of Justice, Equality and Law Reform 2002)* sets out practitioner profiles for the childcare sector and identifies the inextricable link between play and early childhood education. The Centre for Early Childhood Development and Education has developed a quality framework for early childhood care and education. – Síolta, The National Quality Framework for Early Childhood Education, 2006.

What service providers should do

In planning activities to support each child's development, which are reflective of the philosophy and ethos of the service, as provided for in the Explanatory Guide to Regulation 14 (1) (f) and 25(a) at (iv), each child's individual needs, interests and abilities should be considered. The provider should be pro-active in ensuring that appropriate action is taken to address each child's needs in co-operation with his/her parents and following consultation, where appropriate, with other relevant services.

Each child's learning, development and well-being needs should be met within the daily life of the service through the provision of the appropriate opportunities, experiences, activities, interactions and materials. In meeting these needs, service providers should recognise how children affect and, in turn, are affected by the relationships, environment and activities around them. This approach is outlined in the National Children's Strategy and is called the 'Whole Child Perspective'. See Appendix B for detail)

See Explanatory Guide to Regulation 14 (1) (f)
See Explanatory Guide to Regulation 25 (a) at (iv)

Regulation 6 FIRST AID

There shall be a suitably equipped first-aid box for children in the premises.

First Aid Boxes

The recommended contents of a first aid box for children is at Appendix C.

Medicines, sprays and lotions should never be included in a first aid box. These should be stored separately.

All medicines should be kept in their original containers, clearly labelled and inaccessible to children.

A first aid box should be safely stored in an easily accessible and conspicuous location.

A first aid box should be taken on outings

First Aid Training

A person trained in first aid for children should be on the premises at all times. Additional trained persons will be required, depending on the extent of the services.

A person with training in first aid for children should accompany the children on outings.

For national information on training, contact:

The Irish Red Cross Society	Tel. 01 676 5135
The Order of Malta Ambulance Corps	Tel. 01 668 4891
St. John Ambulance Brigade	Tel. 01 668 8077
The Irish Heart Foundation (CPR only)	Tel. 01 668 5001
Civil Defence School	Tel. 01 837 9911

The County Childcare Committes and National Voluntary Childcare Organisations may also provide training or information on training.

See First Aid Index Chart also (Health Promotion Unit).

Regulation 7 MEDICAL ASSISTANCE

A person carrying on a pre-school service shall ensure that -
(a) adequate arrangements are in place to summon medical assistance promptly in an emergency, and
(b) a protocol is in place for the administration of medication.

Parental consent

Written parental consent should be obtained to allow a provider to seek medical assistance for a child in an emergency. The service provider should make every effort to contact the parent in the event of an emergency.
See also Regulation 13(1)(g) on contact details for GPs and Regulation 13(1)(i) on written parental consent to be entered in the Register.

Administering medication

Providers should have a protocol in relation to administering medication including an anti-febrile agent i.e. temperature reducing medication. Parental consent and/or written directions from a GP should be obtained as necessary.
See also Regulation 14(1)(l) on recording of medicine administered and Explanatory Guide to Regulation 6 on First Aid.

Regulation 8 MANAGEMENT AND STAFFING

8. (1) A person carrying on a pre-school service shall ensure that –

(a) a sufficient number of suitable and competent adults are working directly with the pre-school children in the pre-school service at all times,
(b) the service has a designated person in charge and a named person who is able to deputise as required, and
(c) at all times during the period when the pre-school service is being carried on, the designated person in charge or the named person referred to in paragraph 1(b) is on the premises.

(2) A person carrying on a pre-school service shall ensure appropriate vetting of all staff, students and volunteers who have access to a child –

(a) by reference to past employer references in particular the most recent employer reference, in respect of all staff , and
(b) by reference to references from reputable sources, in respect of all students and volunteers, and
(c) by acquiring Garda vetting from An Garda Síochána when An Garda Síochána have set down procedures to make such vetting available, and
(d) in circumstances where Garda vetting is not available for staff, students and volunteers who have lived outside the jurisdiction, by ensuring that these persons provide the necessary police vetting from other police authorities.

(3) Such vetting procedures shall be carried out prior to any person being appointed or assigned or being allowed access to a child in the pre-school service.

Suitable and competent adults

A suitable and competent adult is a person (over 18 years) who has appropriate experience in caring for children under six years of age and/or who has an appropriate qualification in childcare.

Vetting

The person will also have been appropriately vetted e.g. Garda* and/or police vetting will have been obtained and at least two references will have been obtained and validated. If the person has previous work experience, references must be obtained from previous employers (including the most recent employer/work placement, as appropriate), otherwise references must be from independent and reputable referees.

*once this service is available from the Garda Central Vetting Unit.

When procedures are in place to make vetting information available for staff, students and volunteers of pre-school services, Garda vetting requests should be submitted to the Garda Central Vetting Unit through agreed communication channels by authorised signatories, who are registered by the Garda Central Vetting Unit and who act on behalf of employers. Vetting requests should not be made by individual employees.

See also Regulation 14(1) (b).

Management, recruitment and training policies

The service should have management, recruitment and training policies to ensure that a sufficient number of suitable and competent adults are available.

The service should have a designated person in charge and a named person who is able to deputise as required. This person or the person deputising should be on the premises at all times while the service is in operation.

The service should have a written policy in place as to arrangements in the event of staff absences.

See Appendix A for reference to the Policies and Procedures document(s).

Qualifications and training

It is acknowledged that many childcare staff have a qualification or are working towards achieving one. In centre-based services, it is considered that the person in charge should aim to have at least fifty percent of childcare staff with a qualification appropriate to the care and development of children. The qualified staff should rotate between age groupings.

Induction training should be provided by the service.

Full day care, part-time and sessional services:

Placing of children in age range groups

The adult/child ratios (see tables (i), (ii) and (iii) which follow) for full day care, part-time day care and sessional services should be applied in a flexible manner so as to allow a child to be in a group with younger or older children, if this is appropriate to the child's developmental stage.

The application of adult/child ratios should, insofar as it is practical and safe to do so, facilitate sibling interaction and mixed age groupings. The total number of childcare staff available in the service should be considered, as opposed to the 'per room' allocation so that staff are fully utilised as per the recommended adult/child ratios, while ensuring that a sufficient number of competent adults are working directly with the pre-school children at all times.

The provider should be able to demonstrate on a given day which grouping the child belongs to and the staffing levels throughout the day.

Volunteers and students working in a service should not be included when calculating ratios. Exceptions may be made in sessional services that operate a rota system for parents to meet the second adult requirement or to cover an emergency staff shortage situation.

Second Adult

A competent and suitable second adult must be available to cope with emergencies.

Adult/child ratios

The following adult/child ratios are recommended:

(i) Full Day Care Service

AGE RANGE	ADULT /CHILD RATIO
0-1 year	*1:3*
1-2 years	*1:5*
2-3 years	*1:6*
3-6 years	*1:8*

Where a full day care service also caters for children who do not attend on a full day basis, the adult/child ratio and group size for sessional services should apply, as appropriate.

(ii) Part-time Day Care Service

AGE RANGE	ADULT /CHILD RATIO
0-1 year	*1:3*
1-2 years	*1:5*
2-3 years	*1:6*
3-6 years	*1:8*

(iii) Sessional Pre-school Service

AGE RANGE	ADULT /CHILD RATIO
0-1 year	*1:3*
1- 2.5 years	*1:5*
2.5 years - 6 years	*1:10*

Maximum number

The maximum number of children to be catered for in one room in a sessional group is 20, subject to area/space required. (The space requirements are set out in the Explanatory Guide to Regulation 18 and in the Explanatory Guide to Regulation 28 on sleeping facilities).

(iv) Pre-school service in a drop-in centre or in a temporary drop-in centre

AGE RANGE	ADULT/CHILD RATIO	MAXIMUM GROUP SIZE
Full age integration 0-6 years	*1:4*	*24*
1-4 children (no more than 2 children < 15 mths) – 1 adult *Maximum group size – 24*		

The maximum length of time that a child should be in a pre-school service in a drop-in centre is 2 hours. Children may be left in a temporary drop-in centre for longer depending on the duration of the event e.g. a conference

The maximum number of children attending a pre-school service in a drop-in centre or in a temporary drop-in centre at any one time should not exceed 24, subject to space/area requirements being met.

