Early Years Inspectorate Question and Answer Document

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Introduction

The role of Tusla's Early Years Early Years Inspectorate (EYI) role is to promote the quality, safety and appropriate care of children through assessment of early years services applications for registration and through robust inspection of registered early years services. In 2016, the Child Care Act 1991 (Early years services) Early Years Services Regulations (2016) (2016) and the Child Care Act 1991 (Early years services) (Amendment) Early Years Services Regulations (2016) (2016) came into effect. A significant change for all early years services from the introduction of these Early Years Services Regulations (2016) include the requirement to be registered with the Early Years Inspectorate. Any new service wishing to become established as an early years service is required under legislation to register with Tusla Early Years Inspectorate prior to opening their service and must be placed on the register of early years services.

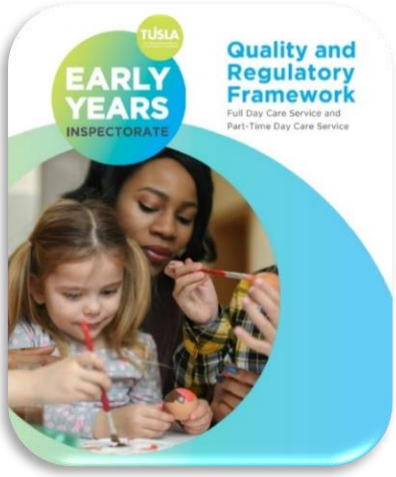
This Question & Answer document written to support the implementation of the Early Years Services Regulations (2016), was first developed in 2013 and was updated in 2016 following briefing sessions that the Early Years Inspectorate held with representatives from the Early Years sector. Subsequent revisions of the document have been made to ensure that the document contains questions that are most relevant and/or are most frequently asked by the sector. The questions and their answers are designed to improve quality in the sector by supporting understanding of regulatory requirements in relation to; the registration of a new service, the inspection process, proposed changes to registration status, notification of incidents, fee payments, management of concerns & feedback and the publication of inspection reports.

The Quality and Regulatory Framework (QRF)

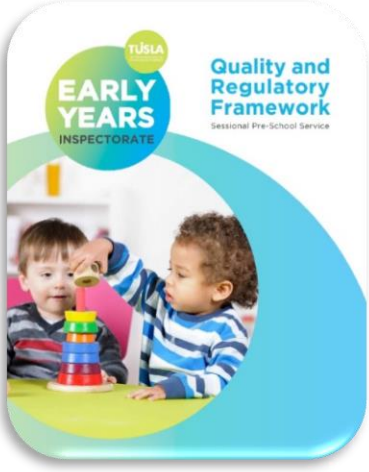
In 2018 the Early Years Early years inspectorate published the Quality and Regulatory Framework (QRF). The QRF is a comprehensive suite of documents which set out the core regulatory requirements for registered providers of early years services in a clear and transparent way, bringing together evidence-based, national and international research and best practice in Early Years Education and Care. The QRF is designed to support registered providers and those who work in early years services to achieve compliance with the Early Years Services Regulations (2016) and to enhance the care and safety of children who attend these services. In order to support clarity and understanding the QRF groups the Early Years Services Regulations (2016) and related requirements into four sections; Governance, Health Welfare and Development of the Child, Safety and Premises and Facilities. Each area lists the related Early Years Services Regulations (2016) and provides information regarding the purpose of the Regulation and the requirements for achieving compliance. There are five versions of the QRF to cover each of the types of registered early years service.

To support understanding of the Quality and Regulatory Framework and to support early years professionals to ensure their service meets regulatory compliance, the Early Years Inspectorate developed the Quality and Regulatory Framework eLearning programme. We strongly encourage everyone who works in an early years service or who is involved in the sector to undertake this training.

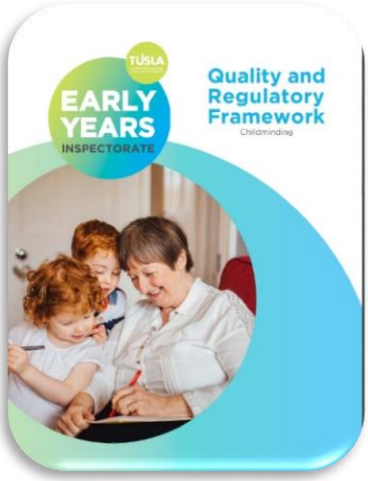
Five versions of the QRF



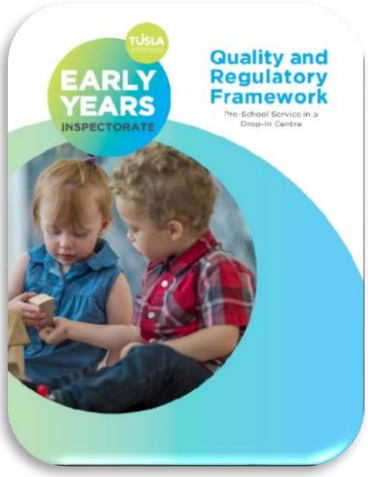
Full Day Care



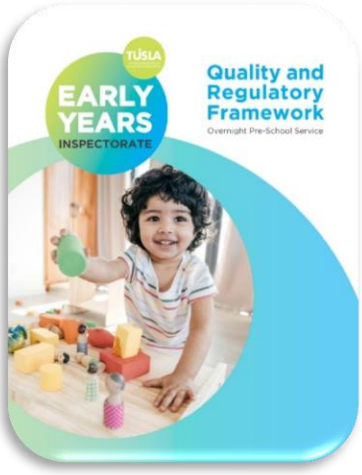
Sessional



Childminding



Drop in



Overnight

This is the fifth version of the Q&A document and it has been structurally redesigned to mirror the Quality and Regulatory Framework. Two additional sections not specifically included in the QRF – Registration & Inspection and Enforcement – are included in this Questions and Answers document.

The Q&A document is designed to complement the QRF and the two documents should be read in conjunction with each other.

Throughout the Q&A document, each Regulation is linked to the corresponding version and page of the QRF is referenced and hyperlinks are provided. Wherever one of the images above appears in the text there is a reference to the QRF and a hyperlink (via the image or the text) directly to the relevant QRF document.

The fundamental purpose of both the Q&A and the QRF is to support understanding of the principles and requirements of the Child Care Act 1991 (Early years services) Regulations (2016), the Child Care Act 1991 (Early years services) (Amendment) Regulations (2016) and the Child Care Act 1991, Section 58 as amended by Part 12 of the Child and Family Agency Act, 2013

The Q&A document will continue to be updated periodically when questions and clarification requests are received from the sector or when there is a change or an addition to an answer. The questions received will be collated periodically, and the sector will be informed when an updated version has been published on the Tusla website.

How to use this document

This document is most effective when an electronic version is used. There are hyperlinks placed throughout the document which link either to external websites, parts of the Tusla – Early Years Inspectorate website or other sections of the document. We will update the electronic version on a scheduled basis to ensure it reflects current questions and related requirements and processes. Hyperlinks are embedded in the text throughout to ensure the document is clear and easy to read. It is of course possible to download a hard copy of the document but we strongly encourage you to regularly check the website for updates.

