



Feidhmeannacht na Seirbhíse Sláinte
Health Service Executive

Questions asked to the HSE from the Early Years Sector

with regard to:

**Child Care (Pre School Services) (No 2) Regulations
2006 and of the Child Care (Pre School Services) (No 2)
(Amendment) Regulations 2006**

for Early Years¹ services

¹ The reader should note that the term 'Early Years Services' is an overarching term that will include Pre-School Services. In some instances the term 'Pre-School services' will be used – reflecting the contents of the appropriate regulation. It must be noted that the terms "pre-school services" and "early year's services" are used interchangeably on some occasions through out this document.

DISCLAIMER: This document is not and cannot be considered as a comprehensive set of procedures in regard to the Regulations nor can it be taken as a legal interpretation. This document has been designed to assist the reader in understanding issues addressed in the regulation.

Introduction

This question and answer document has been prepared based on questions submitted in 2012 from Early Years Service Providers, Childcare Organisations and County & City Childcare Committees. The aim of this document is to assist the sector to understand the regulatory requirement and assist in compliance. Throughout the document the National Standards for Preschool Services [DOHC 2010] will be referenced.

This document is structured in a manner that reflects how the Regulations have been outlined and only addresses the questions received from the sector. This document should be read in conjunction with the following:

- Child Care Act 1991
- Child Care (Pre-School Services) (No 2) Regulations 2006 [S.I. No. 604 of 2006]
- Child Care (Pre-School Services) (No 2) (Amendment) Regulations 2006 [S.I. 643 of 2006].
- Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection (DOH&C 2006)
- National Standards for Preschool Services [DOHC 2010]

- **Other relevant materials include the following:**

- Children Act 2001
- Child Care (Amendment) Act 2007
- Child Care (Amendment) Act 2011
- Children First: National Guidance for the Protection & Welfare of Children (DCYA 2011)
- Children First Bill 2012 – Draft Heads and General Scheme
- Child Protection and Welfare Practice Handbook (HSE 2011)
- Criminal Justice Act 2006 Part 15 – Miscellaneous –
Section 176 - Reckless endangerment of children
- Data Protection Acts 1988 & 2003²
- Disability Act 2006
- Freedom of Information Acts 1997 & 2003³
- Health Act 2004
- Health Act 2007
- Health and Safety Authority [IRL] publications
- National Vetting Bureau (Children and Vulnerable Persons) Act 2012
- Our Duty to Care: The principles of good practice for the protection of children & young people (DOHC 2004)
- Building Legislation and Regulations and Planning Acts available on www.environ.ie
- Protections for Persons Reporting Child Abuse Act 1998.

² As per Section 23(2) of the Data Protection (Amendment) Act 2003.

³ As per Section 32(2) of the Freedom Of Information (Amendment) Act 2003

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Part I:

Regulation 4 - Interpretation

1. It would be useful to get a clear definition of “Premises”.

A premises⁴ is defined as “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”.

Regulation 5 – Health, Welfare & Development of Child

1. What does an inspector expect to see in a childminding setting to meet the requirements for a Programme of Activities?

Sufficient documentation to demonstrate that each child’s learning development and wellbeing is adequately facilitated. These are identified in the HSE National Assessment Framework⁵ for Regulation 5. Documentation can be in different formats (diary, memo, book and file record etc). The age range of children catered for will determine the degree of pre-planning of activities possible. Childminders engaged in the **Early Childhood Care and Education (ECCE)** scheme are expected to provide the same level of detail in a pre-planned programme as with sessional services. For childminders catering for a predominantly younger range of children, greater emphasis will be on the observation/communication records. In general the following should be recorded:

- The planning of activities and routines should be influenced by appropriate early year’s standards⁶. Therefore the core philosophy and aims of the service should be identified in the childminders policies.
- A general daily timetable of routines should show a reasonably predictable sequence of activities that is flexible around the needs of the children. Core routines identified could include meal and snack times, rest periods, short periods of scheduled key activities e.g. story time, outdoor play, songs and rhymes etc and a predominance on times for spontaneous play activities.
- Regular recorded observations on each child which captures their time and progress while in the service. Observations can consist of written records or books, and photographs. It may be useful to use the observation records as a communication book between the childminder and home setting for sharing key information on care routines; fun and learning experiences from during the day; interests shown by child; and other observations or relevant information. Notes on individual children’s interests can be used to forward plan activities that link into their areas of interest. Consideration could be given to the visual attractiveness of the observations/communication records, as these will become treasured keepsakes for many parents.

⁴ See also National Standards for Preschool Services [DOHC 2010] 17.1, 17.2, 17.3, 17.4, 17.6 & 17.7 and the *Child Care Act 1991*. Explanatory Guide to Requirements and Procedures for Notification and Inspection. Part 1 Categorisation of Preschool Services, pg 8.

⁵ Child Health and Development Guide [HSE 2011]

⁶ Reference materials include: Siolta – The National Quality Framework for Early childhood education [CECDE 2009] National Quality Framework, Aistear – the Early Childhood Curricular Framework [National Council for Curriculum and Assessment (NCCA) 2009], resource and support materials from Childminding Ireland

2. What level of child observation/assessment is expected?

Observations should capture the progress of the child in a service in a holistic manner which reflects the overall philosophy of the service. Observation should be used to inform the planning of activities to enhance the learning and development of each child⁷.

3. Are the requirements under Regulation 5⁸ aligned with Síolta and Aistear?

Regulation 5 was developed to incorporate the whole child perspective set out in the National Children's Strategy 2000⁹ and is aligned with aspects of Síolta and Aistear [see footnote 8].

4. Is a provider required to provide for 'messy' play?

No. If the service can demonstrate that it is not essential for the facilitation of each child's learning development and well being within their model and philosophy of care. However, messy play provision does not conflict with any of the recognised early year's philosophies, and its value in providing sensory exploratory experiences, imaginative stimulation and communication enhancement is well documented. Messy play experiences do not have always to be on a large scale, and its primary function is to provide for open ended play with sensory stimulating materials. Through messy play, children can experience different tactile sensations; use their imagination in handling and shaping the materials to become whatever they wish; exercise their fine and gross motor skills moulding, carrying and shaping; and discover important science and mathematical principles as a side effect of play (i.e. accidental learning). Open ended play materials extend from liquids such as water, oil, bubbles; onto squishy and slimy materials such as mud, seaweed, foam, gloop, finger paints; to mouldable materials such as firm clay; soft and firm dough; playfoam etc; and solids such as sand, nature materials (leaves, seashells; twigs etc); cardboard boxes and junk art materials.¹⁰

5. What is the requirement where natural materials are used?

The materials must be non-toxic, non-hazardous and free from contamination. Some activities using natural materials that may include risky play experience are mud play, water features, field trips, climbing trees, tending to open fires; woodwork etc will require an appropriate risk assessment and procedures for safely managing this. However the promotion of safe play should not be used to avoid giving children experiences of "risky" play activities, which when carefully done by skilled practitioners can provide thrilling experiences, eliminate certain phobias, and provide valuable opportunist for children to learn how to safely assess and manage such risks themselves¹¹.

⁷ Reference National Standards for Preschool Services [DOHC 2010]: 8.6 and 8.10

⁸ Explanatory Guide to Requirements and Procedures for Notification and Inspection. Part 11 Regulation 5

⁹ Government of Ireland The National Children's Strategy: Our Children: Their Lives. Dublin: Statutory Office, 2000

¹⁰ Refer to Regulation 5,

Child Health and Welfare Development Assessment Guide Regulation 5 - Reference: R5, Version: 1 [HSE 2011]
LET THE CHILDREN PLAY: Nature's Answer to Early Learning, Jane Hewes, PhD, Chair of the Early Childhood Education Program, Grant MacEwan College, Edmonton, Alberta, Canada. Accessible at http://www.ccl-cca.ca/pdfs/ECLKC/lessons/Originalversion_LessonsinLearning.pdf

Benefits of messy play www.ourhansonlearning.com

¹¹ Refer to Regulation 5 and National Standards for Preschool Services [DOHC 2010]: 8, 9 and 10.

Children's risky play from an evolutionary experience: The anti-phobic effect of thrilling experiences. Sandseter E.B.H.; Kennair L.E.O., www.epjournal.net 2011 9(2) 257-284.

6. Does the Inspectorate take consideration of the different philosophies and pedagogy in early Years Services?

Yes, all philosophies and pedagogy are respected. All philosophies can contribute to facilitating children's development. Provider's while remaining true to one philosophy can also incorporate aspects from other Early Years philosophies, adding new dimensions without distracting from their core philosophy¹².

7. Do Montessori pre-schools need to have dolls, sand, toys etc assuming they do have the appropriate Montessori equipment?

Montessori preschools must be compliant with Regulation 5. It is not necessary to have dolls, sand and toys however the model and philosophy of care and documentation of the play programme must demonstrate appropriate expression of activities, materials & equipment¹³.

8. How frequently is it required to provide a change of environment for children e.g. outdoor play?

It should be promoted that children attending a pre-school service should have a change of environment at a minimum once in the day which can include daily outdoor play time¹⁴.

Regulation 6 – First Aid

1. What are the minimum contents for a first aid box?

The Health and Safety Authority (HSA) have prepared comprehensive guidelines on First Aid at Places at Work detailing the relevant standards, training, recommended contents for a first aid box and First Aid Frequently Asked Questions¹⁵. Each of the listed items has a particular function in a first aid situation e.g. small plaster for minor grazes, non stick dressing for larger grazes and absorbent dressing for actively bleeding wounds. The HSA does state that the lists are a general guide and gives the following guidance on flexibility of contents –

- Quantities of items stated are the minimum. Occasionally the quantities of items may be insufficient and the actual amounts required should be based on a risk assessment.*
- The requirements for sterile water for eye irrigation (or burns) is only required where there is no available supply of wholesome water.*
- The addition of a fever scan thermometer is a recommended item but is a practical aid in helping to assess if a young child or infant has a temperature.*
- A tough cut scissors is a recommended item, with its purpose for cutting through cord or thick fabric in an emergency.*

¹²Explanatory Guide to Requirements and Procedures for Notification and Inspection. Part 2 Regulation 5 It is health, welfare and development of the child.

National Standards for Preschool Services [DOHC 2010]: 8.9 8.13; 17.12

Useful references include: Early Childhood Education & Care - An Introduction for Students in Ireland: Máire Mhic Mhathúna and Mark Taylor (Gill & MacMillan 2012)

Diversity & Equality in Early Childhood: Colette Murray and Mathias Urban (Gill & MacMillan 2012)

¹³ Refer to Regulation 8.

¹⁴Explanatory Guide to Requirements and Procedures for Notification and Inspection. Part V Regulation 28 facilities for rest and play.

National Standards for Preschool Services [DOHC 2010]: 8.9 8.13; 17.12

¹⁵ The list of recommended contents for a first aid box listed in appendix C of the Explanatory Guide to regulations is a slightly adjusted list from the general table of contents listed on the HSA website, to reflect the preschool age group.

National Standards for Preschool Services [DOHC 2010]: 12.14

The first aid box should be clearly identifiable. The Health and Safety Authority identified this as a green box with a white cross so it is instantly recognisable as a first aid box. Medicines, creams or ointments should not be stored in the first aid box as they may contaminate the items and create a risk of infection¹⁶.