A person or organisation who operates a drop-in centre and intends to increase the number of pre-school children cared for on a temporary basis as part of a customer/client service - e.g. a conference in a hotel or a sports event - should seek advice from the Health Service Executive at an early stage in the development of the service and notify the Health Service Executive 14 days prior to the event.

If there are more than 15 children attending a pre-school service in a drop in centre, one person should be designated for checking children in and out.

A pre-school service in a drop-in centre should have an intercom system available to them in addition to a telephone.

(v) Childminding service

A childminder (a person who provides a childminding service) should look after not more than 5 pre-school children including her own pre-school children.

No more than two children should be less than 15 months. Exceptions in relation to numbers under 15 months can be made for multiple births or siblings.

Where a childminder is caring for 6 pre-school children, including her own pre-school children, at the time of the commencement of the Child Care (Pre-School Services) (No 2) Regulations 2006, the childminder will not be required to reduce the number

cared for to 5 until such time as the first child from that group of 6 pre-school children begins to attend school or leaves the service voluntarily.

A childminder should have a telephone and a second person must be available to cope with emergencies.

(vi) Overnight pre-school service

AGE RANGE	ADULT /CHILD RATIO
0-1 year	*1:3*
1-6 years	*1:5*

Regulation 9 BEHAVIOUR MANAGEMENT

(1) A person carrying on a pre-school service shall ensure that no corporal punishment is inflicted on a pre-school child attending the service.

(2) A person carrying on a pre-school service shall ensure that no practices that are disrespectful, degrading, exploitive, intimidating, emotionally or physical harmful or neglectful are carried out in respect of any child.

(3) A person carrying on a pre-school service shall ensure that written *policies and procedures are in place to deal with and to manage a child's challenging behaviour and to assist the child to manage his or her behaviour as appropriate to the age and stage of development of the child.*

Child protection

9.(2) Within the framework of *Children First National Guidelines for the Protection and Welfare of Children,* clear written guidelines on identifying and reporting child abuse should be developed by the pre-school service.

In line with Article 2.2. of the UN Convention on the Rights of the Child –

- All child care services and providers should consider the child's welfare to be of paramount concern.
- All children should be respected and treated with dignity at all times.
- Children's rights should be acknowledged and respected at all times.
- Children should never be subjected to any degrading or abusive behaviour.

Policies and procedures

9.(3) Positive Behaviour Management should be included in the written policy and procedures document of the service.

See references to ‘A Guide to Developing Policies and Procedures in a Childcare Setting’ and ‘A Guide to Developing Policies and Procedures in an Early Years Setting’ in Appendix A.

PART III

Regulation 10 NOTICE TO BE GIVEN BY A PERSON PROPOSING TO CARRY ON A PRE-SCHOOL SERVICE

(1) Where a person proposes to carry on a pre-school service that person shall, at least 28 days before the commencement of the service, give notice in writing to the Health Service Executive.

(2) Notwithstanding paragraph (1) herein, where a person proposes to carry on a pre-school service in a temporary drop-in centre, that person shall, at least 14 days before the commencement of the service, give notice in writing to the Health Service Executive.

(3) A notice under paragraph (I) or (2) of this Regulation shall be in the form set out in the Schedule to these Regulations or in a form to the like effect which shall contain all the particulars specified in that form.

Notification Procedure

A person proposing to develop a pre-school service should seek advice from the Health Service Executive at an early stage in the development of the project, so as to ensure that the requirements of the Regulations are taken into account in planning and costing the service.

Notification is the procedure by which a person proposing to carry on a pre-school service gives notice in writing to the Health Service Executive at least 28 days before the commencement of the service. Notification should be given on a form, available from the Health Service Executive, as set out in the Schedule to these Regulations.

A person or organisation intending to set up a temporary drop-in childcare service for pre-school children to meet the needs of parents attending an event should seek advice from the Health Service Executive at an early stage in the development of the service and notify the Health Service Executive 14 days prior to the event.

Purpose of notification

The main purposes of notification include:

- to safeguard the health, safety and welfare of pre-school children;
- to promote the development of pre-school children;
- to ensure compliance with the Regulations made under Part VII of the Act.

Notification also enables the Health Service Executive to discharge its duty under section 56.(3) of the Act in regard to the provision of information on pre-school services to any interested person.

Consequence of Notification

Following notification, the Health Service Executive will acknowledge receipt of the notification, provide relevant information to the applicant and arrange for the service provider to be inspected by an authorised person. The Health Service Executive should also consider whether the provider requires advice, guidance or support and, where appropriate, provide information or alternative sources of information.

Voluntary Notification

Childminders who are exempt from the provisions of these Regulations because they are caring for three pre-school children or less, pre-school children of relatives or pre-school children of the same family, in the childminder's own home, can avail of the voluntary notification and support system which has been put in place by the City/County Childcare Committee/ Health Service Executive. On voluntary notification to the City/County Childcare Committee or the Health Service Executive, these childminders will be put in contact with their local childminder advisory officer. They can then avail of information and training on a range of topics, advisory visits to their home to assist them in developing best practice and be part of a local childminders and childcare network and have access to support organisations.

Regulation 12 NUMBER OF PRE-SCHOOL CHILDREN WHO MAY BE CATERED FOR

12.(1) After inspection of a premises, the Health Service Executive may make a proposal to fix the maximum number of pre-school children who may be catered for at the same time in a premises in which a pre-school service is being carried on. The Health Service Executive shall, when making such a proposal, have regard to the age range of the pre-school children, the adult/child ratios, the group size and the space per child. The Executive shall notify in writing the person carrying on the service of its proposal and of the reasons for it and the notification shall include a statement that the person concerned may make representations to the Executive within 21 days of the receipt by that person of the notification.

(2) A person carrying on a pre-school service who has been notified of a proposal under paragraph (2) of this Regulation may, within 21 days of the receipt of the notification, make representations in writing to the Chief Executive Officer of the Health Service Executive and the Chief Executive Officer or his designated officer shall -

(i) before deciding the matter, take into consideration any representations duly made to it under this paragraph in relation to the proposal, and

(ii) notify the person in writing of the decision and of the reasons for it.

(3) The person carrying on the pre-school service shall comply with the decision referred to at paragraph (2) herein.

(4) Without prejudice to the obligation to comply set out in paragraph (3), such person may apply in writing to the Chief Executive Officer of the Health Service Executive at any time after the decision in paragraph (2) is made, seeking amendment of the

decision on the grounds that the circumstances which led to the decision have changed.

(5) Upon receipt of such application, the Chief Executive Officer or his designated officer shall consider the representations made and decide on whether the maximum number fixed be amended.

(6) The decision referred to in paragraph (5) and the reasons for it shall be notified to the person carrying on the pre-school service who shall comply with such decision.

Fixing numbers

This Regulation is aimed at preventing over-crowding in pre-school services. In the overall interests of safety and a quality service, the maximum number of places for the different classes of pre-school services may be fixed by the Health Service Executive, taking into account the age range of the pre-school children, the adult/child ratios, the group size and the space per child.

PART IV

Regulation 13 REGISTER OF PRE-SCHOOL CHILDREN

13.(1) Subject to paragraph (3) of this Regulation, a person carrying on a pre-school service shall keep a register and shall enter in the register the following particulars in respect of each pre-school child attending the service -

(a) the name and date of birth of the pre-school child,

(b) the date on which the pre-school child first attended the service,

(c) the date on which the pre-school child ceased to attend the service,

(d) the name and address of a parent or guardian of the pre-school child and, a telephone number where that parent or guardian or a relative or friend of such child can be contacted during the hours of operation,

(e) authorisation for the collection of the pre-school child,

(f) details of any illness, disability, allergy or special need of a pre-school child, together with all the notes relevant to the provision of special care or attention,

(g) the name and telephone number of the pre-school child's general practitioner,

(h) record of immunisations, if any, received by the pre-school child, and

(i) written parental consent for appropriate medical treatment in the event of an emergency.

(2) The register shall be open to inspection on the premises by: -

(a) a parent or guardian of the pre-school child attending the service but only in respect of information entered in the register concerning that child,

(b) a person working in the pre-school service who is authorised in that behalf by the person carrying on the service, and

(c) an authorised person.