COVID-19 Note for Version 5

Since the spring of 2020 early years services have been significantly impacted by the COVID-19 pandemic. There have been some changes to inspections processes and to the guidance given by the Early Years Inspectorate in relation to various issues. Rather than attempt to include this guidance in the Q&A document the Early Years Inspectorate has developed specific guidance for Early years services to support and facilitate the safe reopening and operation during the COVID-19 period. The guidance can all be accessed on the Tusla website.

DISCLAIMER: This document is not designed to be a comprehensive set of procedures. The purpose of the document is to support understanding of the Early Years Services Regulations (2016) and their requirements.

Registration

Regulation 2: Premises

Q1. What is the definition of "premises"?

A. A premises is defined in relation to an early years service *to include a building or part of a building, and any out offices, yard, garden or land appurtenant thereto or usually enjoyed therewith in which an early years service is being or is proposed to be carried on.*

Q2. What is meant by the term "contractor"?

A. A contractor means a person who carries out work in the service under a contract of work for pre-school services, a necessary and regular part of which consists mainly of the person having access to or contact with children attending the service. Examples of contractors include: persons who are engaged to carry out activities with the children on an intermittent or regular basis e.g. music/arts/crafts/sports/workshops etc. Such persons must never have unsupervised access to children. Contractors also include persons who carry out work in the service not directly involving the children but who may have access to or contact with the children e.g. persons engaged to carry out works or repairs in the service on a contractual basis. Such persons must never have unsupervised access to children.

Q3. What is meant by the term "employee"?

A. The term "employee" means a person who has entered into or works under a contract of employment with the registered provider.

Q4. What is meant by the term "director"?

A. The term "director" means a body corporate, means a director within the meaning of the Companies Act 2014 (No. 38 of 2014) and in the case of a board of management established under Section 14 of the Education Act 1998 (No. 51 of 1998), means each member of such a board.

Q5. What is meant by the term "unpaid worker"?

A. The term "unpaid worker" means a person who works in the service but is not remunerated for such work by the registered provider e.g. volunteers, students etc.

Q6. What is meant by the term "person in charge"?

A. The term "person in charge" refers to the person who has the day to day charge of the service. They must be on the premises on a daily basis. When this person is not on the premises during breaks or leave there must be a person nominated to deputise in their absence. This may be the registered provider, or the manager, or another named person If the service is one of multiple services[1] , there must be a person in charge in each premises.

[1] A multiple service is one where the same registered provider has **two** or more services entered on the register of early years services.

Regulation 5: Fees

(1) Subject to this Regulation, the fee specified in column (3) of Schedule (1) opposite a particular reference number specified in column (1) of that Schedule is prescribed for the purposes of section 58D (3) as the fee to accompany an application under section 58D (2) (the "application fee") in respect of a class of pre-school service specified in column (2) thereof at that reference number.

(2) Subject to paragraph (3), where a registered provider provides more than one class of pre-school service in a pre-school service, the application fee payable by the registered provider shall be the highest fee applicable to the classes of pre-school service provided in that service

(3) Where a childminding service includes an overnight service the application fee payable by the childminder shall be the fee applicable to a childminding service.

(4) An amount equal to the application fee payable in respect of a pre-school service other than a temporary pre-school service is prescribed, subject to paragraph (5), for the purposes of section 58B(2)(d) as the fee payable annually by the pre-school service towards the cost of inspections under Part VIIA (the "annual fee")

(5) No annual fee shall be payable by a registered provider in the year in which the registered provider makes an application for registration in respect of the pre-school service.

(6) The Agency shall, on an annual basis, notify the registered provider of the annual fee to be paid to it by that provider in respect of the pre-school service and such fee shall be payable on or before 30 September of the year concerned

Application / Annual Fees

Q1. What is an application fee?

A. The application fee is an initial one-off fee, payable to accompany an application for a new service. The registration of a service cannot be completed until the relevant application fee has been paid.

Q2. What is an annual fee?

A. An annual fee is a fee that must be paid annually when a service is registered.

Q3. Do I have to pay an application fee and an annual fee in the same year?

A. No, an annual fee is not payable by an early years service in the same year that the application fee is paid.

Q4. How much is the application fee/annual fee?

A. The fees payable on application and annually are set out in Schedule 1 of the Early Years Services Regulations (2016) as follows:

Full Dare Care Service	€80.00
Sessional Pre-School Service	€40.00
Childminding Service	€40.00
Drop-In Service	€80.00
Temporary Pre-School Service	€80.00
Part-time Day Care Service	€80.00
Overnight Pre-School Service	€80.00

Q5. When do I have to pay my application fee?

A. The application fee will be requested when you make an application to register your service.

Q6. Will I be notified when my fees are due?

A. Yes, the Early Years Inspectorate will inform you in writing that your fee is due. Each registered provider will receive an email detailing the relevant fee and online payment details. Fees are due on or before the 30th September of each year.

Q7. How do I pay my fees?

A. Online payment via a unique link is the only payment mechanism available. No other method will be accepted.

Q8. Can I get the fees waived (waiver) for my service?

A. No, there is no provision within the Early Years Services Regulations (2016) for exemption of fees.

Q9. Does a full day care service providing a part-time and sessional service have to pay a fee for each class of service provided?

A. No, where more than one class of service is provided in the early years service, the application fee and the annual fee payable is the highest fee in the class of service being provided. In this instance, the full day care fee would be payable.

Q10. Who do I contact if I have any problems/questions about fees?

A. All queries, concerns and comments with respect to fee payment should be sent to: eyifees@tusla.ie

Q11. I am a childminder who has a separate sessional service and has a second person to run, do I have to pay 1 or 2 fees?

A. These are treated as two separate early years services. Therefore, each service must be registered. Two separate fees will apply.

Q12. Does a childminder who provides an overnight service have to pay two fees?

A. No, in this instance it is treated as one – therefore the fee applicable to a childminder is payable on application for registration and annually thereafter.

Regulation 6: Registration of a Pre-School Service

(1) The form set out in Schedule 2 is prescribed for the purposes of section 58D (3) for pre-school services other than temporary pre-school service.

(2) The form set out in Schedule 3 is prescribed for the purposes of section 58D (3) for temporary preschool services.

(3) A person who proposes to provide a pre-school service other than a temporary pre-school service shall make an application under Section 58D (2) in respect of the pre-school service at least 3 months before the person proposes to commence the service.

(4) A person who proposes to provide a temporary pre-school service shall make an application under Section 58D (2) in respect of the pre-school service at least 21 days before the person proposes to commence the service.

(5) A person making an application under Section 58D (2) shall enclose with the form set out in Schedule 2 or 3 –

(a) A copy of the vetting disclosure received from the National Vetting Bureau of the Garda Síochána in accordance with the Act of 2012 in respect of –

i. The person,
ii. Where the person is a body corporate, each director of the body, and
iii. Where the person in charge is different to the registered provider, the person in charge,

(b) In so far as is practicable, where a person specified in clause (i), (ii) or (iii) of paragraph (a) has lived in a state other than the State for a period of longer than 6 consecutive months, vetting information in respect of the person obtained from the police authorities in that state,

(c) 2 references in writing in respect of himself or herself that demonstrate that he or she is a suitable person to provide a pre-school service, including one from his or her most recent

employer, if any, or where the person is a body corporate, two such references in respect of each director of the body

(d) A floor plan of the interior design of the premises –
   i. Setting out each room on the premises, and
   ii. Specifying the dimensions of each room intended for inclusion in the calculation of clear floor space under Regulation 30 and the amount of clear floor space in each room,

(e) A floor plan of the external areas, if any, of the premises available for the use of children attending the service,

(f) Such documentation as demonstrates that the person making the application has valid and appropriate insurance cover for the pre-school service, and

(g) A copy of –
   i. The policies, procedures and statements specified in subparagraphs (a) to (f) of paragraph 1 of Schedule 5, and
   ii. The safety statement (within the meaning of the Safety, Health and Welfare at Work Act, 2005) of the service (if any).