2. What is an acceptable level of First Aid qualification?

As Early Years services are places of work, providers are required to have Occupational First Aid Certification¹⁷. The First Aid training required for workplaces is The Occupational First Aid Certificate. It takes 3 days or 24 hours tuition time. It is an accredited course.

All First Aid courses undertaken should be accredited and training provided by a accredited trainer. A minimum of one person on the premises at all times is required to have this level of qualification¹⁸. A list of registered instructors can be found at www.ofaaa.com/instructor.

It is acknowledged that the paediatric first aid component is not available as an accredited course currently. It is necessary that provider's undertake child and infant CPR.

3. How often is the refresher first aid course required?

Occupational first aid is valid up to 2 years¹⁹.

4. Is it necessary to have written consent from a parent in order to administer first aid to a child?

No. The purpose of first aid treatment is to preserve life, protect from further harm, prevent worsening of condition, provide relief and reassurances. It does not replace medical treatment. Therefore First Aid treatment is in keeping with a provider's duty to care, and to take all reasonable measures to ensure the health, safety and welfare of children. It would be deemed negligent if staff were to refuse to administer first aid.

5. What items should there be in a First Aid Box?

Please refer to Appendix C titled "First Aid Box – The recommended contents of a first aid box for children are:" of Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection (DOH&C 2006)

¹⁶Explanatory Guide to Requirements and Procedures for Notification and Inspection. Part 11 Regulation 6 First Aid Appendix C of Explanatory Guide to Requirements and Procedures for Notification and Inspection. National Standards for Preschool Services [DOHC 2010]: 12.14 and 12.15.

¹⁷ The Health & Safety Authority has determined that the standard for Occupational First Aid in the workplace will be FETAC Level 5 Occupational First Aid Standard. The Occupational First Aid Assessment Agent (OFAAA) is appointed by the Health & Safety Authority to carry out the assessment and registration of Occupational First Aid training providers.

¹⁸ Refer to Regulation 6 and Explanatory Guide to Requirements and Procedures for Notification and Inspection. Part 11 Regulation 6 First Aid and Appendix C. National Standards for Preschool Services [DOHC 2010]: 12.14 and 12.15

¹⁹ The Health & Safety Authority has determined that the standard for Occupational First Aid in the workplace will be FETAC Level 5 Occupational First Aid Standard. The Occupational First Aid Assessment Agent (OFAAA) is appointed by the Health & Safety Authority to carry out the assessment and registration of Occupational First Aid training providers.

Any additional remedies administered should be with the agreement of the parents and should be stored and administered in accordance with the manufacturer's instructions. Information on any additional treatment measures should be included in the services medications protocol²⁰.

Regulation 7 – Medical Assistance

1. Is there guidance available from the HSE to support the development of an appropriate protocol for administration of medication?

A guide to developing a protocol for the administration of medicines has been developed by the HSE²¹. (Appendix 1- Guidelines for developing a Protocol for the administration of Medication)

2. What does the HSE require when medication is administered?²²

- *Written parental consent prior to administration.*
- *Written protocol / procedure that staff are familiar with.*
- *Record of medication when given*
- *Record of medication taken*
- *Record of medication when medication is refused, vomited back or the child has an adverse reaction.*
- *Record of action taken [e.g. parent's contacted, medical advice / assistance sought, etc.] when medication is refused, vomited back or the child has an adverse reaction.*
- *Parents are informed of any medication administered to their children).*

3. If a child has specific needs requiring medication, is the provider obliged to administer the medication?²³

The provider should ensure that the health, welfare and development of the child is adequately facilitated in the service and that a child is not rendered unable to attend if such administration is refused or compromised if delayed. Where the administration of medications requires technical skills e.g. injection or suppositories which are beyond the scope of the staff in the service, the provider should seek guidance/training from the relevant professional in consultation with the parent.

4. This regulation states there should be adequate arrangements in place to summon medical assistance promptly in an emergency. What is considered adequate?

An emergency is where urgent medical care is required and speedy assistance is required. First aid delivered will necessitate the full attention of at least one First Aid trained staff member. Therefore until a second adult arrives, the single handed staff member will not be able to effectively manage both the emergency and the other children present. The second

²⁰ National Standards for Preschool Services [DOHC 2010]: 12.4 and 12.7

²¹ National Standards for Preschool Services [DOHC 2010]: 12.4, 12.6 and 12.8 and Appendix 1
Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection (DOH&C 2006) Part II, Regulation 7 – Medical Assistance.

²² National Standards for Preschool Services [DOHC 2010]: 2.2(4), 4.2, 4.4, 12.4 and 12.7

Appendix 1

²³ National Standards for Preschool Services [DOHC 2010]: 12.7

adult should be available within a few minutes at most, and be capable of knowing what to do without instruction and provide additional support for the emergency as needed²⁴.

5. Are providers required to give medication?

The Explanatory Guide to Regulation 7 states that a protocol is required with reference to an anti-febrile²⁵ agent e.g. Paracetamol (Calpol) and that parental consent is required. This implies that providers are required to give medication.

At all times the care of the child is paramount. The HSE promote that childcare staff take appropriate actions to ensure the health, safety and welfare of the children in their care which may include the administration of medication, especially in an emergency situation i.e. febrile convulsion, epileptic seizure, allergic reactions, seizure/s and asthma attack. Where there is a requirement to give or supervise an injection type medication the provider must ensure that they have firstly been trained to do so safely. All over the counter medications must be administered according to the manufacturer's instructions. Prescription medication must be given according to the medical instructions given when dispensed. It is the parent's responsibility to ensure that this is facilitated and the provider's responsibility to ensure that they are proficient before undertaking the task²⁶.

6. Can an anti febrile medication e.g. Paracetamol (Calpol) be given if contact cannot be made with the parents?

This eventuality should be anticipated and the services medication policy should be agreed with parents and consent previously sought. When the body temperature in a child rises beyond a safe limit it is important that an anti-febrile agent is administered quickly. As with any medications the amount, time, date and signature is recorded. Parents are advised in accordance with the service policy²⁷.

7. Can the service use one anti febrile agent e.g. Paracetamol (Calpol) bottle as opposed to each child bringing their own bottle?

A service provider can provide the anti-febrile agent within the service. Additionally where parents provide an anti-febrile agent it must be clearly labelled with the child's name. The storage, consent and administration of the medicine must be detailed in the medication protocol²⁸.

8. Is written consent needed to apply sun protection creams supplied by the parent / guardian?

No if the parent gave the sun cream.

9. Is written consent from the parent / guardian needed to apply sun protection creams supplied by the early year's service?

Yes to ensure that the child suffers no adverse reaction from the product type.

²⁴ Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection (DOH&C 2006) Part II, Regulation 7 – Medical Assistance.

²⁵ **Anti-febrile medication** is medication used to reduce a raised body temperature. The most common anti-febrile medications used are: Paracetamol (Paralink, Calpol) and Ibuprofen (Nurofen). Anti-febrile medication is important treatment for high temperatures to prevent febrile convulsions however, it should not be used unless indicated for high temperature or pain as overdose can cause significant medical problems.

²⁶ National Standards for Preschool Services [DOHC 2010]: 12.4, 12.6 and 12.7

²⁷ National Standards for Preschool Services [DOHC 2010]: 12.4 and 12.5

²⁸ National Standards for Preschool Services [DOHC 2010]: 12.4

Regulation 8 – Management and Staffing

1. Is extra staff required for nappy changing if the adult : child ratio is compliant with the Regulations?

In general no, however in cases where the layout of the building or the current practice of nappy changing does not promote adequate supervision, the Inspector may request changes to address the safety of the children (e.g. relocation; change in practise; additional staff etc)²⁹

2. Where a full day care service caters for children who attend on sessional basis, should the adult : child ratio and group size for sessional services apply as appropriate i.e. 2.5yrs to 6yrs 1:10?

- *Yes, once the service provider can demonstrate a structured and planned programme of activity as defined in the regulations for the sessional services.*
- *Full day children can only attend the sessional part of the service once in the day.*
- *The programme offered to a child under 3 years of age must be appropriate to their stage of development. If the inspector considers that a child under 3 years is struggling with the programme offered the provider will be required to provide a programme suitable to the age and stage of development.*
- *The ECCE scheme changes related to adult:child ratio are affected in accordance with DCYA issued guidance³⁰*

3. Can the manager/supervisor cover to do lunch relief etc. for other staff as required, provided it's not inconsistent with their duties as Manager/Supervisor?

The manager/supervisor can cover for short breaks. It is expected that they have experience working with children³¹.

4. Does the manager of the pre-school or crèche have to be supernumery³², or can they be part of the ratios provided?

The manager does not have to be supernumery once managerial duties do not detract from direct child care and vice versa. Only managers working directly with the children at all times can be included in the calculation of adult:child ratios. Managers can be included for short periods where covering staff at break time³³.

5. Are you permitted to cater for different age groups within the one room provided you have the necessary space requirements?

Yes, subject to meeting the Regulation requirement once the provider has the appropriate space, adult/ child ratio and can demonstrate the programme of activities for the age range in attendance³⁴

²⁹ National Standards for Preschool Services [DOHC 2010]: 5, 9.5, 9.7 and 20.2

³⁰ National Standards for Preschool Services [DOHC 2010]: 5.16

http://www.dcy.gov.ie/documents/childcare/ECCE_June_2012/ecce_guidelines.htm

³¹ Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection (DOH&C 2006) Part II Regulation 8 Management and Staffing

³² The term “supernumery” means a person in excess of the required number.

³³ Child Care (Pre-School Services)(No 2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection (DOH&C 2006) Part II Regulation 8 Management and Staffing

³⁴ National Standards for Preschool Services [DOHC 2010]: 5.16, 17.10, 17.11, 18.1, 19, 20.1, 20.4, 20.6 and 20.7

6. **Where you have a mix of full day 3-5yr olds and sessional 3-5yr olds in the same room. What adult : child ratio applies for the pre-school service?**

The ratios 1:10 for the duration of the sessional service and 1:8 for the remainder of the day. If applicable this can be amended in accordance with the ECCE scheme changes in accordance with DCYA issued guidance³⁵.

7. **Is it necessary to have an additional worker /floater when I already have 4 members of staff and 14 children between the ages of 3-5 years?**

The adult/child ratio is 1:8 for children aged 3 to 5 years attending on a full day basis. The adult/child ratio is 1:10 for children aged 3 to 5 years attending on a sessional basis. However the ECCE ratio of 1:11, applies where appropriate³⁶.

It is the service provider's responsibility to have sufficient numbers of staff working with the children in the service. Each service must assess their own staffing needs based on: the number of children in attendance, their ages, length of time spent in the service, the type of programme being delivered and the specific needs of the children attending the service. The staff needs assessment may indicate that the number of staff required is greater than the recommended ratios which are an indicator of the minimum number of staff required per number of children present.

8. **If there are 5 Full day care children aged 1 to 3 years in a room, how many adults are required?**

The requirement is for 1 staff in the room and access to a second adult when required³⁷ where children attend a Full Day service.

Where children are attending a childminding service no more than 2 of the children should be less than 15 months (except where children are of multiple births or siblings).