(3) A person carrying on a pre-school service in a drop-in centre or in a temporary drop-in centre shall enter in the register the particulars referred to in paragraph (1) of this Regulation, except for subparagraphs (b), (c), (g), (h) and (i).

Register update

13.(1) The information in the register must be updated on an on-going basis.

Medical issues

13 (f), (g) and (i) See also Regulation 7 and Explanatory Guide re: Medical Assistance.

Regulation 14 RECORDS

14.(1) A person carrying on a pre-school service shall keep a record in writing of the following information in relation to the service -

(a) the name, position, qualifications and experience of the person in charge and of every other person, including volunteers and students working in the service,

(b) All information generated under Regulation 8 (2),

(c) details of the maximum number of pre-school children catered for at any one time,

(d) details of the type of service and age range group,

(e) details of the staff/child ratios in the service,

(f) the type of care or programme provided in the service,

(g) the facilities available,

(h) the opening hours and fees,

(i) policies and procedures of the service,

(j) details of attendance by a pre-school child on a daily basis,

(k) details of staff rosters on a daily basis,

(l) details of any medicine administered to a pre-school child attending the service with signed parental consent, and

(m) details of any accident, injury or incident involving a pre-school child attending the service.

(2) The record referred to in paragraph (1) and the documentation and records referred to in Paragraph (5) of this Regulation shall be open to inspection on the premises by an authorised person.

(3) Save for the information maintained in the record under Regulation 14(1)(b) the record referred to in paragraph (1) of this Regulation shall be open to inspection on the premises by a parent or guardian of a pre-school child attending the service but only in respect of information entered in the register concerning that child.

(4) For the purposes of operating the pre school service, the record referred to in paragraph (1), other than the information maintained under Regulation 14(1)(b), shall be open to inspection on the premises by a person working in the service who is authorised in that behalf by the person carrying on the service.

(5) A person carrying on a pre-school service shall maintain all documents and records relating to references and Garda and police vetting obtained under Regulation 8(2).

Records update and storage

14.(1) This information should be updated on an on-going basis. Providers may wish to seek legal advice as to the length of time for which records should be retained.

Garda clearance

14.(1)(b) Garda clearance records will be inspected once procedures are in place to make vetting available from the Garda Vetting Unit. See also Explanatory Guide to Regulation 8 (2) and (3) on Management and Staffing.

Programmes

14.(1)(f) Service providers should develop and keep a record of programmes, activity and opportunity, which recognise each individual child's age and capacity for stimulation, experience and learning. See also Explanatory Guide to Regulation 5 and Explanatory Guide to Regulation 25 at (iv).

Arrival and departure times

14.(1)(j) The arrival and departure time of each child should be recorded.

See also Explanatory Guide to Regulation 27 on Safety Measures

The environment should be warm and welcoming for children and their families and staff. It should be safe and secure, with well-organised space, used appropriately to promote children's learning and development.

Except for childminders, the pre-school rooms used in the premises should be for the sole use of the pre-school facility during the hours of operation.

Space ratios

18.(b) The recommended areas with regard to "adequate" space are as follows:

- Full day care service

Age of Child	Floor area per child
0-1 year	3.5 sq metres
1-2 years	2.8 sq metres
2-3 years	2.35 sq metres
3-6 years	2.3 sq metres

- Part-time day care service

Age of Child	Floor area per child
0-1 year	3.5 sq metres
1-2 years	2.8 sq metres
2-3 years	2.35 sq metres
3-6 years	2.3 sq metres

- Sessional pre-school service

Age of child	Floor area per child
0-6 years	2 sq. metres

- Pre-school service in a drop-in centre

Age of Child	Floor area per child
0-6 years	2 sq. metres

The space requirements set out above relate to clear floor space per child. Clear floor space means that area available for children's work, play and movement and should not include furniture, surplus to the requirements of the child, or permanent fixtures. Extraneous areas such as kitchens, toilets, sleeping and other ancillary areas are deemed to be separate. The total overall space should be considered when calculating

child space requirements in the service. Over-crowding in any one area should be avoided.

(See Explanatory Guide to Regulation 28 on sleep areas accommodated in the baby room).

Laundry facilities

18.(c) For full and part-time day care, separate laundry facilities should be provided or adequate arrangements made to launder bedding, towels, etc. Where laundry facilities are provided on site, children are not allowed access. In a childminding service, no laundry work should be carried out in the kitchen when food is being prepared or served.

Storage, meeting and break facilities

18.(e) Premises should have separate, adequate, safe storage space inaccessible to children. Adequate storage should be provided for personal belongings of staff and children. Premises should have adequate space where confidential information and records can be securely stored, where staff may talk to parents confidentially and where staff can take breaks, where appropriate.

Rodent proofing

18(f) Rodent proofing, particularly that which involves laying of poisons or setting of traps, should be done in a manner which does not compromise the safety of children.

Regulation 19 HEATING

A person carrying on a pre-school shall ensure that -

(a) the premises are adequately heated throughout with suitable means of heating from the time of occupancy of the premises to the end of the occupancy, having regard to the needs of the pre-school children attending the service,

(b) a heating system liable to emit into the premises offensive or harmful gases, fumes or odours is not permitted.

Room heating

19 (a) Rooms should be heated within a comfortable range depending on the age and the mobility of children and the weather conditions. See *Caring for Your Child – ISIDA* in relation to babies' sleeping environment.

19 (b) See Appendix G re Gas and Electrical Safety

Regulation 20 VENTILATION

A person carrying on a pre-school service shall ensure that suitable and adequate means of ventilation is provided in the premises.

Ventilation

Standards relating to ventilation are set out in Part F of the Second Schedule to the Building Regulations 1997 – 2006. Guidance on how to comply with these requirements are given in the accompanying Technical Guidance Document F – (Ventilation). In a pre-school facility occupiable rooms, within the definition of the Building Regulations includes playrooms, sleeprooms, classrooms, activity rooms and other similar type rooms.

Regulation 21 LIGHTING

A person carrying on a pre-school service shall ensure that suitable and adequate lighting is provided in the premises.

Lighting – type and safety

The pre-school service provider shall ensure suitable and adequate means of natural lighting are provided, supplemented by safe and suitable artificial lighting where necessary. Shatter-proof diffusers or a safe means of lighting protection should be used.

Regulation 22 SANITARY ACCOMMODATION

A person carrying on a pre-school service shall ensure that adequate and suitable sanitary facilities are provided within the building.

Sanitary facilities

It is recommended that the following facilities should be provided-:

(i) adequate, suitable and hygienic nappy changing facilities,

(ii) separate toilet facilities for adults where necessary,

(iii) an adequate number of wash-hand basins with running cold and thermostatically controlled hot water, soap and suitable means of hand drying at or near the sanitary accommodation and nappy changing area,

(iv) the sanitary accommodation and nappy changing area should not communicate with any occupied room or food room, except by means of a hall, corridor, ventilated lobby or ventilated space,

See Technical Guidance Document - G (Hygiene) of the Building Regulations 1997, (BS 6465, Sanitary Installations Part 1: 1994) and European Communities (Hygiene of Foodstuffs) Regulations, 2000 & Food Hygiene Regulations, 1950/89

(v) adequate and suitable facilities for the safe and hygienic storage and disposal of soiled nappies, and

(vi) a shower/bath/facility for washing, with thermostatically controlled hot water and a designated area for sluicing soiled garments should be provided in full day care services.

With regard to paragraph (ii) and (iii) above, the recommended ratios are:

No. of Persons	Water Closets(toilet)	Wash-hand Basins
For every 10 toilet using children	1	1
For every 8 adults	1	1

Re paragraph (iii) above see also Regulation 27(a) and Appendix G on Gas and Electrical Safety.

Regulation 24. WASTE STORAGE AND DISPOSAL

A person carrying on a pre-school service shall ensure that all waste and other refuse is stored hygienically and disposed of frequently and in such a manner as not to cause a nuisance.

All waste and other refuse must be stored hygienically and disposed of frequently and hygenically and in a manner as not to cause a nuisance.

Storage of waste

Waste should be stored in an area that is not accessible to children.