(6) Where an application is made pursuant to Section 58D by the registered provider of a pre-school service or by a person who proposes to provide a pre-school service, the Agency, prior to deciding whether to register the provider concerned pursuant to subsection (5) of that section –

(a) Shall assess the information provided by the person applying, and

(b) May visit the premises where the pre-school service is being, or is proposed to be provided as the case may be.

Q1. What are the duties of a person proposing to provide an early years service?

A. A proposed registered provider will be required to operate in accordance with the statutory requirements of the Child Care Act 1991 (Early years services) Regulations (2016) and Part 12 of the Child and Family Agency Act 2013 (Article 58G). A registered provider is assumed to be compliant with Early Years Services Regulations (2016) at all times.

Q2. How do I know what type of early years service I need to register?

A. Explanations of each type of early years service can be found on our website
- Childminding service
- Sessional pre-school service

- Part-time day care service
- Full day care service
- Pre-school service in a drop-in centre
- Temporary pre-school service (A temporary service for a short-defined period and must have a known start and finish date, e.g. a 3-day conference)
- Overnight pre-school service.

Full definitions are also available in the Child Care Act 1991 (Early years services) Early Years Services Regulations (2016) (2016)

Q3. How can I apply to register a service with the Early Years Inspectorate?

A. A service can apply for registration by making an application to the Early Years Early years inspectorate using the Tusla Service Portal.

Q4. Can I operate an early years service without being registered with the Early Years Inspectorate?

A. No, Section 58D of the Child and Family Agency Act states that "a person shall not provide a prescribed early years service unless his or her name is entered in the register as a provider of that service". A service not registered with Tusla Early Years Inspectorate is deemed an unauthorised service and is not listed on the Register.

It is an offence under Section 58K of Part 12 of the Child and Family Agency Act 2013 to be in operation without registration.

Q5. What are the steps in the registration process for a new service?

A. Submit an application via the online portal

The Early Years Inspectorate will acknowledge receipt of the application. Acknowledgement is not an indication of registration/acceptance of the application.

Applications are assessed by the Early Years Inspectorate in two parts:

- Part 1: Desk assessment and verification of the application (see Q6 below)
- Part 2: On-site assessment and inspection of the premises intended for use. Known as a *'Fit for Purpose'* (FFP) inspection.

Following the *'Fit for Purpose'* inspection, the proposed registered provider will be sent a draft copy of the inspection report.

The applicant will have an opportunity to confirm the accuracy of the information, using a Factual Accuracy form. The Factual Accuracy form is an opportunity for the proposed registered provider to correct any factual inaccuracies and request a review of any disputed findings in the Tusla Early Years Inspectorate draft inspection report if required.

If some aspects of the service do not meet regulatory requirements the proposed registered provider will complete and return a Registration

Requirement form. If there are no aspects to be addressed, there is no need to return the registration requirement form.

When all regulatory requirements for the *'Fit for Purpose'* inspection are met the service will be registered.

A service can only commence operation when the proposed registered provider has been advised that the service has been registered. The proposed registered provider will receive a copy of the final inspection report and Tusla number along with a registration decision letter.

Q6. What supporting documentation is required with the new application?

A.

- Garda Vetting disclosure (for the proposed registered provider and person in charge if different)
- Police Vetting (for the proposed registered provider and person in charge if different). This is required where the person has lived in a jurisdiction outside of Ireland for a period of longer than 6 consecutive months, he or she must provide police vetting from the police authorities of that state.
- Two recent written and validated references (for the proposed registered provider and person in charge if different)
- Evidence of identification (for the proposed registered provider and the person in charge if different from the registered provider)
- A clear plan of the interior layout of the premises - the floor plan should show each room on the premises and the dimensions of each room intended for inclusion in the calculations of clear floor space. As set out under Regulation 30.

Note: *Areas such as kitchens, toilets, hallways, sleeping and other service areas are not included in the space measurement and are not considered clear floor space; however, they do need to be included on the drawings for the service.*

- The outdoor area plans; this should include any outdoor areas that children may use when attending the service. Hand-drawn plans for the outdoor space that include boundaries can be submitted. The outdoor plans must indicate where the area is in relation to the building.
- Drawings; all drawings or plans submitted must be accurate. They should preferably be drafted by an experienced or appropriately qualified person. However, it is not mandatory to have professional drawings and the registration office will accept accurate floor plans that have the measurements in square metres and are to scale.

Exception: For those proposing to register a childminding service, floor plans are not required.

- Copy of the certificate of insurance or written confirmation of insurance cover.
- Policies, procedures and statements for the service which includes the following:

- Statement of purpose and function
- Complaints policy
- Policy on administration of medication
- Policy on infection control
- Policy on managing behaviour
- Policy on safe sleep
- Safety Statement

- A guide to developing policies, procedures and statements in addition to sample policies and procedures for all service types including childminders can be found in the Quality and Regulatory Framework

  City and County Childcare Committees are available to support service providers with the development and updating of policies. Local CCC contact details can be found on www.myccc.ie.

- Planning permission for the service (except childminders or exempted premises)
- Fire Safety Certificate for the service (except childminders or exempted premises)
- Building Compliance Certificate (except childminders or exempted premises)
- Evidence of registration with the Company Registrations Office (CRO) (where applicable).
- Sole traders are required to submit confirmation of registration of their business with the CRO.

***Note**: please see the supporting documentation checklist at the end of the section.*

Q7. How much notice must I give before I can open my service?

A. All proposed full day care, part-time, sessional, childminding, drop-in and overnight early years services must make an online application and submit the required supporting documentation at least **three months** prior to the proposed commencement of the service.

All proposed temporary pre-school services must make an online application and submit the required supporting documentation at least **21 days** prior to the proposed commencement of the service.

Q8. How long will it take from completed application to registration?

A. For temporary services, it may take up to 3-weeks from initial receipt of the completed application with all of the supporting documentation and payment of the appropriate fee.

For all other services, it may take up to 3-months from initial receipt of the completed application and all relevant documentation and payment of the appropriate fee.

***Note**: Where documentation is incomplete, or where clarification is required from the proposed registered provider regarding the application,*

the process will take longer. The 3-month timeframe does not start until all of the supporting documentation has been received and approved including fire and planning permission/ approval or compliance certification.

Q9. Where do I submit my application and supporting documents?

A. All registration applications are processed through the Tusla portal.

There is guidance available on the portal on how to apply and upload all relevant documentation.

Q10. What are the exemptions in relation to the registration of childminders or overnight services?