9. **"I am a single handed childminder / sessional provider. Am I required to have another adult on the premises while the service is in operation because the Regulation states that a competent and suitable adult must be available to cope with emergencies?"**

No, however a second adult should be available within a few minutes at most, and be capable of knowing what to do without instruction and provide additional support for the emergency as needed³⁸

All reasonable measures must be taken as follows;

Access to a working telephone

³⁵ Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection (DOH&C 2006) Part V Regulation 18 (b)

http://www.dcy.gov.ie/documents/childcare/ECCE_June_2012/ecce_guidelines.htm

³⁶ Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection (DOH&C 2006) Part II Regulation 8 Management and Staffing National Standards for Preschool Services [DOHC 2010]: 5.16

³⁷ Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection (DOH&C 2006) Part II Regulation 8 Management and Staffing National Standards for Preschool Services [DOHC 2010]: 5.16

³⁸ Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection (DOH&C 2006) Part II, Regulation 7 – Medical Assistance.

*Key emergency numbers available i.e. GP, hospital and ambulance³⁹
Consent from parents for emergency medical treatment on each child
Competent first aider available*

Because experience informs us that emergencies can arise, it is anticipated by all of us that we do need the assistance of another person in such circumstances. For this reason it is expected that this person [at a minimum] will have been the subject of Garda Vetting/Police Clearance and references in compliance with Regulation 8.

10. Explain the requirement of “A competent and suitable second adult must be available to cope with emergencies”?

A sessional service is required to have adult/child ratio of 1:10 and with ECCE 1:11. There is an additional requirement on services with less than 10/11 children respectively for a second adult in the event of an emergency. The second adult should be available within a few minutes at most, and be capable of knowing what to do without instruction and provide additional support for an emergency as needed. The second adult should have Garda vetting/Police clearance and references⁴⁰.

11. What ratios are required where a child has evident additional needs that require greater support but funding of additional support has not yet been provided?

The related ratios remain as the minimum pre-school regulation requirement unless observed as insufficient. The provider may allocate additional staff as they choose. Should a staff member be identified as not adequately managing the individual needs of the child in this case a second adult may be required. The service may seek support of relevant professional supports such as local public health nurse, early intervention teams, support worker with their local child care committee etc⁴¹.

12. Adult/Child ratios are set out on page 45 of the explanatory guide to the regulations⁴². However, under “placing of children in age range groups” page 43/44 states “The application of adult/child ratios should, in so far as it is practical and safe to do so, facilitate sibling interaction and mixed age groupings. Is this option available to childcare service providers under the inspection process?

Sibling interaction is desirable in any pre-school service, in particular those services that have siblings attending on a full day care basis and should be facilitated on a daily basis. Sibling interaction can be facilitated in many ways, e.g. during outdoor play, at mealtimes, at times when the service has fewer children e.g. after sessional children have gone home, during periods of free flow play⁴³

³⁹ Regulation 6 and 7

Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection (DOH&C 2006) Part II Regulation 8 Management and Staffing
National Standards for Preschool Services [DOHC 2010]: 4.1, 5.15, 12.14, 12.15, 20.1, 20.2, 20.4 and 20.8

⁴⁰ Regulation 8(2), Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection (DOH&C 2006) Part II Regulation 8 Management and Staffing
National Standards for Preschool Services [DOHC 2010]: 5.15

⁴¹ National Standards for Preschool Services [DOHC 2010]: 8.1

⁴² Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection (DOH&C 2006)

⁴³ Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection (DOH&C 2006) Part II Regulation 8 Management and Staffing

13. Can a person on an internship⁴⁴ programme be included as part of the adult/child ratios?

They can be included in the adult/child ratio when deemed to be suitable and competent and once all relevant references, verification of references, Garda Vetting / Police Clearance and checks are in place⁴⁵.

Regulation 9 - Behaviour Management

1. A childcare organisation recommends to members that they write their own Behaviour Management Policy (& other policies) in consultation with children, parents and staff. What is the HSE's view on the use of template policies?⁴⁶

Each service is required to have a behaviour management policy appropriate to the age and stage to development of all the children attending including managing children's challenging behaviour. Where templates are used they must be used appropriately and incorporate current best practice. This must be reflected in the service. There is considerable resource and research available in this area within the Early Years sector.

2. What approaches to behaviour guidance and discipline do pre-school inspectors use to inform their assessment of the appropriateness or otherwise of service' policies relating to children's behaviour?

The child is treated with respect and dignity at all times and never subjected to practices that are disrespectful, degrading, exploitive, intimidating, emotionally or physically harmful or neglectful. Some examples; shouting, isolating, negative language and rough handling.

A positive behaviour management policy is required which ensures that practices are age and developmentally appropriate and are supporting the child to manage his/her behaviour. The behaviour management procedures match with the practices within the service provided the policy is based on current best practice. Some examples; positive affirmation, correcting behaviour not the child⁴⁷.

3. Do pre-school inspectors consider that the use of a "bold-step" or "time-out" are appropriate for pre-school children?

Children should never be excluded, ignored, neglected or isolated. Emphasis should be on positively promoting good behaviour, developing the child's awareness of their emotions and developing empathy with others. There should be a clear understanding of the indications, appropriateness and time limit of any interventions including "time out". The term "bold step" is not an appropriate term in the preschool. Where a time out is appropriately used a

National Standards for Preschool Services [DOHC 2010]: 9.6 and 17.11

⁴⁴ "Internship" refers to that as defined in the National Internship scheme: JobBridge.

<http://www.jobbridge.ie/intern.aspx>

⁴⁵ Regulation 8, Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection (DOH&C 2006) Part II Regulation 8 Management and Staffing

⁴⁶ Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection (DOH&C 2006) Part II Regulation 9 Behaviour Management

National Standards for Preschool Services [DOHC 2010]: 10.1

⁴⁷ Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection (DOH&C 2006) Part II Regulation 9 Behaviour Management

National Standards for Preschool Services [DOHC 2010]: 10.1 10.3 10.4 10.5 10.6 10.7 and 10.8

child is never left alone or isolated from their peers. On-going behaviour issues may require expert advice or guidance in collaboration with parents. The attitude, demeanour and tone of the voice of the staff is crucial to promoting positive self esteem⁴⁸.

4. Is a child protection policy required?

Yes, clear written guidelines on identifying and reporting child abuse should be developed by the service in keeping with Children First: National Guidance for the Protection and Welfare of Children 2011⁴⁹.

5. Are staff required to have special training in dealing with the behaviour of children with additional needs e.g. autism, Attention Deficit Hyperactivity Disorder etc?

Staff must have the skills to care for children with additional needs. The service must have a policy on procedures for managing a child's challenging behaviour and to assist that child to manage their own behaviour in consultation with the parents. The staff caring for the child should be familiar with the policy and how to implement this⁵⁰.

6. Are management of pre-school services / providers required to ensure that personnel are trained in the recognition of signs of abuse and on the standard reporting procedure?

Children First Guidance states the following:

- There are a number of key target groups for training in child protection and welfare... are staff in a wide range of agencies, both statutory and non-statutory, who provide services to children and families... who have a social responsibility to safeguard the welfare of children. These include, among others... pre-school services... [Refer to Section 10.4.1]*
- The management of... pre-school services... must also ensure that personnel are trained in the recognition of signs of abuse (see Chapter 2 and Appendix 1 of Children First Guidance) and on the standard reporting procedure (see Chapter 3 of Children First Guidance). [Refer to Section 10.5.5]*

7. Are providers required to undertake "Keeping Safe" training? (workshops) (state length of time)

Where "Keeping Safe" training is available it is a requirement, and this six module participative training enables organisations to carry out their responsibilities as outlined in Children First Guidance. All "Designated Liaison Persons for reporting neglect or abuse" [Refer to Section 3.3 of Children First Guidance] should have undertaken a Keeping Safe training programme/Child Protection course⁵¹.

⁴⁸ Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection (DOH&C 2006) Part II Regulation 9 Behaviour Management
National Standards for Preschool Services [DOHC 2010]: 10.9

⁴⁹ Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection (DOH&C 2006) Part II Regulation 9 Behaviour Management
National Standards for Preschool Services [DOHC 2010]: 11.2, 11.3, 11.4, 11.5 and 11.6
Refer to Section 4.7.2 and Appendix 8 of Children First; National Guidance for the Protection and Welfare of Children [DCYA 2011]

⁵⁰ Regulation 5, National Standards for Preschool Services [DOHC 2010]: 15.3, 15.4, 15.5, 15.6, 15.7 and 15.8
Child Health and Development Guide [HSE 2011]

⁵¹ Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection (DOH&C 2006) Part II Regulation 9 Behaviour Management

8. Is there a standard behaviour management policy?

Each service is required to have a behaviour management policy⁵² appropriate to the age of the child which is in keeping with the philosophy of the service and stage to development of the children attending. There is considerable resource and research available in this area within the Early Years sector.

9. Does Regulation 9 recommend that we keep records of challenging behaviour?⁵³

Yes, the behaviour management policy must state that a written record can be maintained on a child's challenging behaviour. This record is maintained in consultation with the parent. Systematic observation would be beneficial in identifying the patterns of triggering factors for challenging behaviour, to assist in the formation of an individual care plan, to provide consistency in approaches by different staff and to evaluate the effectiveness of strategies used.

Regulation 10 Notice to be given by a person proposing to carry on a pre-school service

1. Can a Childminder notify as providing a sessional service simultaneously? If so, what does the HSE expect?⁵⁴

There are cases where this is acceptable provided the Childminder has the space and sanitary accommodation for a second service i.e. sessional located in the home. Any additional service on the premises has to be independent of the childminding service and comply with all relevant legislation / regulation. The HSE administer this as two separate notifications with two separate related fees. The Childminder must demonstrate that the Childminding service is not restricted by the additional sessional service. The Childminder cannot run the day to day activities of the sessional service. They must be distinct separate services. The HSE will evaluate any proposal for an additional service. Each application will be assessed on a case by case basis.

2. Is planning permission required from the City/County Council prior to notification of the pre-school to the HSE?

Firstly it is the responsibility of the provider [who either intends to establish a service or who operates a service] to ensure that they are fully compliant with planning, building and fire safety requirements as stipulated by legislation and regulation. If planning and other issues come to the attention of the HSE then the Inspectorate will liaise with the local authority and others [as required]. Please note that Planning permission will be under review in the HSE in the development of a proposed registration system for Early Years Services.

Planning permission is not required for the family home to provide a Childminding Service.

National Standards for Preschool Services [DOHC 2010]: 11.6

⁵² Regulation 9 Behaviour Management, Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection (DOH&C 2006) Part II Regulation 9 Behaviour Management

National Standards for Preschool Services [DOHC 2010]: 10.1, 10.3, 10.4, 10.5, 10.6 10.7 10.8

⁵³ Regulation 9 Behaviour Management,

Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection (DOH&C 2006) Part II Regulation 9 Behaviour Management

National Standards for Preschool Services [DOHC 2010]: 10.9

⁵⁴Reference: Explanatory Guide to Requirements and Procedures for Notification and Inspection. Part 1 Categorisation of Preschool Services.

3. What is the policy/procedure for non-notified services, when it has come to the attention of the HSE that a service is operating and is not notified to the HSE?⁵⁵

The law requires that all pre-school services in operation notify the HSE unless exempted under the Child Care Act 1991. Should it come to the HSE's attention that a service is operating and not notified, the HSE will investigate. In some cases an application to the district court may be warranted.