Regulation 25 EQUIPMENT AND MATERIALS

25. A person carrying on a pre-school service shall ensure that -
(a) there is sufficient furniture, play and work equipment and materials and that such furniture, equipment and materials are suitable, non-toxic, in a proper state of repair and are maintained in a clean and hygienic condition, and
(b) there is an appropriate supply of clean bedding, towels and spare clothes for the pre-school children.

25(a) Furniture, equipment and materials

(i) The provider should ensure that sufficient furniture, play and work equipment and materials are provided, and that these are appropriate for their purpose and that they help to create an accessible, challenging and stimulating environment. They should be of suitable design and condition, well-maintained and conform to appropriate safety standards. They should be appropriate to the children's ages and stages of development.

(ii) The service provider shall ensure that there is sufficient child-sized furniture and tables to allow groups of children to play and eat together.

(iii) Furniture and play and work equipment must be in good repair and must be regularly checked for defects and faults and repaired or replaced as necessary. All other materials should be provided and supervised in line with good practice and the philosophy and ethos of the service.

(iv) The philosophy and ethos of each service should be taken into account and the specific materials used for the development of the child within that environment should be respected, subject to being in line with recognised good practice and posing no safety risk to the child. See also Regulation 5 and Explanatory Guide to Regulation 14(1)(f).

25(b) Hygiene

(v) Arrangements should be made to ensure that an adequate supply of clean bedding, towels and spare clothes are available as necessary. Soiled items should be stored in a suitable, designated area which is not accessible to children. See also paragraphs (v) and (vi) of Explanatory Guide to Regulation 23.

(vi) A cleaning programme and a cleaning schedule for furniture, work and play equipment should be in place. Samples forms for recording of cleaning are at Appendices E and F.

Regulation 26 FOOD AND DRINK

26.(1) A person carrying on a pre-school service shall ensure that suitable, sufficient, nutritious and varied food is available for a pre-school child attending the service.

(2) Where food is consumed on the premises by a pre-school child, the person carrying on the pre-school service shall ensure that -

(a) adequate and suitable facilities are provided for the storage, preparation, cooking and serving of food, and

(b) adequate and suitable eating utensils, hand washing, wash-up and sterilising facilities are provided.

(3) This regulation is without prejudice to

(a) the provisions of the Health Act 1947 and regulations made pursuant to that Act,

(b) the provisions of the Food Safety Authority of Ireland Act 1998, and

(c) any secondary legislation made pursuant to the European Communities Act 1972 relating to food safety.

Food Safety

(i) In common with other food operations, pre-schools are subject to the provisions of the Food Hygiene Regulations 1950-89, and the European Communities (Hygiene of Foodstuffs) Regulations 2000 (S.I. No 165 of 2000). This legislation requires food operators to operate in a hygienic way, to comply with detailed standards of structural and operational hygiene, to train and supervise staff in food safety matters and to develop a food safety management system based on the principles of Hazard Analysis Critical Control Point (HACCP). See Appendix A for reference.

(ii) To support the implementation of this legislation, a number of national sector specific guides to good hygiene practice have been produced to assist food operators to comply with the requirements of the Regulations referred to at (i) above. Pre-school service providers should refer to the requirements of I.S. 340 Hygiene in the Catering Sector or I.S. 344 Guide to Good Hygiene Practices in Domestic Premises. Food safety guidance is available from the local Environmental Health Department of the Health Service Executive or from www.fsai.ie

(iii) Food may be cooked on the premises or children may bring packed lunches including cooked meals which may require re-heating. If the food is supplied by the person carrying on the pre-school service, it must be prepared on the premises or purchased from a supplier whose premises is registered with the Health Service Executive. All vulnerable foods must be stored under suitable refrigerated storage conditions as necessary.

Food and nutrition for children

(iv) The pre-school provider must ensure that children are provided with regular drinks and food in adequate quantities for their needs, in consultation with parents where concerns exist. Food and drink must be nutritious and should take account of the Food and Nutrition Guidelines for Pre-School Services as prepared by the Department of Health & Children. Children spend varying amounts of time in day care services and so are there for different numbers of meals. The Food and Nutrition Guidelines for Pre-School Services advise as follows:

Children in day care for more than 5 hours per session (full day care)

Offer at least two meals and two snacks, for example – breakfast, snack, lunch and snack. One meal should be a hot meal. If children are there for a long day, an evening meal may also need to be provided.

If a main meal is not consumed or provided for some reason, ensure that parents know this so they can offer suitable meals at home.

Children in day care for up to 5 hours maximum per session (part-time day care)
Offer at least two meals and one snack, for example – breakfast, snack and lunch. It is not necessary to have a hot meal; however, the meal should include at least one serving from each food shelf on the food pyramid.

Children in day care for up to 3.5 hours per session (sessional pre-school service)
Offer one meal and one snack - for example snack and lunch or breakfast and snack.

(v) Potable drinking water should be available to children at all times.

Regulation 27 SAFETY MEASURES

A person carrying on a pre-school service shall take all reasonable measures to safeguard the health, safety and welfare of a pre-school child attending the service and in particular shall ensure that -

(a) all heat emitting surfaces are protected by a fixed guard or are thermostatically controlled to ensure safe surface temperatures,

(b) hot water provided for use by a pre-school child is thermostatically controlled to ensure a safe temperature,

(c) any garden or external play area is so fenced and doors and gates are so secured as to prevent a pre-school child gaining unsupervised access to a roadway or other source of danger and to prevent unauthorised access to the garden or external play area,

(d) ponds, pits and other hazards in any garden or external play area are so fenced as to ensure the safety of a pre-school child attending the service,

(e) steps are taken to prevent the spread of infection,

(f) operational procedures for the safe conduct of outings are in place and a pre- school child is safely escorted on any outing.

<u>Safety of heating appliances</u>

27.(a) All fixed heating appliances e.g. radiators and storage heaters must be protected by a guard or be thermostatically controlled. Where individual heating appliances are

provided, they should be of a type which does not have an exposed flame or heating element which could provide an ignition source. These must be protected by a guard or thermostatically controlled. See Appendix G on Gas and Electrical Safety.

Safety of hot water

27.(b) See Appendix G re Gas and Electrical Safety.

Preventing the spread of infection

27.(e) See Appendix G re: Infectious Disease Control, Preventative Measures and Corrective Action in the event of an outbreak of infectious disease.

See also leaflet entitled E.coli - Protecting the Children in Your Care - (Food Safety Authority of Ireland)

Keeping children safe

(i) Children, particularly toddlers, are physically very active and unaware of the potential dangers that surround them. Infants and toddlers in a childcare setting can be quite vulnerable and great care must be taken to ensure their health and safety by minimising their exposure to illness and injury. Pre-school providers should have clear and consistent boundaries and reasonable yet challenging safe limits. All staff should have an understanding of health and safety requirements for the environment in which they work. See *Play it Safe* and *Keeping Your Baby Safe* (Health Promotion Unit).

(ii) The provider should take steps to ensure that hazards to children on the premises, both inside and outside, are minimised. Some areas to consider are listed at Appendix G.

Regulation 28 FACILITIES FOR REST AND PLAY

A person carrying on a pre-school service shall ensure that -

> *(a) adequate and suitable facilities for a pre-school child to rest during the day and night (if an overnight pre-school service is provided) are provided, and*
>
> *(b) adequate and suitable facilities for a pre-school child to play indoors and outdoors during the day are provided, having regard to the number of pre-school children attending the service, their age and the amount of time they spend in the premises.*

Paragraph (a) is aimed primarily at children in full day care services and in overnight pre-school services and it may apply to children cared for in a childminding service and children in part-time day care services or in pre-school services in drop-in centres or in temporary drop-in centres. While sessional pre-school services usually cater for children aged 3 to 6 years of age, this Regulation may apply to sessional services which cater for younger children.

Sleeping Facilities:

Day care services

It is recommended that, ideally, babies and children aged under 2 years of age should be provided with suitable sleeping facilities away from the general play area.
If the sleep area for babies and children aged under 2 years is accommodated in the baby room, the overall space measurement of the baby room will then be 4.2 sq metres per child. The area for sleep should be in a section away from other activities. This area should have facilities to dim lights or to block window light and should maintain a quiet, restful environment for children to sleep. This guideline should only be considered when the group size is 6 babies or less, otherwise a separate sleep area is required from the general play area.