A. Services / individuals providing the following cannot be registered, as the Early Years Services Regulations (2016) do not apply to them:

- The care of one or more children undertaken by a relative of the child or children or the spouse of such relative.
- A person taking care of one or more children of the same family and no other children (other than the persons own children) in their own home.
- A person taking care of no more than three children of different families (other than that person's own pre-school children) in that person's home.

Q11. I am a childminder currently caring for two children for more than 2 hours per day, can I register with the Early Years Inspectorate?

A. No, There is currently no requirement to register with Tusla while caring for two children in your home.
However, if you plan on caring for more than three children at any one time, you are required to register as a childminder.
If you are proposing to register as a childminder, you will need to submit evidence of four or five children's details prior to registration.
As a childminder you can care for up to 5 pre-school children, inclusive of your own children, of whom no more than 2 can be less than 15 months old unless they are all siblings of each other.

Q12. What is the requirement for a summer camp where early years children attend (0-6 years)?

A. Summer camps which provide early years services are considered an early years service and must be registered unless exempted as defined under section 58A (inserted by section 92 of the Child and Family Agency Act 2013). This exempts services solely providing activities relating to: the Arts, youth work, recreational sport or tuition. Examples include Gaelic Athletic Association (GAA) Cúl Camps, Drama camps, Music camps etc.

Where a stand-alone holiday camp etc. is being provided, registration as a temporary service is required. This application must be submitted at least 21 days before proposing to commence the service.

Where a registered provider offers an additional service to the ECCE scheme, (beyond 38 weeks)[2] in the same premises, a change in circumstances application should be submitted to advise of the extended service provision, i.e. change in the number of weeks' service offered and hours of operation.

Regulation 6: My Application for Registration:

Q13. Who requires Garda[3] /Police Vetting[4]?

A.

- The applicant (the proposed registered provider)
- Person in charge (if different to the proposed registered provider)
- Each / any member of the Board of Management or Board of Directors that might have access to children.

Note: *On initial inspection following registration of the service when children are present, the registered provider must ensure that all other employees, unpaid workers and contractors have been Garda vetted and police vetted (if required).*

Q14. Are Garda Vetting and Police Vetting different?

A. Yes. Garda Vetting disclosure applies to the island of Ireland, both North and South, and can be obtained via the relevant organisation (for example - Early Childhood Ireland, Barnardos) from the National Vetting Bureau.

Police vetting applies to all countries outside of the Irish jurisdiction.

Q15. Who requires written and validated references?

- The applicant (the registered provider)
- Person in charge (if different to the registered provider)
- Each member of the Board of Management, and each Company Director whose role and function requires them to have contact with and access to the children.

Note: *On initial inspection following registration of the service when children are present the registered provider must ensure that each employee, unpaid worker and contractor is suitable and competent, this includes the taking into consideration of references for each person.*

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[2] Children who have not yet commenced in a recognised school (as defined in the Education Act 1998, for example, a primary school) A child is considered a school age child the first day of commencement in the recognised school.

[3]Garda vetting is undertaken for any person aged 18 years and over. Garda vetting for each person has been undertaken within the last three years, including Garda re-vetting (renewing earlier Garda vetting).

[4]Police vetting, in so far as is practicable, is required for a person who has lived in a state or country outside of Ireland for more than six consecutive months, when they were over 18 years of age. This is assessed on a case by case basis. Every reasonable effort has been made to obtain police vetting – this is evidenced by a paper trail of its denial or refusal or unattainability. It is advisable to contact the relevant embassy/consulate in Ireland, who will be in a position to give the most up-to-date information regarding the application process and requirements.

Q16. What is an acceptable reference?

A. A reference is a written statement from someone who knows the prospective employee and gives details of his or her past performance to a prospective employer.

References should be provided in the following order of priority, where applicable:

- References from the two most recent past employer(s), where a person has been in previous employment.
- A reference from a childcare employer if the person was previously employed in childcare.
- A reference from a reputable source (a source other than a past employer) where a person has no past employer. A reputable source is a person who has a good reputation and can provide unbiased account on the person in question, i.e., local solicitor, Guard, Priest.

References See Q18 Regulation 9 (pg. 37)

<u>Specific requirements for references:</u>

All references must:

- Be from a reputable source.
- Contain the address, phone number, of the referee (The reference must be on logo or headed paper and/or carry the organisation's stamp where applicable)
- Be dated
- Be signed by the person giving the reference
- Name the person in full for whom the reference applies.
- State the role the referee, i.e. past employer, local solicitor
- State the suitability the person has in caring for children
- Be validated by the person's employer, (for example - a registered provider)

Note: *Vetting includes references and Garda/Police vetting. All other staff that are required to be vetted will be looked at on inspection. Vetting documents provided in a language other than English or Irish must be translated through a reputable source of translation by the service, and the source of translation is available as evidence to the Early years inspectorate.*

Q17. Who requires proof of identification?

- The applicant (the proposed registered provider)
- Person in charge (if different to the proposed registered provider)

Q18. What is an acceptable form of identification?

A. A copy of one of the following documents is acceptable:

- Passport
- Driver's licence
- An identification form with photograph that is signed by the Garda Siochana.

Q19. What insurance cover is required?

A. Insurance cover for the early years service includes:

- The type of service covered.
- The maximum number of pre-school children attending the service at any one time.
- Public liability.
- Fire and theft.
- Building insurance.
- Motor insurance (where children are transported).
- Outings insurance (where outings are undertaken).

Q20. When do I submit the Insurance Certificate?

A. An insurance quote with the attached summary is accepted with the online application for proposed new applications. However, the current, in date insurance certificate is required prior to the service being registered.

Q21. What policies procedures and statements are required?

A. A copy of the following policies, procedures and statements of the proposed service:

- Safety Statement
- Statement of Purpose and Function
- Policy on Managing Behaviour
- Complaints Policy
- Policy on Administration of Medication
- Policy on Infection Control
- Policy on Safe Sleep (for all services where children require sleep).

Note: See the Quality and Regulatory Framework for the Early Years Early years inspectorate's supporting documentation on:

- Developing Policies, Procedures and Statements in Early Childhood Education and Care Services: A Practical Guide.
- Samples and Templates for Policies, Procedures and Statements.

Q22. What are the requirements in relation to planning permission?

A.

- Evidence from the local authority in the form of a notification of final grant of permission to operate an early years service.
- A Compliance Certificate is required where the planning has been granted subject to attached conditions. This document is usually provided by the professional who has overseen the completion of the works and confirms that the conditions have been complied with.

- All early years services are required to have appropriate planning permission, unless:

    - Proposing to register as a childminding service.
    - They have evidence of exemption from the appropriate authorised authority.

Note: *Where there are conditions attached to the notification of final grant of permission to operate an early years service, the full list of conditions must also be submitted.*

Q23. What are the requirements in relation to Fire Safety?

A. Evidence of:

- Fire Safety Certificate (any conditions to be included)
- Compliance Certificate. (This is usually included with the building compliance certificate the document is called a compliance certificate but if in doubt, if the compliance includes part b of the building Early Years Services Regulations (2016) then fire compliance is included).

Q24. What are the requirements in relation to a Fire Safety Certificate?