4. How often should the notification form be updated for a service?

It should be updated where there is a change in the information previously received in the notification submitted by the pre-school provider. For example change in type of service, increase in numbers and change in person carrying on the preschool service⁵⁶

Regulation 11 – Notice of Change in Circumstances

1. What are the changes in circumstances that you need to notify the HSE?⁵⁷

The HSE must be advised in writing of any changes to any particulars given in the previous notification e.g.

- *Type of service e.g. childminder, sessional etc*
- *Change in notified person e.g. owner, chairperson, company*
- *Change in person responsible for operating the service (on a daily basis) e.g. manager*
- *Change of address*
- *Change in the maximum numbers catered for and the numbers of staff employed*
- *Change in the age range catered for*
- *Hours of opening, including weeks closed per year*

2. Should the HSE be notified each time there is a change of manager in the service even if it is on a short term basis e.g. Maternity leave cover?⁵⁸

Yes an email/fax or note to the Early Years Inspection Service will suffice.

3. Is the provider in breach of the Regulations if they have not notified the HSE of a change in circumstances in their service?

Yes – the service provider must within 28 days notify the HSE of any changes in circumstances as detailed in Regulation 11 referred to in Question 1 above.

⁵⁵ Child Care Act 1991 Sections 52 and 55(2) (Exemptions under the Child Care Act 1991).

Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection. Part III Regulation 10 - Notice to be given by a person proposing to carry on a Preschool Service.

⁵⁶ Regulation 11.1, National Standards for Preschool Services [DOHC 2010]: 5.5

⁵⁷ National Standards for Preschool Services [DOHC 2010]: 5.5

⁵⁸ National Standards for Preschool Services [DOHC 2010]: 5.5

4. Do you have to notify the HSE if you decide to change the ages of children you cater for?⁵⁹

Yes, it is necessary if the ages of children catered for are different from the information submitted on the current notification form, or the provider decides to increase the number of children or age ranges catered for.

Regulation 12 Number of Pre-School Children who may be catered for

1. Should there be an upper limit on the overall number of children attending a full day care service at any one time?

There is no statutory upper limit.

2. In what circumstance does the HSE fix numbers?⁶⁰

Fixing of numbers is indicated where serious or persistent breaches of the Regulations have occurred. The HSE have found the most commonly breaches are in relation to adult: child ratio, space available, group size or age ranges of children

3. Who decides on the maximum number that can be catered for in the service?⁶¹

The Inspector evaluates the maximum number proposed by the provider according to the maximum number of children catered for on the premises at any one time. This is determined by space available, adult/child ratio, age range catered for and the type of facilities available. The Early Years service provider has a right to make representation to the HSE as set out in Part III Regulation 12 of the Childcare Preschool Regulations 2006.

Regulation 13 Register of Pre-School Children

1. No 13(h) states “records of immunisation if any, received by the pre-school child” ...Parents often do not provide this information or opt not to have their pre-school children immunised. It is inappropriate that a pre-school provider is found non-compliant in these instances, if they have evidence of having sought information from the parents?⁶²

As stated the regulations require that records of immunisations received are kept. Parents should be reminded to update immunisation information promptly after each immunisation. Where parents make a decision not to immunise their child this must be recorded on the child's file and in these instances the pre-school service is not be found to be 'non-compliant'

2. In the event of immunisations not being given is this non-compliant?

No, as above parents may decide not to immunise their child but this must be recorded.

⁵⁹ Regulation 8, Child Care Act 1991 Sections 52 and 55(2) (Exemptions under the Child Care Act 1991). Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection Part II Regulation 8

National Standards for Preschool Services [DOHC 2010]: 5.5

⁶⁰ Regulation 14 (c) and 18(b). National Standards for Preschool Services [DOHC 2010]: 17.10 and 17.11

⁶¹ Regulation 12. Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection Part II Regulation 12 – Number of pre-school children who may be catered for.

⁶² Regulation 13, Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection Part IV Regulation 13
National Standards for Preschool Services [DOHC 2010]: 4.1 and 12.1

3. Does the Inspector have the right to make copies of records and take them off the premises. Further is the Inspector entitled to take photographs of the premises?

The HSE can request copies of records. Records can be removed from the premises but they must be returned promptly and should not impede on the operation of the business. The Inspector can take pictures of the premises to support findings of the inspection. Pictures of children's faces are not taken.

4. Where children have additional needs what information is required to be maintained by service providers?⁶³

The regulations require that all notes relevant to the provision of special care or attention be kept. The child's individual profile should identify how the child's learning; development and well being needs are met within the daily life of the service including activities, experiences, interactions and materials. Consultation with other professional agencies involved in the care of the child would generally be required and any letters, referrals or guidance notes should be kept.

5. How often should a provider review and update the registration form details?⁶⁴

It is good practice to review records regularly and confirm register details with parents on an annual basis. The registration details should be updated as the details change on the child. For infants and toddlers a more frequent update would be indicated especially during scheduled immunisation period. Parents should be informed on enrolment of the necessity to inform the service of any changes as they occur.

Regulation 14 Records

1. It is not clear to us where is it stated that the Regulations require photographs to be displayed of staff?⁶⁵

There is no requirement under the Regulations to display photographs of staff, however some providers choose to display photographs of staff with a brief introduction in order to familiarise parents with the staff in the setting.

2. Are parents/guardians required to sign the accident form and why?⁶⁶

A record must be kept of any accident, injury or incident involving a preschool child. Parents or guardians are informed as soon as practicable. The parent's signature indicates that they have been informed of the accident, injury or incident

⁶³ National Standards for Preschool Services [DOHC 2010]: Standard 4, 15.1, 15.2, 15.7 and 15.8

⁶⁴ National Standards for Preschool Services [DOHC 2010]: Standard 4

⁶⁵ Regulation 14.1, Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection Part IV Regulation 14
National Standards for Preschool Services [DOHC 2010]: 5.4

⁶⁶ Regulation 13, Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection Part IV Regulation 13
National Standards for Preschool Services [DOHC 2010]: 4.7

3. What policies and procedures does the HSE require a provider to have?⁶⁷

There are some policies specifically required under the Regulations such as behaviour management and Child Protection policies. There should be policies on management, training and recruitment with special reference to arrangements in the events of staff absences. Other key policies include illness and exclusion policies, administration of medication, confidentiality, complaints, infection control, fire safety, health and safety, cleaning, outings.

It is recommended that providers develop policies in relation to all aspects of the service and this will vary depending on the service provided. It is important that policies are specific to the service and are reviewed on a regular basis. (Appendix 2 – Written documents requested by inspector during course of early year's inspection)

4. Where providers have several child care facilities is it acceptable to have a common manual of policies and procedures and similarly generic information on the service?

It may be acceptable to have a common manual of policies and procedures provided they are appropriate and relevant to the service. However local differences or information specific to the service should be incorporated.

5. What records must be retained after a child has left the service?⁶⁸

It is advisable to discuss to seek independent advice which may include discussing the matter with your own legal representative.

Regulation 15 Information for Parents

1. What information on staff should be provided to parents?⁶⁹

The name, position qualifications and experience of all staff including the person in charge, students and volunteers working in the service.

2. In the standards it requires details of the written contract between the service and the parents or guardians – will this contract be part of the inspection?⁷⁰

Where there is a contract inspectors may view all such contracts. All services engaged in the ECCE scheme are required to have a contract with parents.

⁶⁷ Regulation 13, Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection Part IV Regulation 13 Appendix 2 .

National Standards for Preschool Services [DOHC 2010]: 2 (2), 4.2, 5.9 10.11.2 12.2, 12.4, 14.1 and 20.8. Appendix 2.

⁶⁸ Regulation 14 (1), Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection Part IV Regulation 14 (1)

National Standards for Preschool Services [DOHC 2010]: 4.5

⁶⁹ Regulation 14 (1) (a), Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection Part IV Regulation 14 (1) (a)

National Standards for Preschool Services [DOHC 2010]: 1.2

⁷⁰ National Standards for Preschool Services [DOHC 2010]: 2.1 and 2.2

<http://www.dcv.gov.ie/documents/childcare/ECCE June 2012/ecce guidelines.htm>

3. In our service we have a notice board displaying information on our staff. Is this sufficient for parents/visitors?

It is sufficient to use a notice board to display the staff information required to be made available to parents once it includes the names, position qualification and of all staff, student and volunteers and personnel who have access to children in the service.

4. Our policy and procedure manual is a huge document which parents are welcome to read but few do. Is it enough to have it available for parents or am I requested to provide all parents with a copy?⁷¹

A copy of the full policies and procedures of the service should be available to parents/guardians on the premises at all times. The regulations require the provider to provide the policies and information to parents/guardians of a child proposing to attend the service. It may be useful to provide all parents with a brief summary of policies but invite referral to the larger document where clarification or greater details is sought.

Regulation 16 – Fire Safety Measures

1. How often am I required to carry out a fire drill?⁷²

Fire drills should be carried out on a monthly basis⁷³ and more frequently if required, e.g. following ineffective fire drill practice; following a fire drill which identified risks; in services where sleeping children or children with disabilities are catered for.

2. Is a 'Fire Certificate' required?⁷⁴

The responsibility to ensure the building/premises complies with fire safety regulation / legislation is the responsibility of the pre-school provider. It is open to the inspector to request a pre-school provider to furnish the HSE with the fire certificate in respect of the premises being used. If an inspector has a concern it is referred to the provider so that the matter can be addressed and may be referred to the local fire officer.

Regulation 18 – Premises and Facilities

1. Is there a maximum limit on group size for each age group under the regulations?

The Regulations detail maximum group size:

- *Sessional services which is not to exceed 20.*
- *Drop in services have a maximum group size of 24*
- *For Childminders it is 5.*

Where an ECCE scheme is in operation the group size for ECCE applies.

⁷¹ Regulation 14.1, Regulation 9, Regulation 27(e), Regulation 27(f), Infectious diseases.

National Standards for Preschool Services [DOHC 2010]: 1.2 (2) 4.2 5.9 10.11.2 12.2 12.4 14.1 20.8. Appendix 2.

⁷² National Standards for Preschool Services [DOHC 2010]: 17.2.

⁷³ Fire Safety in Pre-Schools [Dept of Environment and Local Government, April 1999 – accessible at www.environ.ie]

⁷⁴ Regulation 16, Regulation 29, Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection Part IV Regulation 16 and 29.

2. **The space arrangement set out relates to clear floor space per child...it should not include furniture, "surplus to the requirements of the child". A good quality childcare service should have equipment which supports learning using paint, sand and water etc. Can an approach be taken where equipment of this kind is included for the purposes of space measurement?**⁷⁵

Furniture, play and work equipment (e.g. children's tables, chairs, sand & water play, child accessible low level shelving that holds and displays children's toys and equipment, paint/chalk, easels, dress up racks, home corner & library area), used by the pre-school children do not require additional space in the room i.e. in addition to the recommended areas detailed in the Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection.

However where equipment and furniture is stored in the pre-school room which is not required for use by the pre-school children it is deemed surplus to requirements. In these circumstances the pre-school provider has to provide additional space for this (i.e. in addition to the space requirements detailed in the Explanatory Guide).