While it is desirable for children to have their own cots, this may not always be feasible, therefore an adequate supply of bed linen should be in place to ensure that each child has their own linen. For children over 2 years of age who use sleeping mats, individual linen should also be provided. Linen changes should be documented. Sofas, beanbags and buggies are not suitable for children to sleep in.

Overnight pre-school services

See also guidelines on overnight pre-school services on Page 7

Checking of sleeping babies

Sleeping babies need to be regularly checked and procedures and rotas should be in place.

Procedures and rotas should take account of the following:

- Who will check the baby/babies,
- How they will be checked i.e. the sleep position and an assesment of whether or not the child is breathing should be made - sleep monitors alone may not be adequate,
- How often they will be checked - include sleep monitoring rota,
- How information might be recorded,
- How information will be shared with parents,
- The deployment of staff to include responsibilities for any sleep room area.

(See Irish Sudden Infant Death Association ISIDA ‘Caring for your child’ leaflet for advice on sleeping positions).

Outdoor Play Area

Children in part-time or full day care services should have access to the outdoors on a daily basis, weather permitting.

See Regulation 27 on Safety Measures and Appendix G of Explanatory Guide to Regulation 27 on Security and Access and Outdoor Play Area.

Part VI

Regulation 30 INSURANCE

A person carrying on a pre-school service shall ensure that the pre-school children attending the service are adequately insured against injury while attending the service.

Insurance cover

The possession of adequate insurance cover is an essential requirement of the Child Care (Pre-School Services) (No 2) Regulations 2006. It is recommended that the insurance policy obtained should at least cover the following areas:

(i) Public Liability; (to include provision for outings with children, where applicable)

(ii) Fire and theft.

Individual providers are in the best position to determine the type and extent of insurance most suited to their needs. If it is intended to undertake any extra activities (e.g. outings for children), the insurers of the service should be notified and any additional cover necessary obtained in good time. In particular, it may be necessary to obtain extra motor insurance cover for children who are being transported by the service provider. This does not negate the provider's obligations under any other legislation.

Regulation 32 INSPECTION

(1) The Health Service Executive shall, following an inspection by an authorised person, furnish a report in writing to the person carrying on the pre-school service of the outcome of the inspection.

(2) Subject to paragraph (1) of this Regulation, the Health Service Executive shall take such steps as are necessary to enforce these Regulations in relation to the pre-school service concerned.

Inspection

Section 55(1) of the Child Care Act 1991 places a duty on the Health Service Executive to inspect services for which it receives a notification. Section 55(2) makes provision for the Executive, through the District Court, to inspect a pre-school service in the absence of notification. Any person carrying out this inspection duty is required to carry a warrant authorising him/her to undertake this task (S.54 (3)).

Purpose of Inspection

Inspection is designed to ensure the health, safety and welfare of children and the promotion of their development. It also is to ensure compliance with relevant statutory requirements. To this end, the inspectors will consider:

- how the children are being cared for and how their development and welfare is being promoted through child-centred practice,
- the suitability and safety of the premises,
- the standards of the premises in terms of space, heat, lighting, cleanliness, ventilation and repair and maintenance,
- the suitability of the person providing the services,
- the availability and suitability of toys and equipment.

In the case of childminding, the inspection should also pay due regard to the standard of comfort and the home environment available to the children. The environment should demonstrate that children are encouraged to play and have appropriate freedom within and outside the home while maintaining a balance between freedom and safe limits.

Inspection Process

The Health Service Executive has statutory responsibility (Section 53 of Child Care Act 1991) to ensure that the provider is fulfilling the duties imposed by Part VII Section 52 of the Child Care Act, 1991 - see Appendix D. The Health Service Executive and service providers should work in partnership to promote a culture of compliance with the Regulations. The Health Service Executive and providers should work together to ensure maximum co-operation and to minimise disruption in the service during the inspection process.

The Health Service Executive should agree procedures, including training, to be put in place to ensure uniformity of approach to the inspection process across the Health Service Executive.

Outcome of inspection

The written report on the outcome of the inspection, which is furnished by the Health Service Executive to the provider, should acknowledge the areas of compliance and non-compliance. The service provider should make a copy of the most up to date pre-

school inspection report available to parents/guardians of children attending or proposing to attend the service.

Where a pre-school provider and/or the premises do not meet the requirements of the Child Care Act 1991 and associated Regulations, details of the deficiencies will be outlined in writing. The Health Service Executive may, in the normal course, request the provider to respond and the provider may respond in writing outlining the measures proposed to address the area(s) of non-compliance. A provider may be given a period of time within which to make improvements to address the area(s) of non-compliance (provided such a delay would not adversely effect the welfare of children). A follow-up review or further inspection may be made after that date.

The Health Service Executive can bring breaches of the Regulations to the attention of the District Court under Section 57(b) of the Act. Offences under Part VII of the Child Care Act, 1991 are outlined under Section 57 of the Act.

Frequency of inspection

The Health Service Executive should inspect pre-school services on a regular basis. It is considered good practice that the first inspection occurs within 3 months of receipt of the notification and thereafter once a year. Where, however, there are concerns, the Health Service Executive should arrange a more structured and frequent visiting pattern to monitor the safety, well-being and development of children.

Where a service provider is caring for a child with a disability or special needs, the Health Service Executive may also wish to visit more frequently to provide advice, assistance and support.

Information for Parents

The inspection process monitors compliance with these Regulations in the pre-school services. The notification and inspection process also provides the Health Service Executive with information on the availability of the various types of pre-school services. A list of such services is available to parents on request from the Health Service Executive to assist them in the choice of pre-school services for their children.

Appendix A

(i) List of Publications referenced

A Guide to Developing Policies and Procedures in a Childcare Setting (available from Pobal at www.pobal.ie or at www.siolta.ie)

A Guide to Developing Policies and Procedures in an Early Years Setting (available from *Pre-school Officers, HSE MW and Limerick, Clare and North Tipperary City/County Childcare Committees*)

Caring for Your Child (available from the *Irish Sudden Infant Death Association)*

Childcare Facilities – Guidelines for Planning Authorities *(*available from *Government Publications Office and www.environ.ie)*

Children First National Guidelines for the Protection and Welfare of Children *(available from www.dohc.ie)*

Code of Practice for Fire Safety of Furnishings and Fittings in Places of Assembly *(*available from *Government Publications Office and www.environ.ie)*

E.coli Protecting the Children in Your Care (available from the *Food Safety Authority of Ireland and www.fsai.ie*)

Fire Safety in Pre-schools *(*available from *Government Publications Office and www.environ.ie)*

First Aid Index Chart *(*available from *Health Promotion Dept in HSE regions / www.healthinfo.ie)*

Food and Nutrition Guidelines for Pre-School Services (available from *www.healthpromotion.ie)*

Hazard Analysis Critical Point Control (HACCP) *(*advice from *local Health Service Executive Environmental Health Department or from www. fsai.ie)*

I.S. 340 Hygiene in the Catering Sector *(*available from *local Health Service Executive Environmental Health Department or from the National Standards Authority of Ireland)*

I.S. 344 Guide to Good Hygiene Practices in Domestic Premises *(*available from *local Health Service Executive Environmental Health Department or from the National Standards Authority of Ireland)*

I.S. 343 Guide to Food Safety Management Systems *(available from local Health Service Executive Environmental Health Department)*

Infection and Schools– A Manual for School Personnel *(available from www.sehb.ie)*

Keeping Your Baby Safe *(*available from *Health Promotion Dept in HSE regions or www.healthpromotion.ie)*

Model Framework for Education, Training and Professional Development in the Early Childhood Care and Education Sector (available from *www.justice.ie*)

National Children's Strategy *(*available from *National Children's Office / www.nco.ie)*

Play it Safe *(*available from *Health Promotion Dept in HSE regions or www.healthpromotion.ie)*

Síolta The National Quality Framework for Early Childhood Education, 2006 *(available from www.siolta.ie)*

UN Convention on the Rights of the Child *(*available from *Dept of Foreign Affairs or www.nco.ie)*

Resource Pack to Support Best Practice in the Design of Childcare Facilities (currently in draft) (will be available from City/County Childcare Committees and Pobal)

(ii) List of Legislation referenced (as of June 2006)

Child Care Act 1991- Part VII –see Appendix D

*Building Control Act 1990**

*Building Regulations 1997 – 2006 Parts A-M**

*Building Regulations 1997 – 2006 Technical Guidance Documents A-M**

Part A - Structure
Part B - Fire Safety
Part C - Site Preparation and Resistance to Moisture
Part D - Materials and Workmanship
Part E - Sound
Part F - Ventilation
Part G - Hygiene
Part H - Drainage and Waste Water Disposal
Part J - Heat Producing Appliances
Part K - Stairways Ladders Ramps and Guards
Part L – Conservation of Fuel and Energy
Part M – Access for People with Disabilities

European Communities Act 1972

European Communities (Hygiene of Foodstuffs) Regulations 2000 (S.I. No 165 of 2000).