A. A Fire Safety Certificate is granted by the local building control authority which certifies that the works or building to which the application relates will, if constructed in accordance with the plans, documents and information submitted to the authority, comply with the requirements of Part B of the Second Schedule to the Building Regulations 1997-2009.

- If you consider the building exempt from the Fire Safety Certificate, you must submit a letter from your local authority stating the exemption.
- A childminding service is exempt from submitting this document.

Q25. What are the requirements in relation to a Building Regulations Compliance Certificate?

A. A Building Regulations Compliance Certificate is a certificate provided by an appropriately qualified person, for example, engineer/architect. It certifies that the building has been built in compliance with the planning permission/building Regulations and fire Regulations.

The appropriately qualified person will not sign off until all works are completed and this document delays many applications.

Note: *A childminding service is exempt from submitting this document.*

Q26. What are the requirements in relation to the Company Registration Office (CRO) Certificate for the purpose of registration?

A. The proposed provider must submit evidence of registration from Companies Registration Office

Note*: A proposed provider with more than one service registered with Tusla can have one CRO for multiple services.*

Q27. Can the Early Years Inspectorate be contacted for advice or support around the Registration process?

A.

- Information regarding registration of early years services is available on the Early Years Early years inspectorate webpage
- Proposed service providers can contact the Registration Office at; ey.registration@tusla.ie or 061 461700 if assistance with the registration process is required.

Q28. Who else can give me advice?

A. Early years services may source additional information and support from relevant county/city childcare committees, agencies, voluntary organisations and supportive organisations in the early years sector.

Fit for Purpose Inspection for a Proposed New Service

Q29. When a proposed provider has submitted the completed registration application and are waiting for the *'Fit for Purpose'* Inspection, can they open the service?

A. No, the service should await written confirmation of registration before the service can open. A service cannot operate without authorisation.
All new applications must await the outcome of the *'Fit for Purpose'* Inspection and receive confirmation of registration before the service can open.

Q30. Can a proposed provider change the details of the proposed service during the application process?

A. Yes, however a new application and supporting documentation in relation to the change must be submitted.

Q31. Do the premises have to be fully furnished for a *'Fit for Purpose'* inspection?

A. The premises, including the outdoor play area, must be finished, furnished, stocked and ready for occupation by adults and children. This must include the provision of thermostatically controlled hot water and the rooms appropriately heated and ready for occupation.

Q32. What happens on a *'Fit for Purpose'* Inspection?

- Information submitted to the registration office will be confirmed and validated.
- The Early Years Early years inspector will schedule the inspection when there are no children present.
- The proposed provider and/or person in charge must be present.
- The early years early years inspector will;
    - Explain the purpose of the inspection and the areas that will be inspected.
    - Undertake the *'Fit for Purpose'* Inspection and document information.

- At the closing meeting, advise the proposed provider of any areas that need to be addressed.

Q33. What happens after the '*Fit for Purpose'* Inspection?

A.

- Where no issues are identified a draft report will be issued. The proposed registered provider will have an opportunity to confirm the accuracy of the information.
- Where areas are identified that need to be addressed a draft report identifying the areas will be issued. The Registration Requirement form must be completed and returned. The application cannot be progressed until all areas identified have met regulatory requirement / been addressed.

Q34. When will my service be registered?

A. When all registration requirements are met the service can be registered.

- A letter of registration will be issued, with a copy of the final inspection report containing the registration date and the service's Tusla identification number.
- The service will be placed on the Register of Early Years Services.
- The Certificate of Registration will be issued in due course (the letter of registration is acceptable as proof of registration).

Q35. When will the service have its next inspection?

A. The next inspection will take place within three months of commencement of operation with children present. This inspection is by appointment.

Re-registration

Q36. As a registered provider when do I need to re-register?

A.

- A registered provider will be required to re-register within 3 years of registration; however, a registered provider will continue to be inspected in the interim period.
- The Early Years Inspectorate will advise existing early years services as to when they will be required to commence the re-registration process.
- Information about the re-registration process can be found on our website

Q37. Why do have I to apply for re-registration within 3 years of my initial registration?

A. Registration is a legal requirement for an early years service to operate. An early years service cannot operate unless it is registered. The Act makes provision for the re-registration of a service every three years. This means that a service must be registered in order to operate at a minimum every 3 years. This requirement is set out in Article 58(D) of Part 12 of the Child and Family Agency Act 2013 which permits the maximum period of registration to be 3 years. However, inspection can occur at any time during the three years.

Regulation 7: The Register

(1) The register shall be available for inspection by members of the public by means of the internet.

(2) The following details, in addition to those specified in section 58C (2), are prescribed for the purposes of that section as to be contained in the register:

(a) the name, if any, of the pre-school service;

(b) the name of the person in charge of the pre-school service (if different to the registered provider);

(c) the date from which the registration of the pre-school service takes effect (if different from the date of registration);

(d) in the case of an application in respect of a temporary pre-school service, the dates on which the service is to be provided;

(e) whether the pre-school service offers one or more of the following classes of service:
- (i) childminding service;
- (ii) full day care service;
- (iii) overnight pre-school service;
- (iv) part-time day care service;
- (v) pre-school service in a drop-in centre;
- (vi) temporary pre-school service;
- (vii) sessional pre-school service;

(f) the age profile of children for which the service is registered to provide services;

(g) any condition attached to registration.

Q1. What is the Register?

A. The Register is a list of registered early years services. It is publically available on the Tusla website.

Q2. What information is held on the Register?

A. The Register contains the following information about each service:

- Service name.
- Address of the premises in which the service is provided.
- Name of registered provider(s).

- Name of person in charge if different from registered provider.
- The number of children the service can accommodate.
- The age profile of children for which the service is registered to provide services.
- Date of registration.
- Contact phone number of service.
- Service types.
- Condition(s) attached or not attached.

Q3. How often is the Register updated?
A. The Register is updated each month.

Regulation 8: Notification of Change in Circumstance

(1) A registered provider of a pre-school service other than a temporary pre-school service shall, subject to paragraph (3), notify the Agency in writing of any proposed change in the details in relation to the pre-school service contained in the register pursuant to section 58C (2) of the Act or Regulation 7(2) at least 60 days before it is proposed that the change would take effect.

(2) A registered provider of a temporary pre-school service shall, subject to paragraph (3), notify the Agency in writing of any proposed change in the details in relation to the pre-school service contained in the register pursuant to section 58C (2) of the Act or Regulation 7(2) at least 7 days before it is proposed that the change would take effect.

(3) Where a registered provider has been unable for good and proper reason to notify the Agency within the time specified in paragraph (1) or (2), as the case may be, of a change in the details in relation to the pre-school service contained in the register pursuant to section 58C (2) of the Act or Regulation 7(2), the registered provider shall notify the Agency in writing of the change as soon as possible thereafter.

(4) The form set out in Schedule 4 is prescribed for the purposes of a notification under paragraph (1), (2) or (3).

(h) A registered provider of a pre-school service other than a temporary preschool service who ceases to carry on the pre-school service shall, not later than 28 days after the cessation of the service, give notice in writing to the Agency of the cessation.

How to Notify a Change in Circumstance

Q1. Can an early years service change the details of their service?

A. Yes, however any proposed change in circumstance(s) (CIC) that a registered provider proposes to their original registration (excluding temporary services), must be notified to the Early Years Inspectorate prior to the change being added and approved.