Of further note: Some examples where this measurement is deducted from the floor space are:-

- *permanent fixtures such as storage cupboards for use by staff or other purposes e.g. cleaning materials or furniture surplus to the needs of the children*
- *excess storage of stacked chairs and tables in a part of the room; used piano etc.*
- *areas such as kitchens, toilets, sleeping and other ancillary areas are also not to be included in the space measurement.*

3. **Does a service provider have to ensure 'pest control measures' in the premises?**⁷⁶

Yes – please refer to Regulation 18(f) and 27 (e), the last of which gives attention to taking reasonable measures to safeguard the health, safety and welfare of children.

4. **Does a service provider have to engage a professional pest-control company?**⁷⁷

This is not a requirement of these regulations but in certain circumstances e.g. pest infestation it may be deemed necessary. The provider should have an understanding of rodent activity and proofing and be able to demonstrate a degree of competency if a pest control firm is not engaged. Regular monitoring is advisable and checks included in record keeping. Any method of rodent proofing used should be inaccessible to children.

5. **If there are mixed age groupings which floor area per child applies?**⁷⁸

The space per child is calculated in accordance with the Explanatory guide. In mixed age groups the space is dependent on the age of each child and their length of stay in the service.

⁷⁵ Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection Part V Regulation 18 (a) (b) Premises and Facilities.

National Standards for Preschool Services [DOHC 2010]: 17.10

⁷⁶ Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection Part V Regulation 18 (f) Premises and Facilities and Regulation 27(e).

National Standards for Preschool Services [DOHC 2010]: 17.13

⁷⁷ Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection Part V Regulation 18 (f) Premises and Facilities

National Standards for Preschool Services [DOHC 2010]: 17.13

⁷⁸ Regulation 18(b), Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection Part V Regulation 18 (b) Premises and Facilities

National Standards for Preschool Services [DOHC 2010]:

The space ratio is not applied uniformly to the room; instead each child's space requirement is calculated.

4 What is the requirement in relation to the use of a variety of surfaces e.g. carpet?⁷⁹

Surfaces provided must be in good repair and maintained in a clean and hygienic condition. Carpets are acceptable once the aforementioned is met.

6. Do the preschool regulations state that a service offering after school care cannot use the same room as a sessional service when not in use?

The room can be used by afterschool children when not in use by the pre-school children. Any additional equipment for the afterschool children not suitable for use by the pre-school children must be removed and appropriately stored before the next session for the pre-school children⁸⁰.

7. Do the preschool regulations state that a service offering after school care cannot use the same outdoor area?⁸¹

The regulations do not state that the afterschool children cannot use the same outdoor area. A risk assessment should be carried out to address potential safety concerns. A risk assessment of having mixed age groupings in the outdoor play area at the same time should be undertaken, which takes into consideration, the size of the space, equipment available, ages of the children and the number of children.

8. Can different age ranges of children be accommodated in one room?

Yes , once a risk assessment has been undertaken to ensure the safety of all the children being accommodated e.g. the risk to where babies roll, crawl, or could choke on small parts, or because of tripping, or younger children being stepped on by older children. In addition where mixed age ranges are accommodated in the one room, the developmental needs of each child must be met.

Regulation 19 – Heating

What is the acceptable temperature range within Early Years Services premises?⁸²

Standard 18.2 states that "All rooms are heated to ensure a suitable temperature.

*Occupied rooms (except sleep rooms) should be heated to a temperature between
18°C – 22°C.*

*Sleep room; which are slightly cooler; should be **16 °C – 20°C***

It is the provider's responsibility to ensure room temperature is maintained within the recommended range.

Please refer to: 'Caring for your child' - Irish Sudden Infant Death Association (ISIDA)

⁷⁹ National Standards for Preschool Services [DOHC 2010]: 17.7 and 17.8

⁸⁰ National Standards for Preschool Services [DOHC 2010]: 17.6

⁸¹ National Standards for Preschool Services [DOHC 2010]: 20.5

⁸² Regulation 19, Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection Part V Regulation 19 Heating – See page 60.

National Standards for Preschool Services [DOHC 2010]: 18.2

'Caring for your child' - Irish Sudden Infant Death Association (ISIDA)

Does the HSE require written evidence of annual maintenance of heating system?⁸³

The HSE may require written evidence to ensure that the heating system is safe so as to ensure that the heating system does not emit offensive or harmful gases, fumes or odours into the premises. Frequency of maintenance is determined by the manufacturers' instruction/maintenance booklets, a heating system engineer and legislation relevant to the specific heating system in use. The HSE do not inspect the heating system.

Regulation 20 – Ventilation

1. What level of ventilation in a sleep room is acceptable?⁸⁴

The level of ventilation required is detailed in the building regulations.

Regulation 21 – Lighting

1. Are “Up-Lighters” a suitable and adequate lighting in a childminders in the play and sleep room?

Up lighters are acceptable where the bulb wattage allows for suitable artificial lighting of the room.

2. How is it determined in a service that there is sufficient light?

The requirement is that there is adequate means of natural lighting provided supplemented by safe and suitable artificial lighting where necessary. All areas should be brightly lit (but not glaring) allowing for play items on the shelves to be clearly visible. This is assessed on a case by case basis.

3. How is the lighting to be controlled in the sleep room?

The lighting in the sleep room can be controlled by the use of curtains, blinds and/or dimmers. This is assessed on a case by case basis.

Regulation 22 – Sanitary Accommodation

1. Is it a legal requirement to have mechanical ventilation in a toilet if there is a window which can be opened to the outside?

Levels of ventilation must be achieved in accordance with Building Regulations. This may require the provision of mechanical ventilation in addition to an ‘openable’ window to the external air and should be assessed on a case by case basis.

2. Can toilet/nappy changing room open directly off a preschool room?⁸⁵

No it must be separated by a hall, corridor, ventilated lobby or ventilated space.

⁸³ Regulation 19 (a)(b), Regulation 20 and Regulation 29.

⁸⁴ Regulation 20 and Technical Guidance Building Regulations 2009 Part F (www.environ.ie).

⁸⁵ Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection Part V Regulation 22 (iv) Sanitary Accommodation Technical Guidance Building Regulations 2009 Part F (www.environ.ie) National Standards for Preschool Services [DOHC 2010]: 18.5 (10)

3. **Are ventilated lobbies required in all services even when no food is being prepared, served or consumed?**
Yes or alternatively by means of a hall, corridor or ventilated space between sanitary accommodation/nappy changing area and any occupied room.
4. **Is there a certain height regulation for wash hand basins?⁸⁶**
Not specified in the pre-school regulations. Wash hand basins must be accessible to the children suitable step-ups can be used where required.
5. **Are all WCs required to be low level or can a suitable step up be fitted to adult WCs?⁸⁷**
Suitable step ups can be used.
6. **Is it permissible to use the disabled WC as the staff toilet?⁸⁸**
Yes. Standard 18.5 states that "A wheelchair accessible toilet for children/staff with special need is required (This toilet may be included as part of the staff toilet ratios)."
7. **Is it a requirement to have separate toilets for boys and girls?**
There is no requirement for separate boys and girls toilets within a pre-school service.
8. **In sanitary areas can the area where the wash hand basins are located be classed as a "ventilated space" if the toilet cubicles (i.e. where the toilet bowls are) are doored and closed off from floor to ceiling?**
In this situation the area where wash hand basins are located can be accepted as the ventilated lobby/space provided the toilet cubicles are closed off from floor to ceiling height. A suitable system of extract ventilation from the toilet cubicle must be provided and the lobby must be provided with suitable intake ventilation.

Regulation 25 – Equipment and Materials

1. **Can the cleaning schedule drawn up by the childcare provider be accepted rather than a cleaning schedule given out by the inspectorate?⁸⁹**
Yes, once the cleaning schedule drafted by the pre-school service covers all areas within the service, the toys, equipment, furniture and fittings etc.
2. **Does the implementation of Regulation 25(1) allow for the provision to pre-school children of all ages, of natural materials such as branches, shells, stones, pine cones, leave, "free and found" materials etc?⁹⁰**
The Regulations are not prescriptive about the type of equipment and materials available, only that they must be suitable to the age and stage of development of the children, be in

⁸⁶ National Standards for Preschool Services [DOHC 2010]: 18.2 (2)

⁸⁷ National Standards for Preschool Services [DOHC 2010]: 18.2 (2)

⁸⁸ National Standards for Preschool Services [DOHC 2010]: 18.5 (4)

⁸⁹ National Standards for Preschool Services [DOHC 2010]: 12.9

Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection Part V Regulation 25(b) (vi) Equipment and Materials

⁹⁰ National Standards for Preschool Services [DOHC 2010]: 8.1 and 8.2

Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection Part V Regulation 25(a) (iv) Equipment and Materials

sufficient quantity, non toxic, in a proper state of repair and maintained in a clean and hygienic condition.

All of these requirements can be met for free and found natural materials which have multiple benefits for child development through exploration and open ended play.

3. Are providers required to “round off” the corners of the tables used by pre-school children?⁹¹

This is not a requirement in general however, in some circumstances may arise where it is necessary to cover/eliminate sharp corners. This is required based on the risk it poses to the children.

4. What is acceptable for the storage of soiled or dirty linen in the pre-school service while waiting laundering?⁹²

Soiled or dirty laundry should be placed in a suitable container. It must not be stored in any area accessible by the pre-school children and must not be stored or carried through the food preparation or storage area.

Regulation 26 – Food and Drink

1. While the childcare provider must ensure that suitable, sufficient, nutritious and varied food is available for a pre-school child attending the service, all children are different with likes, dislikes and preferred times for eating. Is it acceptable to have a snack table of nutritious food for children to choose their own food as they need it?

Services have many ways of organising food provision and meal times. It is acceptable to have a snack table of nutritious food as long as the recommended daily nutritional requirements of the child are met. The preparation, storage and service of food should comply with relevant food hygiene regulations e.g. a snack table of healthy foods may be the only food provision required in a sessional/drop-in service but would be insufficient and inappropriate as the sole source of food for children in a full day care service⁹³.

2. Is it acceptable to prepare fruit on the premises with the pre-school children, for the pre-school children i.e. wash and chop the fruit rather than having to buy in pre-prepared packaged chopped fruit which is expensive?⁹⁴

⁹¹ National Standards for Preschool Services [DOHC 2010]: 19.1

Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection Part V Regulation 25(a) (i) (iii) Equipment and Material

⁹² National Standards for Preschool Services [DOHC 2010]: 18.3

Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection Part V Regulation 18 (c) Premises and Facilities and Regulation 27(e) Safety Measures

⁹³ National Standards for Preschool Services [DOHC 2010]: 13.2, 13.3, 13.7 and 13.11, Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection Part V Regulation 26 (iv) Food and Drink

Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection Part V Regulation 26 (iv) Food and Drink

Food and Nutrition Guidelines for Preschool Services – Health Promotion Unit Department of Health and Children.

⁹⁴ National Standards for Preschool Services [DOHC 2010]: 13.12

Yes once it is in compliance with food safety requirements e.g. facilities for washing hands, wash the fruit and utensils. Where the children are involved in preparation safety concerns must also be addressed i.e. use of age appropriate utensils under supervision.

3. Must a provider provide a 3 week menu plan or is a weekly plan sufficient?⁹⁵

A weekly plan is sufficient provided that it is varied, that the food is sufficient, suitable and nutritious and meets the daily nutritional requirements of the children attending the service. It should take account of the religious and cultural background.

