

Child Care Act 1991 [Early Years Services] Regulations 2016 – Checklist*

The new Regulations come into force on 30th June 2016.

- You will need to make changes to your policies. Where the old Regulations are referenced change to Child Care Act 1991 [Early Years Services] Regulations 2016.
- The phrase 'Preschool Services' should be changed to 'Early Years Services'.
- If you are setting up a service the notice period to Tusla is three months *[21 days for temporary services]*
- All persons associated with your service need Garda Vetting [the owner, the person in charge, employees, unpaid workers, members of Boards of Directors and contractors]
- If a person has lived outside the jurisdiction for six consecutive months Police Vetting from the country or countries of residence will apply. This has cleared up a lot of confusion regarding living outside of Ireland.
- You need to have a written policy on how you deal with disclosures if they come back on Garda Vetting forms. What this means is you risk manage the situation. Is the disclosure putting children or your business at risk? You need clear criteria in assessing this risk. This could be referenced in your Recruitment Policy if you don't have a Garda Vetting policy.
- Two validated references are required for persons working in early years services. This is also now extended to two validated references for Directors. For registration post-30th June.
- If references are not available from the last employer they must be from a person of authority/"reputable sources"
- Insurance cover must include all aspects of your service as listed in the new Regulations for example outings. This is dependent on what services a provider is offering.
- The Regulations list the information that would be contained on the Register which will be available for the public to view. Any changes to these details must be notified to Tusla sixty days in advance. This may have implications for services as this Register will contain the name of the person in charge. It may be prudent to extend notice periods on contracts of employment for this person at this level. However, the Regulations does allow for extenuating circumstances.
- There should be a designated named person and a deputy in all services and one of these needs to be on the premises at all times "during the period when the pre-school service is being carried on".
- If you are a single handed provider you need to have somebody in close proximity that you can call on at all times. You need to be sure that if this is 'tested' during an Inspection the person will be able to respond in a very timely manner.
- You need to make sure that you have clear management structures and identify lines of accountability and authority. This means you need clear written documentation of "who is responsible for what". You will need to ensure that all persons have good, robust, clear job descriptions including Boards of Directors.
- As we expected the qualifications requirement regarding Level 5 and Level 6 come into effect in December 2016. Level 6 qualification is not a regulatory requirement. Post- June 30th registrants must have Level 5 qualifications from date of registration.
- If a person is not qualified you need to have an official grandfathering declaration on file for them if this is applicable
- The Regulations sets out some new retention periods for different types of records for example:
 - Child record/accidents and incidents/medicine records/staff rosters and attendance details – 2 years after the child ceases to attend the service
 - Garda Vetting record – 5 years from when the person commences working

Note: These are minimum periods of retention. Services need to use their own judgement in certain circumstances. For example if a child has had an accident, or severe behavioural issues, or other relevant circumstances it may be prudent to keep records for longer.

- Now is the time to get your Parent Handbook because the Regulations specifies the information that must be shared with parents:
 - The name, position and qualification of every employee, unpaid worker and contractor in the service. If you are wondering what they mean by contractor this would be for example if you use the services of Gymboree, Playball, Drama/Music Teachers etc.
 - Details of the category of service registered.
 - Type of care programme provided
 - Facilities available
 - Opening Hours and Fees
 - Policies and Procedures
- No access to the internet or no children to be photographed or recorded unless pre-permissions are signed. This has implications for group events as you now have a legal responsibility to ensure that parents do not breach this for example at your end of year graduation.
- All services need to have access to daily outdoor space. This also applies to sessional services. This regulation is for post-June 30th registrants. Existing Full day care services, Part-time day care services or a Childminding service must either have a suitable outdoor space on the premises, or have access to a suitable outdoor space. Existing Sessional and Temporary pre-school services must ensure that if they provide access to an outdoor space, that the space is safe and suitable.
- There should be no more than twenty two children in any room. This really applies to your preschool. This is the case for sessional pre-school services, but they are excluded from this regulation if they contemporaneously run a sessional pre-school service, and a “full day care service or a part-time day care service”, or both.
- A number of incidents are now reportable to Tusla:
 - An outbreak of an infectious disease
 - A serious injury that requires medical intervention
 - A child going missing
- The Regulations provide a list of the essential policies and procedures. What is most important is that these policies and procedures are known and understood by all members of staff. You are required to have trained staff in these policies and procedures and have evidence that this has been done. Get all staff to sign off on these policies and keep in their individual personnel files. This should be done anytime you update/review a policy and procedure. See list of required policies below.
- You will need to have a Health & Safety Statement as it understood under the Safety, Health & Welfare at Work Act, 2005.
- Risk assessing your service is now a legal requirement. This covers the evaluation of hazards in the building indoors and outdoors, outings, staff [references, Garda vetting, international police check, official identification on file, CV with no gaps], security and safety.
- There is a schedule at the back of the Regulations that sets out requirements for registration to include all the areas that we are familiar with in relation to space, adult/ratios. Some changes noted here are:
 - A clear space of 1.818sq metres of clear floor space for a child attending a sessional service.
 - The ratio for the age group 2.5 to 6 years, for sessional services, has changed and is now 1:11.

- Check all your floor spaces again as the new Regulations refer now to 'Clear Floor Space'

1. Policies & Procedures Listed in New Regulations
2. There are some guidelines provided on what the key policies should contain. You should note that these are minimum requirements and depending on your service you will have to add to these if necessary. For example if you have animals you need an animal policy, if you have CCTV you need a CCTV policy. Also there are policies required under other legislation – employment.
 - a. Statement of Purpose and Function
 - b. Complaints
 - c. Administration of Medication
 - d. Infection Control
 - e. Managing Behaviour [Supporting Positive Behaviour]
 - f. Safe Sleep
 - g. Fire Safety
 - h. Inclusion
 - i. Outings [where children attending the service are brought on outings]
 - j. Accidents and Incidents
 - k. Authorisation to collect Children
 - l. Healthy Eating
 - m. Outdoor Play [where such play is provided to children attending the service]
 - n. Overnight Services [where the service is an overnight preschool service]
 - o. Staff Absences
 - p. Internet, Photographic and Recording Devices Use
 - q. Recruitment
 - r. Risk Management
 - s. Settling-in
 - t. Staff Training
 - u. Supervision

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