Exception: *Unless a registered provider has been unable for good and proper reason to notify the Agency within the specified time frame, the registered provider must then notify the Agency in writing as soon as possible thereafter.*

Q2. How do I notify a proposed Change in Circumstances?

A.

- The Form for Notification of Proposed Change in Circumstances must be submitted for any proposed change.
- There are two parts to this form. Part A is mandatory for all changes proposed, certain changes, as listed on the CIC form require supplementary information to be submitted, by completing part B of the form.
- The registered provider must sign the application for a Change in Circumstances and where required, the Supplementary Information Form.
- Incomplete forms and documentation will be returned to the registered provider.

Q3. What are the Change in Circumstances that need to be notified?

A. A registered provider is required to inform Tusla of any of the following change in details to their service

- Change of service name
- Change of service address
- Change of registered provider
- Change of legal name of company
- Change of person in charge
- Change in service type
- Change in number of children that can be accommodated
- Change in email address
- Change in service type
- Adding an additional service type
- Change in hours of operation
- Addition of a session (sessional services only)
- Hours of operation for an additional session in a sessional service
- Change in phone number of service
- Change in mobile number of service
- Change in mobile number of registered provider
- Change in number of staff employed
- Change to the premises.
-
- For what changes is the Supplementary Information Section (Part B) required?
- This section needs to be completed for the following changes only:
- Change of service address

- Change of registered provider
- Change in legal name of company
- Change of person in charge
- Change in number of children that can be accommodated
- Change in age profile of children for which the service is registered to provide services
- Change in service type
- Adding an additional service type
- Change in number of staff employed
- Addition of a session (sessional services only)
- Change to the premises.

Q4. How much notice must I give of any proposed change to my service?

A.

- A registered provider of an early years service (other than a temporary service), must notify the Early Years Inspectorate in writing of any proposed change at least 60 days before making the change.
- A registered provider of a temporary service must notify the Early Years Inspectorate of any proposed change at least 7 days before making the change.
- If the registered provider has a good and proper reason for being unable to give this period of notice to the Early Years Inspectorate, they must do so as soon as possible thereafter.

Q5. Where do I send my application for a Change in Circumstances and documents?

A.

- Email: cic.eyi@tusla.ie or
- Postal address: Change in Circumstances, Registration Office, Early Years Inspectorate, 2nd Floor, Estuary House, Henry Street, Limerick.

Q6. What is the procedure after I send my forms to Tusla Early Years Inspectorate?

A.

- All change in circumstances applications will be reviewed.
  - Any administrative change such as change to phone number, email address, hours of operation not affecting the type of service provided etc. will result in the register being updated at the end of the month.
  - For other changes supplementary information may be requested (see Question 4). You will be contacted if supplementary information is required.
  - Any supplementary information will be assessed to determine if a '*Fit for Purpose'* Inspection (FFP) is required. (See Question 9). If a '*Fit for Purpose'* inspection is not required, the Supplementary Information will be reviewed and if accepted the register will be updated.
  - When any proposed change(s) is accepted and confirmed a Certificate of Registration will be issued, and the Register will be updated to reflect the change in circumstance.
  - When any proposed change(s) is/ are not accepted the service will be required to continue operating within their current registration status and may not pursue the changes proposed.

Q7. How long does the Change in Circumstance process take?

A. The Change in Circumstance process will take up to 60 days from initial receipt of the completed application for a Change in Circumstances and supplementary information. Some changes of circumstances will take less than 60 days.

Note: *Where forms/documentation is incomplete or clarification is required from the applicant, the process will take longer*.

'Fit for Purpose' Inspection for Proposed Change in Circumstances

Q8. For what proposed Change in Circumstances is a *'Fit for Purpose'* Inspection required?

A. A *'Fit for Purpose'* Inspection is required for the following:

- Making a change to the current premises:
  - Change of premises/location.
  - Structural alterations/extension to the current premises.
- Change in number and age profile of the children attending in certain circumstances (for example - when reducing the age range being cared for).

Q9. Do I need to submit an application for a Change in Circumstances if the service is being taken over by somebody else?

A. Yes: Where there is an agreement for the business to be transferred, an application for a Change in Circumstances may be accepted where both of the following criteria are met:

- The current registered provider documents and signs an application for a Change in Circumstances, reflecting the change from the current registered provider to the proposed registered provider of the service (the person who is proposing to take over). This will be assessed on a case by case basis.
- There is no change to the service address, service type, children attending and childcare staff in the service.

Q10. What happens on a *'Fit for Purpose'* Inspection for a Change in Circumstances?

A. The registered provider and/or person in charge must be present for the inspection.

The Early Years Early years inspectorate will:

- The registration office will confirm and validate all information submitted on the application for a Change in Circumstances

The early years early years inspector will:

- Make an appointment,
- Explain the purpose of the inspection and the areas that will be inspected,
- Undertake the '*Fit for Purpose*' inspection and documents all the required information,

- At the closing meeting advise of any areas that need to be addressed.

Q11. What happens after the '*Fit for Purpose*' Inspection?

A. Where all the requirements are met a draft report will be issued and the registered provider will have an opportunity to confirm the accuracy of the information.

Where there are areas highlighted within the report that need to be addressed a draft report and a registration requirement form will be issued The registration requirement form must be completed and returned.

Q12. What it the process following the '*Fit for Purpose'* inspection?

A. The final report which includes the representations made through the regulatory requirements process following '*Fit for Purpose'* inspection will be reviewed.

The Early Years Inspectorate will consider whether the Change in Circumstance will be accepted or not accepted.

When the proposed change in circumstances is accepted:

- A letter of registration will be issued, with a copy of the final inspection report, containing the registration date.
- The Register will be updated.
- The Certificate of Registration will be re-issued to reflect the change(s).
- The '*Fit for Purpose*' inspection report will be published.

When the change in circumstances is not accepted:

- The final '*Fit for Purpose*' inspection report will be issued and published.
- The service must continue to operate within its registration status.
- Where the registered provider is unhappy with the decision of the Early Years Inspectorate, there is an opportunity to make representation to the Early Years Inspectorate within 21 days, or to seek legal advice.

Cessation of Service

Q13. What is the procedure that must be undertaken if I want to close my service?

A.

- The registered provider of a service (other than a temporary service) must notify the Early Years Inspectorate in writing of closure of a service within 28 days.
- The Cessation of Service (Closure) Form must be completed
- The completed cessation of service form must be emailed to: ey.registration@tusla.ie

***Note**: where it comes to the attention of the Early Years Inspectorate that a service is closed and a cessation of service form has not been received by the registration department the registration office will make contact with the registered provider to determine the operational status of the service.*

Q14. If I close my service is my published report removed from the website?

A. All reports remain on the Tusla website from the date of inspection for a period of 3 years.

Regulation 12: Childminders

(1) A childminder shall ensure that—

(a) there are no more than 5 pre-school children in his or her care at any given time, including his or her own pre-school children,

(b) subject to paragraph (2), there are no more than 2 children under the age of 15 months in his or her care at any given time, including his or her own pre-school children, and

(c) there is a working telephone on the premises.

(2) A childminder may have more than 2 children under the age of 15 months in his or her care at any given time where all such children are siblings of each other.