4. Can parents send in pre-cooked meals?⁹⁶

Yes. On receipt of the food the pre-school provider must ensure compliance with the relevant food safety legislation. The responsibility remains with the provider to ensure that the foods provided by parents are suitable, sufficient, nutritious and varied.

5. Is a fridge required in a sessional service?

This depends; yes where it is necessary to store perishable foods e.g. yogurts and ham sandwiches.

6. Is a separate dining room required in full day care services?⁹⁷

No it is not a requirement under the Pre-school Regulations however the provision of a separate dining area can be used to provide a change of environment for the children and to promote the movement and interaction of children. Tables used for dining must be cleaned before and after mealtime. Children must wash their hands prior to eating.

7. Is the pre-school provider required to ensure that children have 2 meal breaks in a 3 hour sessional service?⁹⁸

In practice, it is unusual for a 3-hour sessional service to have two meal breaks. However, if a child has not eaten breakfast before a morning session (or lunch before an afternoon session), an additional snack/meal should be offered and be available. This is of particular significance in areas of disadvantage or where children must travel long distances to arrive at the service.

8. Is a provider required to have drinking water freely available to the pre-school children e.g. in a jug?⁹⁹

Potable water (fit for drinking) must be available for all the children at all times.

⁹⁵ National Standards for Preschool Services [DOHC 2010]: 13.11

⁹⁶ National Standards for Preschool Services [DOHC 2010]: 13.2, Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection Part V Regulation 26 (iii) Food and Drink

⁹⁷ National Standards for Preschool Services [DOHC 2010]: 13.8 and 13.9

⁹⁸ Food and Nutrition Guidelines for Preschool Services –Health promotion Unit Department of Health and Children. Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection Part V Regulation 26 (iv) Food and Drink

⁹⁹ National Standards for Preschool Services [DOHC 2010]: 13.10, Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection Part V Regulation 26 (v) Food and Drink

9. Is a provider required to provide cutlery other than spoons for children at dinnertime?¹⁰⁰

Cutlery provided to the children for eating their meals must be age and stage of development appropriate, respecting cultural practices which may include forks, knives, dessert spoons, chopsticks, soup spoon, tea spoon or a 'spork' (spoon/fork combo).

10. Does a provider have to adhere to the Food and Nutrition Guidelines for pre-school services as they are not regulation?¹⁰¹

The food and nutrition guidelines are based on current knowledge of best practice regarding the nutritional needs and highlight risks associated with certain foods of pre-school children and as such are the recommended guidelines for use by pre-school services at this time. The guidelines may be superseded as new research and developments are identified.

Also, services may cater for the children with specific dietary requirements that necessitate following different guidelines or regimes as advised by the professionals involved in the care of these children.

Regulation 27 – Safety Measures

1. Are providers required to remove all opportunities for challenge where children are facilitated to learn about risk taking within safe limits e.g. tree removal, levelling of hillocks, cover streams and other environmentally natural developments in the outdoors?¹⁰²

Providers are not required to remove all opportunity for challenge however all outdoor play must be risk assessed. The outdoor play area should provide opportunities for challenge to facilitate the children's ability to learn about risk and their own capabilities within safe limits. A risk assessment in relation to hazards identified outdoors should be carried out. Where elimination of any identified hazard is not reasonably practicable, the risk from the hazard must be minimised to a safe level. Risk Assessment should be documented. Reference should be made on a regular basis in the Accident book for patterns/nature of accident.

2. Is it necessary to provide facilities for children to have opportunities for physical play appropriate to their age and stage of development particularly given the rising obesity problem in young children in Ireland?¹⁰³

Yes, all children require opportunities for physical play on a daily basis, to enhance their gross motor development, give them the habits of physical activity for lifelong health and vitality. Physical play can be facilitated both indoors and outdoors.

3. If the provider complied in accordance with the Advisory information prior to opening can the HSE seek additional structural changes on Inspection?¹⁰⁴

The HSE can seek structural changes if the provider has not heeded the advice given, or if they made changes that do not comply with the Regulations. It is noteworthy to state that

¹⁰⁰ National Standards for Preschool Services [DOHC 2010]: 13.1

¹⁰¹ Food and Nutrition Guidelines for Preschool Services –Health promotion Unit Department of Health and Children.

¹⁰² Regulation 27(d), National Standards for Preschool Services [DOHC 2010]: 20.4, 20.5 and 20.7.

¹⁰³ Regulation 5, National Standards for Preschool Services [DOHC 2010]: 8.9, 8.10, 8.13 and 20.7

Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection Regulation 27 (i) (ii) and Appendix G

¹⁰⁴ National Standards for Preschool Services [DOHC 2010]: 17.2

advice given can become 'outdated' by the time an inspection occurs or when there is a change in circumstances. Usually within 3 months of Notification the Early Years Service will undertake an Inspection.

It is the responsibility of the person carrying on the pre-school service to ensure that all requirements under legislation are complied with. Compliance with legislation relating to pre-schools, planning, building control, fire safety, employer legislation and health & safety legislation must be met.

4. How many ramps are required in a service?

Consultation may be required with your local authority and advice may vary dependant on the year of construction of premises.

5. Can a provider have a kettle, toaster and microwave in the same room as the children if they are inaccessible to the children and safe?

Yes once all safety requirements including food safety requirements are met.

6. What is an outing?¹⁰⁵

The provider must check with their insurance company as to their definition of an outing for insurance purposes. In general, an outing is considered any activity that involves leaving the premises and grounds of the service. (Appendix 3 - Guidelines for developing an Outings policy).

7. What is the best method of checking that all children are present at all times when on an outing?¹⁰⁶

A roll call naming the child must be undertaken at various intervals when going on outings. A head count is not sufficient as a 'head count' has resulted in children being left behind, either in the service or on an outing.

It is suggested to consider taking a group photograph of the children prior to any outing. In the event of a child going missing it gives the most recent picture of the child & their clothes.

8. Are providers required to have water temperature thermostatically controlled at 43 °C or less (<43°C) for children hand washing?¹⁰⁷

Wash hand basins should have hot and cold mixer taps that are thermostatically controlled to ensure that hot water is no hotter than 43°C to avoid scalding.

9. Are cloth radiator covers acceptable as advertised in the childcare equipment catalogues?¹⁰⁸

Radiator covers are only required when the surface temperature of the radiator cannot be maintained below 50°C.

¹⁰⁵ National Standards for Preschool Services [DOHC 2010]: 20.8, Appendix 4

¹⁰⁶ Regulation 27, National Standards for Preschool Services [DOHC 2010]: 20.8

Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection Regulation 27 (a) Safety Measures

¹⁰⁷ "Management of infectious disease in childcare facilities and other childcare settings" - Health Protection Surveillance Centre 2012

National Standards for Preschool Services [DOHC 2010]: 18.5(8)

¹⁰⁸ National Standards for Preschool Services [DOHC 2010]: 18.2

Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection Regulation 27 (a) Safety Measures

The cloth radiator covers are acceptable for use if the following criteria are met:

- *They cover all external surfaces of the radiator*
- *They do not allow excess heat to escape that could burn a child*
- *They have documentation to prove that they are fire retardant*
- *Securely fitted*
- *Fit for purpose, they are acceptable.*

10. What fixed guards are acceptable on radiators?

As detailed in Question 9 (previous question) and in addition any other type of cover provided that do not conduct heat.

11. Are locks required on windows upstairs as advised by the HSE and in conflict with Fire Safety of Local Authority? Which is correct?

Any fastenings used to restrict the opening of any window must meet requirements as set down by building / fire regulations and where necessary, the local fire officer. Some manufacturers have developed 'keyless locking systems' that are acceptable – seek independent advices.

12. What is acceptable safety measures on fire doors that open directly onto a roadway to ensure that children cannot inadvertently open the door and gain access to the roadway unsupervised?¹⁰⁹

If a fire door opens directly onto a roadway or other hazard, the exit must be made safe and secure e.g. one method is by inserting a 'turn nob locking device'. The provider can seek independent advices including a consultation with the local fire officer for review and resolution.

13. Are room and water temperatures required to be checked with a thermometer on every inspection?

Checks may be required to verify findings/observations and to provide factual support of assessments during inspections. It is not always necessary to use a thermometer to determine the temperature on all inspections.

14. Are pets allowed in a service?¹¹⁰

Yes however 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.

¹⁰⁹National Standards for Preschool Services [DOHC 2010]: 20.6

¹¹⁰ National Standards for Preschool Services [DOHC 2010]: 12.3, Appendix G

Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection.

15. What does an “open door policy” meant?

An open door policy in general means that an appointment is not required to visit the service and that admittance by the parents/guardians of service users (the children) is allowed at any time during the hours of operation.

16. Is cooking of scones, crispy buns, queen cakes etc allowed with the children?

Yes, once all hygiene and safety concerns are assessed and safety precautions taken.

17. What infection control precautions should be taken in relation to soothers and “sippy/sipper cups”?¹¹¹

When a child uses a “sippy/sipper cup” it should be individual to them and appropriately cleaned between uses.

Soothers must be identifiable with each child and sterilised as and when necessary.

18. What is the policy on carbon monoxide monitors?

The use of carbon monoxide monitors are recommended where organic fossil fuels such as oil, gas, timber, turf, briquettes or coal (etc) are in use however regular inspection and maintenance of appliances, vents, flues and where necessary chimneys is required to protect occupants of the service from the danger of carbon monoxide. Advice from a qualified expert should be sought prior to the purchase and fitting of CO monitors.

Regulation 28 – Facilities for Rest and Play

1. Are “Grow-Bags” suitable for sleeping children under 2 in a child care setting?¹¹²

Yes, provided they are the correct size for the children wearing them and are worn in accordance with their design i.e. arms through the arm holes and head out the head holes.

Also, grow bags, like duvets come in varying thickness for different seasons. Children should use grow bags that are of suitable weight to keep them warm while sleeping but not overheated. Manufacturer’s instructions should be followed.

If using a baby sleeping bag it needs to be without a hood, very lightweight and the right size around the neck so the baby won’t slip down inside the bag. Never use with a duvet.

2. What should be included in a Safe Sleep Policy?

Follow the most up to date guidance from:

- *Irish Sudden Infant Death Association (ISIDA) – sample policy for use in childcare (0-1years)*
- *Safe sleep for your baby – reduce the risk of cot death (www.isida.ie issue 2 July 2009)*
- *Safe sleep for under 2’s (National Forum of Preschool Inspectors 2005)*
- *National Standards for Preschool Services [DOHC 2010]: 14.1, 14.8. 14.11 Standards for Pre-School Services)*

¹¹¹ Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection Part V Regulation 27 Safety Measures. Appendix G

¹¹² National Standards for Preschool Services [DOHC 2010]: 14.1 and 14.7

Babyzone How to keep your baby safe and healthy fsid 2912. www.lfsid.org.uk

- *Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection - Regulation 28 Facilities for Rest and Play*
- *Safe Sleep for your Baby Reduce the Risk of cot Death (HSE & National Sudden Infant Death Register 2009).*
- *Caring for your child: two to Five years old (Child Health Information Services Project -CHISP - page 20).*

3. Should children's outer clothing be removed when being put down to sleep?

The safety and comfort of the child must be assured. Excess clothing should be removed if there is a risk of overheating. All clothing with cords or ties, including coats, hats, scarves or bibs should be removed before sleeping.