*Fire Services Act 1981**

Food Hygiene Regulations 1950-89

Food Safety Authority of Ireland Act 1998

Health Act of 1947

Infectious Diseases Regulations 1981 (as amended)

Public Health (Tobacco) Acts 2002 and 2004

Copies of all legislation are available from:
Government Publications Office,
Sales Office,
Sun Alliance House,
Molesworth Street,
Dublin 2

or by Mail Order from
Government Publications,
Postal Trade Section,
51 St Stephen's Green,
Dublin 2
Telephone 01 647 6000
Fax 01 6476843

or through any bookseller.

or from websites of relevant Government Departments which should be consulted for the most up to date version of legislation.

*Documents marked * are available on www.environ.ie which should be consulted for the most up to date version of legislation or guidance.*

Appendix B

What is the 'Whole Child Perspective'?

The Whole Child Perspective, first set out in the National Children's Strategy, provides a framework through which the lives of children can be understood in a holistic and child-centred way. It is important because it allows key stakeholders to understand children's growth, development and well-being by taking account of children's own development and also the context within which they exist. The perspective is informed and underpinned by the work of Bronfenbrenner (1979)[1] and Ward (1995)[2] and it is in keeping with the spirit of the UN Convention on the Rights of the Child (1989)[3].

The perspective places the child at the heart of the understanding and recognises that the child is an active participant in his or her own development. There are three broad domains within the perspective and these are:

1. *Children's innate capacity which takes account of outcomes of children's development;*
2. *Formal and informal supports; and*
3. *Relationships around children's lives.*

By taking these three domains and their inter-linkages into account, key stakeholders can have a common perspective around children's lives that is both child-centred and holistic. The perspective is sufficiently comprehensive to include the multiple focuses for different stakeholders and can, consequently, allow stakeholders to concentrate on their individual contribution to children's lives while at the same time recognising the contribution of others. A more detailed explanation of each domain is now presented.

- ***Domain 1: Children's innate capacity***

This domain deals with the extent of children's capacities which can be measured by outcomes across nine different dimensions. The nine dimensions within this domain have been named as: Physical and Mental Well-being; Emotional and Behavioural Well-being; Intellectual Capacity; Spiritual and Moral Well-being; Identity; Self-care; Family Relationships; Social and Peer Relations; and Social Presentation.

- ***Domain 2: Relationships***

The Whole Child Perspective sees childhood as a complex set of dynamic relationships which interact in ways which are, as yet, not fully understood, but are recognised as essential to a satisfying and successful childhood. These relationships range from the

[1] Bronfenbrenner U. (1979) The Ecology of Human Development Cambridge, Harvard University Press
[2] Ward H. (Ed) (1995) Looking after children: Research into Practice London, HMSO
[3] United Nations High Commissioner for Human Rights (1989) Convention on the Rights of the Child. Geneva, Office of the United Nations High Commissioner for Human Rights.

family, the primary source of care and protection for children, to the State, which acts as the ultimate guarantor of their rights. The Whole Child Perspective recognises that children affect and, in turn, are affected by the relationships around them.

- ***Domain 3: Formal and informal supports***

Essential supports and services are provided for children through the primary, social networks of family, extended family and community - known as the informal supports - and through the formal support services provided by the voluntary sector, commercial sector, the State and its agencies. These provide the conduit through which children draw the support and services they need and from which they benefit .

Children's innate capacity

This part of the Whole Child Perspective asks that outcomes of children's development be recognised and taken into account. It recognises that children's capacities and abilities, their active participation in life, their willingness to be involved as well as their right to contribute to decisions that affect them must be supported. This part of the Whole Child Perspective is represented as the area on the left-hand side of the diagram and is divided into nine separate domains which are now presented.

I. Physical and Mental Well-being

This dimension is concerned with growth and development as well as physical and mental health. Service providers should ensure that the appropriate accommodation, supports and opportunities are put in place, both indoor and outdoor, to promote all areas of children's physical and mental well-being. The provider should promote the health and well-being of children, ensure nutritious diet, prevent the spread of infection and take positive steps to prevent harm to them.

II. Emotional and Behavioural Well-being

This area concerns children's feelings and actions. It includes their growing ability to adapt to change, to cope with stress and to demonstrate self-control. It also covers children's ability to empathise with others and behave in a socially responsible way. Service providers should ensure that children are treated with respect and dignity at all times. Children should be supported to form positive attachments to their carers and other children in the service through strong affirming interaction. Children should be supported to develop a strong sense of self-esteem and self-confidence in an environment of emotional warmth and approval. Consistent boundaries are important to children's sense of security. Children should not be subjected to any degrading or abusive language or behaviour.

III. Intellectual Capacity

This dimension covers all areas of cognitive development, educational attainment and active learning from their surrounding environment. An environment that engages and enables, that responds and stimulates in support of active learning, should be provided with the appropriate access to resources, materials and social interaction to stimulate (empower) cognitive

and linguistic capacity in accordance with each child's needs and abilities. The opportunity to learn through play is of particular importance.

IV. Spiritual and Moral Well-being

This covers feelings, experiences and beliefs that stimulate self-awareness, wonder, reverence and the meaning and nature of life and death. Each child's own traditions of belief and observance of religious duties should be respected by the service provider and by other children in the service. Children's developing sense of knowing right and wrong should be nurtured.

V. Identity

The diversity of children's experiences, culture, gender, social background and traditions should be nurtured and valued by the service provider. The provider and staff must actively promote equality of opportunity, participation and anti-discriminatory practice with regard to all children in their care. This includes the promotion of mutual respect between children in their care.

VI. Self-care

This includes the competencies that all children require in order to look after and respect themselves. Service providers should seek ways to support children's own capacities for self-care.

VII. Family Relationships

Children's capacity for development along this dimension is more likely to be met if they have a sense of belonging and in situations where changes of carer are kept to a minimum. Service providers should seek to support, work with and actively involve each child, child's family/carers in the child's development by providing opportunity for on-going communication about the child. These should include on-going updates of the child's activities and regular reviews of the child's well-being.