Q1. If I am a childminder in my own home looking after 5 children can I employ another person to assist?

A. Yes, a childminder can employ another person to assist in non-childcare related duties or for the childminder's absence or in the event of an emergency.
No more than 5 children can be cared for in a childminding service. The childminding service must be carried out in the childminder's own home. Should you choose to employ a second person you must ensure all regulatory requirements, including qualification and vetting, are met

Q2. Can a childminder operate an Early Childhood Care and Education (ECCE) service (for 3- 3.5 hours) as part of his/her registered childminding service?

A. Yes, as long as the maximum number of children participating, which is set in the Early Years Services Regulations (2016) as 5, is not exceeded and the services fulfils the necessary requirements for enrolment in the scheme.

Q3. What are the requirements in relation to an emergency person?

A. An emergency person is an adult who is available to attend the service within 10 minutes and knows their designated role and responsibilities when contacted in an emergency and can act without instruction.
An emergency person must be available at all times during the hours of operation. It may be necessary to have more than one emergency person in the event one adult is not available and within sufficiently close proximity to assist in an emergency.

Cross Reference with the Quality & Regulatory Framework

Childminding

Regulation 13: Temporary Pre-school service and Drop-in centres

(1) A registered provider of a temporary pre-school service or a preschool service in a drop-in centre shall ensure there are no more than 24 children attending the service at any given time.

(2) A registered provider of a temporary pre-school service shall ensure that no child attends the service for longer than 8 hours consecutively.

(3) A registered provider of a pre-school service in a drop-in centre shall ensure that no child attends the service for longer than 2 hours consecutively.

Q1. What is the maximum number of children that can attend a temporary pre-school service or Drop-in service?

A. A maximum of 24 children can attend at any one time with no child attending for more than 8 hours consecutively in a temporary service and no more than 2 hours consecutively in a drop-in centre.

Q2. Who is responsible for signing children in and out of a Drop-in service?

A. The registered provider is responsible for ensuring all children are signed in and out of a drop- in centre. Where more than 15 children attend, an employee or unpaid worker must be designated with responsibility for signing children in and out.

Cross Reference with the Quality & Regulatory Framework

Drop –in

Governance

Regulation 9: Management and Recruitment

(1) A registered provider shall ensure that

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

(b) at all times during the period when the pre-school is being carried on, the designated person in charge or the named person referred to in subparagraph(a) is on the premises, and

(c) there is a clear management structure in the service that identifies the lines of authority and accountability in the service and the specific roles and responsibilities of each employee and unpaid worker.

(2) A registered provider shall ensure that each employee, unpaid worker and contractor is suitable and competent taking into consideration the nature of the needs of children, including by-

(a) consideration of references from the person's past employers, if any, and in particular the most recent employer, if any,

(b) consideration of references from reputable sources in the case of a person who has no past employers,

(c) consideration of the vetting disclosure received from the National Vetting Bureau of the Garda Síochána in accordance with the Act of 2012 in respect of the person, and

(d) ensuring, insofar as is practicable, that where a person has lived in a state other than the State for a period of longer than 6 consecutive months, he or she provides police vetting from the police authorities in that state.

(3) The procedures specified in paragraph (2) shall be carried out prior to any person being appointed, assigned or allowed access to or contact with a child attending the pre-school service.

(4) A registered provider shall ensure that, without prejudice to the generality of paragraph (2) and subject to paragraphs (5) and (6), each employee working directly with children attending the service holds at least a major award in Early Childhood Care and Education

at Level 5 on the National Framework of Qualifications or a qualification deemed by the Minister to be equivalent.

(5) Paragraph (4) shall apply—

(a) on or after 31 December 2016 in respect of pre-school services registered on or before 30 June 2016, and

(b) on or after the date of registration in respect of all other pre-school services.

(6) Paragraph (4) shall not apply before 1 September 2021 to a person who—

(a) has signed a declaration on or before 30 June 2016 to the effect that he or she intends to retire from employment in a pre-school service before 1September 2021, and

(b) is in possession of a letter from the Minister confirming that paragraph (4) shall not apply to him or her before that date.

(7) A registered provider shall ensure that all employees, unpaid workers and contractors are appropriately supervised and provided with appropriate information, and where necessary training, including in relation to the following:

(a) the policies, procedures and statements of the service specified in Schedule 5;

(b) Part VIIA (inserted by section 92 of the Child and Family Agency Act 2013 (No. 40 of 2013)) of the Act, and

(c) these Early Years Services Regulations (2016).

Regulation 9 of the Child Care Act 1991 (Early years services)) Early Years Services Regulations (2016) (S.I. No. 221 of 2016) is amended by the Child Care Act 1991 (Early years services) (Amendment) Early Years Services Regulations (2016) (S.I. No. 632 of 2016) – as follows:

(a) in paragraph (4), by the substitution of "paragraphs (5), (6) and (6A)" for "paragraphs (5) and (6)", by the insertion of the following paragraph after paragraph (6):

"(6A) Paragraph (4) shall not apply to an employee of a registered provider where –

(a) the registered provider receives funding for the employment of the employee pursuant to a scheme funded by the Minister and known as the Access and Inclusion Model, and

(b) the employment of the employee is for the purpose of providing support, pursuant to the scheme referred to in subparagraph (a), for a child attending the service to enable the child to participate in the programme known as the Early Childhood Care and Education (ECCE) funding Programme."

Cross Reference with the Quality & Regulatory Framework

Full Day Care	Sessional	Childminding	Drop–in
Pages 2-6	Pages 2-6	Pages 2-4	Pages 2-6

Q1. What should be in place for employees, students & contract workers before they commence in the service?

A. Registered providers must ensure that a person is suitable and competent **prior to** appointing them or allowing them to have access to the children in the service. The following must be obtained;

- A minimum of 2 validated written references (see Q18).
- Garda vetting disclosure –this cannot be transferred from a previous role.
- Police vetting (for anyone over 18 years who has spent longer than 6 consecutive months in another country outside Ireland)
- Employment history with no gaps in the record e.g. Curriculum Vitae
- ID with proof of age
- Proof of meeting the qualification requirements for those who require a qualification (i.e. staff who will work directly with children).

Q2. Who is the person in charge?

A. The term "person in charge" refers to the person who has the day to day charge of the individual service. They must be on the premises on a daily basis. When this person is not on the premises during breaks or leave there must be a person nominated to deputise in their absence. This may be the registered provider, or the manager, or another named person. If the

service is one of multiple services, there must be a person in charge in each premises.

Q3. Can another person deputise for the person in charge other than the named deputy?

A. Yes. The service must have an identified person in charge that has daily responsibility for the service. In this person's absence another person may be named as deputy; this person may change from time to time. It is important that this is documented so that there is a clear management structure in place that identifies the lines of authority and accountability in the service.

Q4. Are 'Persons in Charge' site specific?

A. Yes. There must be a person in charge or deputy in each premise / or each setting operated under the same management.

Q5. Can a single-handed provider have a person who is able to deputise in their absence as required?

A. To ensure continuity of provision of service in case of need it is best practice that a single handed provider has a person who is available to deputise for them. Where a single-handed operator chooses to have a deputy they must comply with the qualification and vetting requirements and be capable of running the service in the absence of the provider.