4. Is an adult required in the sleep room when children are sleeping/resting?¹¹³

An adult is required to supervise in the sleep room where it is indicated the following are some circumstances when it may be necessary;

- *Upset child*
- *Sick child*
- *Unsettled child*
- *Large number sleeping (6 or more)*
- *Sleep room not adjacent to play*
- *Where children are sleeping on camp beds/mats*

5. How many adults are required to supervise sleeping/resting children?¹¹⁴

This is dependent on the number of children sleeping. Best practice indicates that sleeping children should be checked at least every 10 minutes. The adult/child ratios must be maintained at all times within the service and the manager should ensure that the placement of all staff is in accordance with regulations and best practice guidelines.

6. Where a viewing panel is available is it sufficient to check sleeping/resting through the viewing panel?¹¹⁵

No. The adult must enter the room and observe the child at least every ten minutes noting its colour, position and breathing pattern.

¹¹³ National Standards for Preschool Services [DOHC 2010]: 5.16, 6.1, 14.11, 14.12 and 20.2

Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection Part V – Checking of Sleeping Babies

¹¹⁴ National Standards for Preschool Services [DOHC 2010]: 5.16, 6.1, 14.11, 14.12 and 20.2

Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection Part V – Checking of Sleeping Babies

¹¹⁵ National Standards for Preschool Services [DOHC 2010]: 14.5, 14.6 and 14.11

Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection Part V – Checking of Sleeping Babies

7. Is it a requirement that rooms be “dimmed” when children are sleeping?¹¹⁶

It is necessary to create a restful atmosphere conducive to sleep in the sleep room at sleep times, this may include restricting lighting.

8. Is a source of natural light required in the sleep room?¹¹⁷

Natural light in a sleep room is desirable. This is supplemented by artificial lighting as necessary. Lighting must be adequate and suitable. The lighting in a sleep area must be controlled to adequately facilitate for children's rest, while at the same time allowing for the safe visual monitoring of resting/ sleeping children, and increased to facilitate cleaning.

9. How much space is acceptable around each cot?¹¹⁸

Half a meter is generally regarded as safe for infection control management. Staff must be able to manoeuvre around the cot/sleeping mat to be able to safely lift a child.

10. Is the space requirement of 4.2 sq. metres applied in services where 6 babies or less are accommodated for sleep in the baby room on a national basis?¹¹⁹

Yes as detailed in explanatory guide to Regulation 28.

11. Is a separate designated cot required for each child under 2 attending the service?¹²⁰

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. The number of cots provided should ensure that each child's individual need for sleep or rest can be facilitated and that children are allowed to sleep or rest when tired. In general, the younger the child the greater the frequency for sleep or rest times. The following is a general guide to help estimate the number of cots needed.

- ❖ *At 6 months, children need approximately 10-11 hours night time sleep and 2 day time naps of 2-3 hours each. Therefore a separate cot for each child at, or under this age is recommended.*
- ❖ *At 9 months, children need approximately 10-12 hours night time sleep and 2 day time naps of 1-2 hours each. Therefore cots for $\frac{2}{3}$ [2/3rds] of children in this age bracket is recommended.*
- ❖ *At 18 months – 2 years of age, children need approximately 10-12 hours night time sleep and 1 day time nap of 1-2 hours. Therefore cots for half the number of children catered for in that age group is recommended.*

¹¹⁶ National Standards for Preschool Services [DOHC 2010]: 14.6
Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection Part V – Checking of Sleeping Babies

¹¹⁷ National Standards for Preschool Services [DOHC 2010]: 14.6 and 14.13

¹¹⁸ National Standards for Preschool Services [DOHC 2010]: 14.10

Health Protection Surveillance Centre Management of Infectious Diseases in Childcare Facilities and Other Childcare Settings.

¹¹⁹ Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection Regulation 28 – Facilities for Rest and Play.

National Standards for Preschool Services [DOHC 2010]: 14.4

¹²⁰ Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection Regulation 28 – Facilities for Rest and Play.

National Standards for Preschool Services [DOHC 2010]: 14.7

HSE Child Mental and Emotional Health – A review of Evidence (page 60).

- ❖ *At 2 years, children need approximately 11-12 hours night time sleep and 1 day time nap of 1 hour. It is recommended that up to 2 years that sleep or rest needs are accommodated in a standard cot unless the child has a history of climbing out over the cot in which case a floor bed or mat is safer.*

12. Are travel cots acceptable for sleeping children?¹²¹

No. Travel cots are designed for occasional use only and have a maximum weight restriction. Additionally, most travel cots have mesh sides that are difficult to clean, creating a potential risk of contamination. Mattresses for travel cots do not provide a comfortable surface for children to sleep on regularly. It is worth noting that buggies and car seats are not acceptable for sleep time as they limit a child's natural movement.

13. What sleeping arrangements are acceptable for over-night services?

The sleeping area for overnight care should be separate to play/recreation/living areas. Each child should be provided with a separate and comfortable bed (or cot for under 2's). Bunk beds are not deemed safe for children aged under 8 years. In general, children aged 6 years and over should sleep in same gender rooms. However, where the overnight service is catering for more than one child from the same family, the parents or guardians can be consulted as to their preference in this regard.

Adult :Child Ratio

The recommended adult :child ratios for overnight services are:

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 the children at all times.

The provider should work closely with parents or guardians in relation to children's needs before, during and after sleep.

The services insurance policy should provide cover for overnight services. Separate sleeping accommodation should be provided for staff. All doors and windows should be appropriately locked, taking fire safety considerations into account. The security system should be working. Advice should be sought from an appropriately qualified person regarding fire safety in overnight services. Children should have access to a telephone.

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

- Ensure the suitability (including Garda clearance) and experience of staff on duty at night, taking account of children's feelings and sensitivities about the gender of the carer.*
- Have a child protection policy based on Children First National Guidance for the Protection and Welfare of Children in operation.*

¹²¹ Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection – Appendix G
National Standards for Preschool Services [DOHC 2010]: 14.7 and 19.2

- *Have clear written procedures for dealing with emergencies including night time contact numbers for parents/guardians and GP's*
- *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 should be considered.*
- *The grouping of brothers and sisters should be considered.*
- *Agreeing the child's sleeping arrangements with the parents/guardians.*
- *The provider should work closely with parents/guardians in relation to the 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*
 - *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.*
- *In order to maintain security, outside doors should be properly locked and windows secured with safety and access features in line with current Building Regulations 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 is not an exhaustive list of potential issues that should be considered and each situation must be assessed individually¹²².

14. Can children over 2 years of age sleep on sleep mats in the pre-school room where they are normally accommodated?¹²³

The service should facilitate each child's need for sleep or rest and liaises with parents or guardians in relation to children's sleep patterns/needs. Children are allowed to sleep or rest when they are tired and not just at designated time. While all or part of the pre-school room is in use for rest, any children who don't want/need to sleep/rest at this time will need to be accommodated appropriately in another area of the service. If there is only one room available, quiet activities, such as reading, jigsaws, colouring, may be organised in another section of the room for non sleeping/resting children.

15. Can children over 2 years rest in a room while other children aged over 2 years are playing in the same room?¹²⁴

This is not an ideal arrangement but if there is no other room available to either the resting child or the playing children then it is permissible. In this case, the resting child should be in the quietest area of the room and be provided with appropriate sleeping materials (camp bed,

¹²² Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection Part I Section VI

National Standards for Preschool Services [DOHC 2010] – Appendix B

¹²³ National Standards for Preschool Services [DOHC 2010]: 6.1, 8.9, 12.5, 14.2, 14.3 and 14.4.

¹²⁴ National Standards for Preschool Services [DOHC 2010]: 6.1, 8.9, 12.5, 14.2, 14.3 and 14.4

sleep mat) and bedding (sheet, blanket). Also the type of play activities being carried out while a child is resting/sleeping in the room should be considered.

The exception to this is where a child is sleeping or resting because they are unwell. An area must be provided away from the general play area for ill children to rest until they are collected and brought home. A child that is unwell should not remain in the service longer than is necessary for the parents/guardians to make appropriate arrangements to collect them.

16. What is considered a rest facility for children aged 2-3 years?¹²⁵

In a full day care service children should be provided with individual sleep mats or child beds (camp bed/stackable/mats) positioned in a manner that allows ease of access to and around each mat/bed in a room that can be darkened and is quiet during the sleep/rest period. Individual bed linen (sheets/blankets) is provided to each child and is either laundered after each use or reserved for the sole use of that child between laundering (appropriate storage facilities are required for storage of linens that are not laundered after each use to ensure that they do not get mixed together). Appropriate storage is also required for unused clean linens and dirty linens awaiting laundering. A child over the age of 2 years may be offered a pillow for use at rest/sleep time.

17. What is considered a rest facility for children in a sessional service?¹²⁶

The service should have a quiet space for children to have the opportunity for unstructured quiet activities of choice with soft seating/matting areas available for children to sit or lie down some examples view a book, listen to music, do a guided meditation etc. If a sessional service caters for children younger than 2 years a separate sleep area may be required.

18. Should rest times be included as part of the timetable?¹²⁷

Not necessarily, it depends on how sleep routines are maintained in the service. The individual needs of the child for rest/sleep must be demonstrated as to how this is being met.

19. What is considered a reasonable amount of space for a rest area for over 2 year olds in a full day/part-time service?¹²⁸

There must be enough space to facilitate stacking beds/mattresses dependent on the number in use. There must also be space to manoeuvre around the bed/mattresses. There must be enough space to facilitate Stackable beds/mattresses dependent on the number in use. There must also be space to manoeuvre around the bed/mattresses.

¹²⁵ National Standards for Preschool Services [DOHC 2010]: 14.2, 14.3, 14.7, 19.7 and 18.3

¹²⁶ National Standards for Preschool Services [DOHC 2010]: 6.1, 8.7, 8.9 and 14.2

¹²⁷ National Standards for Preschool Services [DOHC 2010]: 6.1, 8.7, 8.9 and 14.2

¹²⁸ National Standards for Preschool Services [DOHC 2010]: 14.10 and 14.13

Health Protection Surveillance Centre Management of Infectious Diseases in Childcare Facilities and Other Childcare Settings

Management of infectious diseases in childcare facilities and other childcare settings (2012)(pg14). Accessible @ www.hpsc.ie/publications

20. Is an outdoor play provision required in a full day service?¹²⁹

Yes

21. Is an outdoor play provision required in a part-time service?

Yes

22. Is an outdoor play provision required in a sessional service?¹³⁰

It is best practice that all children should have access to fresh air and exercise outdoors on a daily basis. The explanatory guide to Regulation 28 does not specify the need for an outdoor play provision in sessional services. The National Standards references the best practice for an outdoor area.

23. What is a suitable and adequate outdoor area?¹³¹

The outdoor play area must be adequate in size to cater for number and ages of all of the children availing of the service. Where the outdoor space is limited in size for all the children to use at one time, it can be utilised in time slots. It must be secured and safe for purpose.