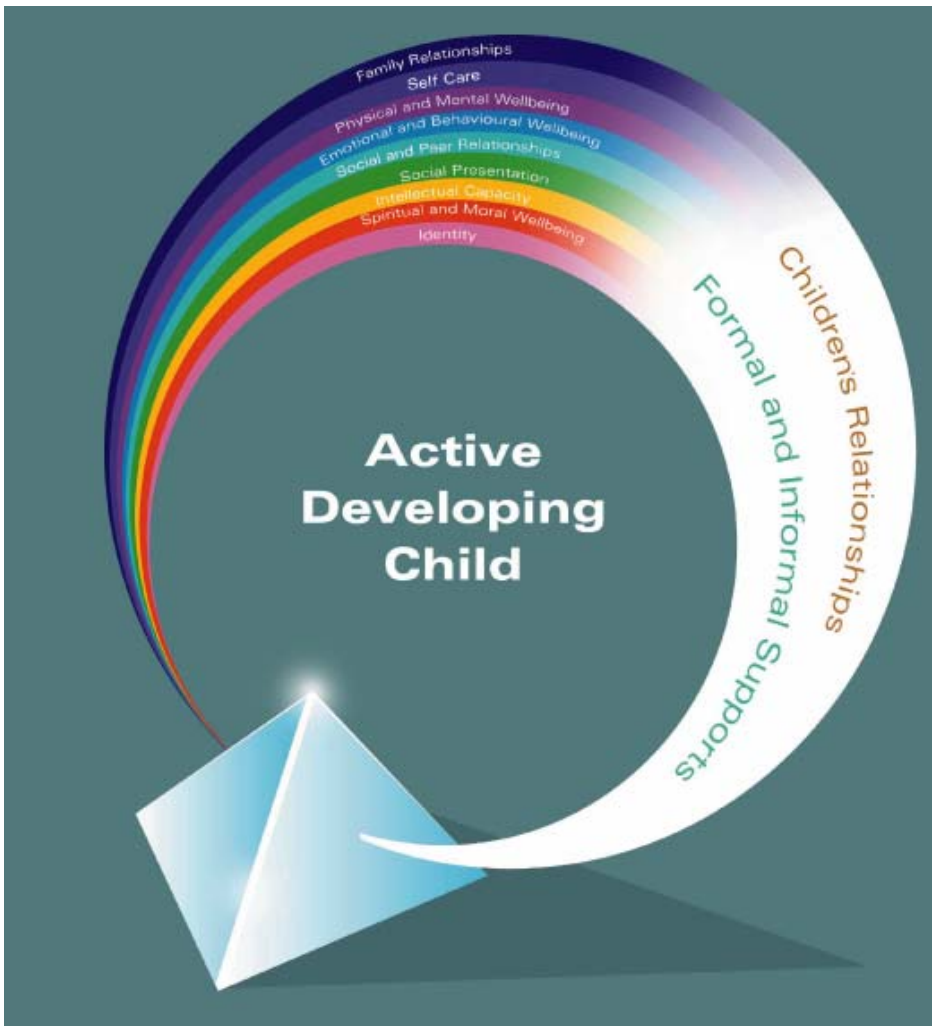
VIII. Social and Peer Relations

This involves the child's ability to make friends and feel part of a peer group. Service providers should seek to support children's capacity for social development through providing opportunities for the co-operation, collaboration and friendship to develop friendships and co-operate with others. Children should be protected from bullying and assisted in learning skills to manage bullying behaviour. The importance of play in learning valuable social skills should be recognised. Opportunities should be provided for children to contribute to the shaping of the service. Opportunities for children to participate in and understand the wider community should be part of the service provision.

IX. Social Presentation

This concerns children's growing understanding of their capacity to engage with others and realise the impact of their actions, appearance and behaviour on others. Service providers should support children in their understanding of others and learn to engage in social situations.

Figure 1: Whole Child Perspective



Appendix C

First Aid Box

The recommended contents of a first aid box for children are:

Materials	First Aid Box Contents		
	1 - 5 children	**6 - 25 children**	**26 – 50 children**
Hypoallergenic plasters	12	20	20
Sterile eye pads (bandage attached)	2	6	6
Individually wrapped triangular bandages	2	6	6
Small individually wrapped sterile unmedicated wound dressings	1	2	4
Medium individually wrapped, non-stick, sterile, unmedicated wound dressings	1	2	4
Individually wrapped antiseptic wipes	8	8	10
Paramedic shears	1	1	1
Latex gloves – non-powdered latex or Nitril gloves (latex-free)	1 box	1 box	1 box
Additionally where there is no running water, sterile eye wash	1	2	2

In addition to a First Aid Box you may have a fever scan thermometer and a toughcut scissors.

Where there are more than 50 children, pro rata provision should be made.

Where mains tap water is not readily available for eye irrigation, sterile water or sterile normal saline (0.9%) in sealed disposable containers should be provided. Each container should hold at least 30ml and should not be re-used once the seal is broken. At least 90ml should be available.

Eye bath/eye cup/refillable containers should not be used for eye irrigation.

Appendix D

Child Care Act, 1991 as amended -
PART VII SUPERVISION OF PRE-SCHOOL SERVICES

http://www.irishstatutebook.ie/ZZA17Y1991.html

Definitions for *Part VII*.

- **49.—In this Part—**

- **"authorised person" means a person appointed under section 54 to be an authorised person for the purposes of this Part;**

- **"national school" has the meaning assigned to it in the School Attendance Act, 1926;**

- **"pre-school child" means a child who has not attained the age of six years and who is not attending a national school or a school providing an educational programme similar to a national school;**

- **"pre-school service" means any pre-school, play group, day nursery, crèche, day-care or other similar service which caters for pre-school children, including those grant-aided by the Health Service Executive ;**

Regulations as to pre-school services.

- **50.—(1) The Minister shall, after consultation with the Minister for Education and the Minister for the Environment, make regulations for the purpose of securing the health, safety and welfare and promoting the development of pre-school children attending pre-school services.**

- **(2) Without prejudice to the generality of *subsection* (*1*), regulations may—**

  (*a*) prescribe requirements as to the heating, lighting, ventilation, cleanliness, repair and maintenance of premises in which pre-school services are carried on and as to the equipment and facilities to be provided;
  (*b*) provide for the enforcement and execution of the regulations by the Health Service Executive ;
  (*c*) prescribe the annual fees to be paid to the Health Service Executive by persons carrying on pre-school services towards the cost of inspections under this Part.

- **(3) Regulations under this section may—**

(a) make different provision for different classes of pre-school services;

(b) prescribe different requirements for different classes of pre-school services;

(*c*) provide for exemptions from any provision or provisions of the regulations for a specified class or classes of pre-school services.

- **(4) The Public Offices Fees Act, 1879, shall not apply in respect of any fees paid under regulations under this section.**

Giving of notice to Health Service Executive.

- **51.(1) A person who proposes to carry on a pre-school service shall give notice to the Health Service Executive in the prescribed manner.**

- **(2) A person who, before the amendment of this section by the Health Act 2004, gave notice to a health board in the prescribed manner shall be deemed for the purpose of this Part to have given notice to the Health Service Executive.**

Duty of person carrying on pre-school service.

- **52.—It shall be the duty of every person carrying on a pre-school service to take all reasonable measures to safeguard the health, safety and welfare of pre-school children attending the service and to comply with regulations made by the Minister under this Part.**

Supervision of pre-school services.

- **53.—The Health Service Executive shall cause to be visited from time to time each pre-school service in order to ensure that the person carrying on the service is fulfilling the duties imposed on him under section 52.**

Authorised persons.

- **54.—(1) The Health Service Executive shall appoint such and so many of its employees as it thinks fit to be authorised persons for the purposes of this Part.**

- **(2) The Health Service Executive may, with the consent of the Minister for Education, appoint an officer of that Minister to be an authorised person for the purposes of this Part.**

- **(3) Every authorised person shall be furnished**

with a warrant of his appointment as an authorised person, and, when exercising any power conferred on an authorised person under this Part, shall, if requested by any person affected, produce the warrant to that person.

Inspection by authorised persons.

- **55.—(1) Where the Health Service Executive has received notification in accordance with section 51 in respect of a pre-school service, an authorised person shall be entitled at all reasonable times to enter any premises (including a private dwelling) in which the service is being carried on.**

- **(2) A justice of the District Court may, if satisfied on information on oath that there are reasonable grounds for believing that a pre-school service is being carried on in any premises (including a private dwelling) in respect of which notice has not been received by the Health Service Executive in accordance with section 51, issue a warrant authorising a person appointed by the Executive in accordance with section 54 to enter and inspect the premises.**

- **(3) An authorised person who enters any premises in accordance with subsection (1) or (2) may make such examination into the condition of the premises and the care and attention which the pre-school children are receiving as may be necessary for the purposes of this Part.**

- **(4) A warrant under subsection (2) may be issued by a justice of the District Court for the time being assigned to the district court district where the premises are situated.**

Provision by the Health Service Executive of pre-school services and information.

- **56.—(1) The Health Service Executive may, subject to any general directions given by the Minister, provide pre-school services and provide and maintain premises for that purpose.**

- **(2) The Minister may, after consultation with the Minister for Education and the Minister for the Environment, make regulations for the purpose of securing the health, safety and welfare and promoting the development of children attending pre-school services provided by the Health Service Executive .**

- **(3) The Health Service Executive shall make**

available to any interested person information on pre-school services in any of its functional areas, whether provided by the Executive or otherwise.

Offences under Part VII.

- **57.—(1) A person who—**

- **(a) refuses to allow an authorised person to enter any premises in accordance with subsection (1) or (2) of section 55 or who obstructs or impedes an authorised person in the exercise of any of his powers under subsection (3) of that section, or**

- **(b) contravenes the requirements of this Part or of any regulations made thereunder,**

- **shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000.**

- **(2) Where a person is convicted of an offence under this Part the court may, either in addition to or in substitution for the imposition of a fine, by order declare that the person shall be prohibited for such period as may be specified in the order from carrying on a pre-school service.**

- **(3) A person who contravenes an order made under subsection (2) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000 or to imprisonment for a term not exceeding 12 months or both.**

Exemptions From provisions of this Part.

- **58.—For the avoidance of doubt it is hereby declared that the provisions of this Part shall not apply to—**

- **(*a*) the care of one or more pre-school children undertaken by a relative of the child or children or the spouse of such relative,**

- **(*b*) a person taking care of one or more pre-school children of the same family and no other such children (other than that person's own such children) in that person's home,**

- **(*c*) a person taking care of not more than 3 pre-school children of different families (other than that person's own such children) in that person's home.**

Appendix E

SAMPLE WEEKLY CLEANING PROGRAMME

Area/ Item to be cleaned	Freq--uency of cleaning	Mon	Tues	Wed	Thurs	Fri	Sat	Sun

Signature of person responsible for completion of cleaning task _____

Manager's Signature _____

Date _____

Comments _____

_____

_____

Appendix F

Sample CLEANING SCHEDULE

Area/Item to be Cleaned	Method/Procedure	Chemical Preparation	Frequency of Cleaning	Person Responsible

APPENDIX G

Regulation 27

Security and Access

The premises and outside play areas should be secure and children should not be able to leave them unsupervised. The provider should have an effective system for managing access to and egress (exit) from the premises, ensure that this system is used and keep a record of visitors. An adequate level of supervision must be provided for children. Supervision in this context means within sight or hearing of a member of staff at all times.

Floors and Staircases

Floor and staircase finishes should be close fitting, resilient, non-slip and readily cleanable. Rugs or mats should not be used where they may present trip hazards. Holes and tears in the floor covering should be repaired promptly and effectively.

All floors should be kept free from obstructions.

Every staircase should have substantial and adequate handrails to a height of 840 and 900mm. A hand rail should be fitted on both sides of the stairs if wider than 1 metre. Balustrades/guarding should be so constucted that a 100mm diameter sphere cannot pass through any opening. Balustrades should be of a design that it cannot be readily climable to prevent falls. Winding or curved stairs are not suitable for a pre-school service and should be avoided where possible. Stairways used by children should be fitted with safety gates of appropriate construction at both the top and bottom of the stairs. Staircases should be effectively and adequately lit.

Windows and Doors

Safety and access features including disability access on doors and windows should be in accordance with the requirements of the relevant Parts A to M of the Building Regulations 1997 - 2006 made under the Building Control Act 1990 and the related Technical Guidance Documents A to M.

If self-closing devices are fitted on the doors, they should be of a low manual effort to avoid trapping risks.

Gas and Electrical Safety

All gas, electrical and other appliances and fittings must conform to safety requirements and must not pose a hazard to children.

Fixed heating appliances, e.g. radiators and storage heaters, must be protected by a guard or be thermostatically controlled.
Where individual heating appliances are provided, they should be of a type that does not have an exposed flame or heating element which could provide an ignition source.
These must be protected by a guard or thermostatically controlled.

The temperature of water supplied to taps at wash-hand basins which children use must be thermostatically controlled.

All work on the installation and maintenance of electrical and gas fittings and equipment should be carried out by a competent and qualified person.

Trailing flexes should be made safe or avoided by installing sufficient sockets.

Sockets not in use should be blocked off by safety inserts and sockets/outlets are prohibited in the bathroom. Portable electrical or gas appliances should not be used or stored in the bathroom.

Machinery and Equipment

All equipment and machinery used in a pre-school service should be safe for use and subject to regular service and maintenance by a competent person.

Sleeping Equipment

Cots should be solid and stable, and deep enough to prevent a child from climbing out. Potential trapping risks arising from bars, cut outs in cot ends and open weave blankets should be eliminated.

Care should be taken when positioning cots, i.e. not too near heaters or near a window blind with cords.

Sleeping equipment for children over 2 years should be safely stored when not in use.-

The use of car seats is prohibited for sleeping.

Travel cots are not recommended for children under 2 years. Travel cots should be compliant with safety standards and be used only to supplement cots for occasional use.

Mattresses should be in compliance with the appropriate safety standards.

Seating Equipment

If high-chairs are being used, they should comply with the appropriate safety standards. All chairs, whether high or low, should have no sharp edges or finger traps. Safety harnesses should be provided on all high-chairs.

Playpens

Playpens should be of a good safe design and deep enough to prevent a child from climbing out. Mesh-sided playpens should be very closely netted and those with padded rims should be covered with strong fabric. Any loops or handles should be secured.

Safety Gates

All safety gates should be firmly fixed to adjoining walls and should be regularly checked to ensure they are in the correct position. Safety gates should always be kept closed during operational hours.

Chemical Safety

All chemicals should be kept in their correct labelled containers and securely stored and used in accordance with the manufacturer's instructions.

Outdoor Play Area

Outdoor play areas should be checked each time they are used. The outdoor play area should be secure and safely fenced off to ensure that children cannot leave this area without adult supervision and that unauthorised access is prevented.

Items like dangerous ponds, pits and all poisonous plants and berries should be eliminated from the area.

The sand pit should only contain washed sand and the pit should be covered when not in use.

Where there are sheds or stores in the outdoor play area, they should be secured to prevent unsupervised access by children.

Children should be protected from extremes of weather. Children should always be protected from the sun with appropriate cover-up clothing and sunscreen. Outdoor space for babies should be shaded from direct sunlight.

Animals

Some pre-school services may wish to have their own animals/pets on the premises; the children's safety must be maintained at all times. Care should be taken in choosing what type of animals are to be kept in the facility to ensure that the health (including allergies), safety and welfare of the children attending the premises is not put at risk. All animals carry some potential health and safety risk. Regular veterinary checks are essential.

Outings

Operational procedures should be in place for the safe conduct of outings and to ensure that children are safely escorted. Appropriate levels of staff to ensure the safety of children and to meet their individual needs must be in place. Staffing levels must also be in compliance with the provider's insurance cover. Other factors to be considered are the destination, how to get there, and what to do once there. Carrying out a risk assessment to identify any potential hazards on the journey or at the location should be considered.

See Explanatory Guide to Regulation 30 on Insurance
See Explanatory Guide to Regulation 6 on First Aid and First Aid Box

Smoking

Smoking is not permitted in a pre-school facility.
See Section 47 Public Health (Tobacco) Acts 2002 and 2004.

Infectious Disease Control

Infectious Diseases include food poisoning, mumps, measles, chicken pox, skin infections etc.

The Infectious Diseases Regulations 1981 (as amended) contains an extensive schedule of infectious diseases which must be notified to the Health Service Executive. The Health Service Executive (local Public Health Doctor or the Department of Public Health for the region) should be contacted for advice/assistance should any outbreaks occur.

See Infectious Diseases Regulations 1981 (as amended) for information.

See also Health Service Executive South East – Infection and Schools – A manual for School Personnel October 2003.

Preventative Measures

Preventative measures should be complied with to minimise outbreaks of infectious diseases at a pre-school facility. These measures, which are not exhaustive, include:

- *The pre-school premises should be maintained in a clean and hygienic condition. A cleaning programme should be implemented and recorded. See Appendices E and F. See also Explanatory Guide to Regulation 25 at (v) and (vi) on Equipment and Materials and Explanatory Guide to Regulation 23 at (v) and (vi).*

- *An adequate number of potties for the number of children being toilet trained should be provided. A rigorous programme of cleaning and disinfecting between uses be in place. Ideally, potties should be individual for each child.*

- *Staff should be vigilant in ensuring hand washing by children especially after toileting.*

- *The highest standards of hygiene must be adhered to in the kitchen and other food rooms.*

- *See also leaflet on E.coli - Protecting the Children in Your Care (Food Safety Authority of Ireland)*

Corrective Action in the event of an outbreak of infectious disease

A contingency plan should be in place in all pre-school services should an outbreak of an infectious disease occur. Areas of responsibilities should be clearly defined and proper channels of communication must be established between all the relevant people involved, including the appropriate Health Service Executive personnel.