24. What is required in the outdoor area?¹³²

The outdoor play environment should provide opportunities for fresh air, physical exercise, experiences of nature and opportunities for challenging risk. If equipment is not supplied for the outdoor play area, staff must be able to describe the opportunities and activities that the children have access to in the outdoor play area for example; running, team games, nature walk, gardening, climbing etc.

When considering what equipment and materials to buy or supply for the outdoor play area, service providers will take the following into consideration:

- *How much room is available and how can this best be used*
- *Is there enough room for fixed equipment and free running/moving space around the equipment*
- *What natural resources are already present in the outdoor play area that enhance a child's learning and play opportunities in the outdoor play area*
- *How secure is the outdoor play area out of service hours? Would fixed equipment or moveable equipment be vandalised or stolen?*
- *Is the equipment suitable for all of the children who have access to it including age and stage of development?*
- *Are there suitable storage facilities indoors or outdoors for outdoor equipment when not in use?*
- *What safety measures are required to ensure that fixed or moveable outdoor play equipment is safe and properly maintained?*

¹²⁹ Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection Part V Regulation 28 Facilities for Rest and Play
National Standards for Preschool Services [DOHC 2010] – 8.9, 17.12, 20.4, 20.6, 20.7 and 20.8

¹³⁰ Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection Part V Regulation 28 Facilities for Rest and Play
National Standards for Preschool Services [DOHC 2010] – 8.7, 8.9, 17.12, 20.4, 20.6, 20.7 and 20.8

¹³¹ National Standards for Preschool Services [DOHC 2010] – 17.5, 17.11, 17.12, 20.6 and 20.7

¹³² National Standards for Preschool Services [DOHC 2010] – 19.8, 20.4, 20.6, 20.7 and 20.8.

25. Is fixed equipment e.g. swings, slides, sand, water required in the outdoor area?¹³³

The Regulations do not describe the type of outdoor play equipment and materials that are required for pre-school children. The equipment and materials available in the outdoor play area should support the ethos and philosophy of the service and provide children with play, movement and exploration opportunities that are unique to the outdoor environment. The Regulations address the issue of Safety Measures in Regulation 27 (c) and (d).

26. Are Local Authority Playgrounds that are accessible within safe walking distance of the service regarded as 'outings'? Are such outings covered by insurance of pre-school acceptable to access on a daily or regular basis?¹³⁴

Use of Local Authority Playgrounds are deemed to be outings. All requirements pertaining to outings must be met & a safety assessment of the area should be undertaken prior to each use. All providers should check with their insurers to ascertain if 'outings' are 'covered'.

27. What soft fall is required under outdoor play equipment?¹³⁵

All reasonable measures to safeguard the health, safety and welfare of a pre-school child should be taken when choosing outdoor play equipment surfacing. Ground surfacing for commercial outdoor play equipment should meet the requirements as detailed in the relevant National Standards Authority of Ireland guidelines.¹³⁶ Manufacturer's guidelines must be followed regarding positioning and provision of appropriate ground surfacing for Domestic equipment.

28. Is there a minimum height for external fence/boundary wall?¹³⁷

It must be of a height that the children cannot leave the outdoor play area.

Regulation 29 Furnishing Information to the HSE

1. Does it apply to verbal and written information requested at inspection?

Yes it may be in any form. The HSE can request any information that it considers relevant to ensure informed decisions are made when evaluating services on Inspection.

2. In circumstances where a service is notified to the HSE but not yet opened, for example while waiting on numbers to increase to 4 or more children. How long should it be listed on the pre-school data list?¹³⁸

In relation to other services, particularly sessional services, may notify some months in advance of their opening to advertise their service. These can be listed on the data base as soon as the notification form is received. In these cases the first inspection will not occur within 3 months of receipt of notification as per explanatory guide to Regulation 32. A service is removed from the database if the service does not open.

¹³³ National Standards for Preschool Services [DOHC 2010] – 8.1, 17.5 and 20.7

¹³⁴ National Standards for Preschool Services [DOHC 2010] – 8.1, 8.9, 19.8, 20.6 and 20.7

¹³⁵ National Standards for Preschool Services [DOHC 2010] – 20.4

NSAI - "Impact Attenuating Playground Surfacing – Determination of critical Fall Height IS.EN 1177:2008

¹³⁶ Useful reference material includes – Royal Society for the Prevention of Accidents {RoSPA} leaflets etc

¹³⁷ National Standards for Preschool Services [DOHC 2010] – 6.1, 8.1, 8.7, 8.9, 17.3 and 20.6

Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection – Appendix G

¹³⁸ Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection – Part VI Regulation 32 Inspection

3. **Can the HSE Inspectors question staff on inspection?**
Yes, they can in order to obtain information in order to enforce and execute the Regulations.

Regulation 30 Insurance

1. **Regulation 30 requires the childcare provider to have cover for Public Liability, outings for children and Fire and Theft. Could the insurance requirements be clarified?**¹³⁹

It is essential to have adequate insurance cover. It is recommended that the insurance policy obtained should at least cover the following areas:

- A. Public Liability (to include provision for outings with children where applicable)*
- B. Fire and Theft*
- C. Extra motor insurance if transporting children*

2. **Is it a breach of the Regulations if the insurance does not specify the adult/child ratio and the number of pre-school children covered for outings?**¹⁴⁰

No. The provider must ensure that the pre-school children are adequately insured against injury (and in every other respect as appropriate) whilst attending the service. Where outings take place the insurance should be notified and comply with the insurance company's stipulations.

3. **Is it a breach if there are more pre-school children than the number specified on the insurance attending the service at any one time?**

Yes if there are more children present than are 'insured for' and that may be specified on the insurance details/certificate. Insurance maybe invalid and cover for all children cease if the ratio of children to adults specified in the policy is exceeded.

4. **Is there a maximum number of pre-school children that can be covered by insurance on an outing?**¹⁴¹

Consultation with the insurance company is necessary.

Regulation 31 Annual Fees

1. **Should the Annual Fees be paid if the service does not receive an annual inspection?**

Yes the annual fee must be paid by the service provider towards the cost of inspections under Part VII of the Child Care Act, unless 'exempted. If a premises has not been inspected in the previous 12 months the fee must still be paid.

The HSE may exempt from a fee (grant a waiver) to a person carrying on a preschool service in which no pre-school child is maintained for profit.

¹³⁹ Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection – Part VI Regulation 30 Insurance

¹⁴⁰ National Standards for Preschool Services [DOHC 2010] – 20.8

¹⁴¹ National Standards for Preschool Services [DOHC 2010] – 20.8

- 2. Where 2 sessions (am and pm) are carried out in a service from the same premises, does the one fee apply?**

The fee for a sessional service applies where the service provided does not exceed 3.5 hrs a day. From January 2014 where the operator runs two sessional services (AM + PM) from the same premises one annual fee applies (40 Euro). The two services are inspected separately (a second fee applies if the person responsible for operating the second service is different) / unless exempted.

- 3. If a provider is running two services from different premises do separate fees apply?**
Yes.

- 4. Where a single handed childminder employs a person to run a sessional service in the home (space permitted) does one or two fees apply.**

Two fees are required – one for the childminding service provided by the notified childminder and one for the sessional service.

Regulation 32 Inspection

- 1. Is the inspection team required to show their warrants authorising them to undertake this task?¹⁴²**

The Inspectors must carry their warrants and photo identification on every inspection and it is always available on request.

- 2. Should the HSE support providers to work through issues to become compliant?¹⁴³**

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 the children attending the services and to comply with the Child Care (Pre-School Services) (No 2) Regulations 2006. The HSE has a statutory responsibility to assess levels of compliance with the Regulations. The HSE will work with service providers in partnership to promote a culture of compliance with the Regulations. This does not preclude the HSE from taking legal action following an Inspection if deemed necessary. The Health, Safety and Welfare of the children remain paramount.

- 3. Following an inspection should non-compliance be discussed with the manager before the preschool inspector leaves the service?**

Yes, aspects of compliances and non-compliances should be discussed with the manager or deputy manager at the end of the inspection, however, in instances where this is not always possible then an appointment can be made with the inspector for a mutually agreeable time to discuss the feedback.

¹⁴² Child Care Act 1991 Section 54

¹⁴³ Child Care Act 1991 Section 50

4. **If the manager is unavailable when the inspector visits, can they be asked to come back?**¹⁴⁴

Once a service is notified it is subject to Inspection at any time. The deputy person in charge should be available if the manager is absent. An Inspector is entitled at all reasonable times to enter the premises.

Miscellaneous Questions

1. **What is the Inspectorate asking of providers in relation to engagement with Síolta – The National Quality Framework and Aistear – the National Curriculum Framework? If anything, under what Regulation?**

Engagement with Síolta is not required under the regulations. The inspectorate is aware of the increasing emphasis on these complimentary frameworks in Irish Early Years settings including the early years in primary school. An inspector may enquire whether the service is familiar with the frameworks and at what level. Where the service has documentary information regarding their engagement with the frameworks, this can be included as part of the assessment for Regulation 5.

2. **As no suitable National Standards for Childminders were published, what, if anything, is being asked of Childminders in respect of National Standards?**

*The HSE are in discussion with the DCYA to ascertain the status of the National Standards for Childminders*¹⁴⁵.

3. **Has a parent a right to ask for a written record to be removed or changed or parents signature also removed?**¹⁴⁶

A parent or guardian may request a record to be removed or changed accordingly due to an inaccuracy in the information. This would be required to be assessed and if warranted changed accordingly. Every person has a right to request that inaccurate, incorrect or inappropriate information be corrected or removed.

4. **Is it national procedure for one or two inspectors to visit Childminding settings simultaneously?**

There is no national agreed protocol for the number of Inspectors required on Inspection visits. Currently it is dependent on the resources of the Inspector(s) in the area.

5. **Can a childminder operate an Early Childhood Care and Education (ECCE) sessional service for 3.5 hours?**¹⁴⁷

Yes they can once they remain within the maximum number participating which is set in the regulations as 5 pre-school children.

¹⁴⁴ Child Care Act 1991 Section 55

¹⁴⁵ Background to Regulation 5 in Explanatory Guide to Requirements and Procedures for notification and Inspection

¹⁴⁶ National Standards for Preschool Services [DOHC 2010] – 4.5

A PDF Guide to your rights can be viewed at www.dataprotection.ie.

¹⁴⁷ Reference: Explanatory Guide to Requirements and Procedures for Notification and Inspection. Part 1 Categorisation of Preschool Services. http://www.dcy.gov.ie/documents/childcare/ECCE_June_2012/ecce_guidelines.htm

6. What is expected of Childminders in relation to:

- **Nappy changing facilities? Designated area for sluicing?¹⁴⁸**

A nappy changing mat is sufficient but must be located in a designated sanitary area where there are suitable hand washing facilities. A designated area for sluicing is not required. Good hygiene practice must be adhered to.

- **Rodent proofing**

The home must be pest-proof and good hygiene practices must be followed to prevent a pest problem.

- **Shatter-proof lighting**

In all instances safe means of lighting protection should be used.

- **Thermostatically controlled water**

Hot water for use by the pre-school children must be thermostatically controlled.

- **Fire fighting equipment and smoke alarms**

Fire fighting equipment and smoke alarms are required in accordance with building / fire regulations and where appropriate arising from requirements specified by a fire officer.

¹⁴⁸ National Standards for Preschool Services [DOHC 2010] – 12.10, 18.4 and 18.5