The Early Years Inspectorate will review what arrangements are in place in the event of the absence of a single-handed provider and how this is reflected in the service's policies and procedures with regards to staff absence, recruitment training and supervision.

Note: *A deputy is not an "emergency person". A registered provider must have Garda vetting disclosure, police vetting where appropriate and references for the emergency person. The emergency person is not required to hold a qualification.*

Qualifications

Q6. Does the "emergency person" need to have a Level 5 qualification or equivalent?

A. No, as the emergency person is only required in the event of an emergency, i.e. where there is a serious, unexpected, or dangerous situation requiring immediate action.

Note: *The emergency person cannot be a deputy unless that person holds a relevant qualification*.

Q7. Do staff with some components of their Level 5 qualification achieved comply with the requirements of the Early Years Services Regulations (2016)?

A. No. Each employee is required to have completed a minimum of a Level 5 major award in Early Childhood Care and Education on the National Qualifications Framework (NQF). Any employee with only components of

the qualification achieved does not meet the requirements of the Early Years Services Regulations (2016).

Q8. I have been approved Access and Inclusion Model (AIM) level 7 funding for a child in my service. Does the person employed have to have a level 5 qualification?

A. Staff employed under AIM Level 7 must satisfy the qualification requirements of the Early Years Services Regulations (2016), which stipulate that all staff working in early years services must have, at a minimum, a Level 5 National qualification on the Framework of Qualifications (NFQ) or a qualification deemed by the Minister for Children and Youth Affairs (Minister for Children, Equality, Disability, Integration and Youth) to be equivalent.

There are two exceptions to this rule:

Grandfathering - Staff who do not satisfy the minimum qualification requirements to work in ECCE services, but who have signed a Grandfathering Declaration prior to June 30th 2016 and agreed to leave the sector by September 2021, are eligible to work in ECCE services and are therefore eligible to work as additional assistance staff under AIM Level 7.

Note from DCEDIY, May 2021: '*In recognition of the exceptional circumstances and disruption caused by the pandemic, an extension to the Grandfathering Declaration can be applied for by practitioners who agree to undertake a relevant qualification during the period of the extension. The maximum duration of the extension, which will depend on the duration of relevant training courses, will be confirmed shortly – further details will be made available through your local City/County Childcare Committee (CCC)'*.

In order to take up the opportunity of this extension, a practitioner **must**:

- Have originally signed a grandfathering declaration on or before 30 June 2016;
- Be currently working in the sector, either in an early learning and care service, or a school-age childcare service, or as a Tusla-registered childminder;
- Enrol in and undertake an appropriate qualification (see below); and
- Receive an approval letter from your local CCC. Details of the process for obtaining this letter will be provided later. Evidence will be required of enrolment on a relevant training course.

If a practitioner is interested in obtaining an extension to their Grandfathering Declaration, they must contact their local County Childcare Committee (CCC) at the earliest opportunity. The CCC will be the relevant contact point for approval of extensions and for providing supports and advice. In the first instance, when a practitioner makes contact with the local CCC, the CCC will ask about the practitioner's situation and what specific supports the practitioner might require.

If a practitioner does not wish to avail of this extension opportunity, the original terms of the Grandfathering Declaration will continue to apply.

In advance of expiry of the current Grandfathering Declarations on 1 September, the Early Years Services Regulations (2016) will be amended to reflect this extension, to ensure that those who avail of the extension opportunity are recognised as being in compliance with the Early Years Services Regulations (2016).

- Staff **to support children with medically complex needs availing of AIM**

  In exceptional circumstances, an exemption to the minimum qualifications requirements for staff working in ECCE services may be made where a child with medically complex needs who is availing of AIM Level 7 requires specialised health supports, for example, a healthcare assistant or nursing care, in order to participate in the ECCE programme. An exemption may be granted where it is considered that such specialist support is required, a letter stating same will be provided by Pobal.

  On inspection the exemption letter from Pobal detailing the basis on which the capitation may be used and the qualification requirements or relevant specialist training of the staff member involved must be available.

Q9. I have submitted an AIM Level 7 application for a child who will be attending my service in September. The child has very complex medical needs – how do I apply for an exemption so that I can employ a nurse?

A. This is not within the remit of Tusla and the Early Years Early years inspectorate. Contact should be made with the Better Start Early Years Specialist team.

Q10. I have completed my Major award at level 5 in Early Childhood Care & Education, submission has been made to Quality and Qualifications Ireland (QQI) for certification by my education institution and I am awaiting same. Will I be compliant with Regulation 9(4)?

A. Where a person has completed the Major level 5 award and has attained the qualification requirement by passing the examinations required and has evidence of this i.e. a statement of results stating the qualification has been achieved from the educational institution but is awaiting receipt of final certification the service will be compliant.

Where only a transcript of results is available the regulatory requirements will not have been met at the inspection, however this can be amended once the relevant evidence has been furnished to the Early years inspectorate as part of the corrective and preventive action process.

Q11. Do staff studying for their level 8 qualification but who do not possess a level 5 or 6 qualification meet the requirements?

A. Where a person is undertaking a level 8 qualification and can demonstrate through correspondence from the education provider and verified by the Department of Children, Equality, Disability, Integration and Youth (DCEDIY) that the course completed to date is equivalent to at least a major award at level 5 this will be acceptable to meet the requirements of Regulation 9(4).

Q12. Is the registered provider required to have a qualification?

A. Where the registered provider is working directly with children attending the service, he/she must hold at a minimum, a major award in Early Childhood Care and Education at level 5 (QQI) or;

Hold a comparable qualification deemed by the Minister to be equivalent. A list of the qualifications equivalent can be found on the DCEDIY website or;

Have signed a declaration on or before the 30th June 2016 to the effect that he/she intends to retire from employment before the 1st September 2021 and has a letter from the Minister confirming this, (also known as the grandfathering clause).

Q13. Can adults on supported employment schemes (CE, RSS etc.) work in services?

A. Yes, participants on supported employment schemes can work in service but are required to be vetted in accordance with Regulation 9(2)(a)(b)(c)(d).
Adults employed under these schemes who do not hold a minimum of a major award in Early Childhood Care and Education at level 5 (NQF), a comparable qualification deemed by the Minister to be equivalent or an exemption to a qualification such as the Grandfathering Clause, cannot be part of the adult /child ratio and must not supervise children or be left unsupervised with children attending the service.
Adults who do hold the minimum educational requirement/ an equivalent qualification or exemption can be counted as part of the adult: child ratios and can supervise children attending the service.

Q14. Are room leaders required to have qualifications at level 6 on the QQI or equivalent?

A. This is a requirement for the ECCE scheme. It is not a requirement of the Child Care Act 1991 (Early Years Services) Regulations (2016) which states that each employee working directly with children must hold at least a major award in Early Childhood Care and Education at level 5 on the National Framework of Qualifications or a qualification deemed by the Minister to be equivalent.

Q15. Do the qualification requirements apply to childminders and relief workers?

A. Yes

Q16. I am a cook and work in the kitchen only. I do not care for children, is an early years qualification at level 5 required?

A. No. Only staff / relief staff who work directly with children require a level 5 qualification. Therefore, if you work in non-childcare related roles only you do not require a childcare qualification.

Registered providers must fulfil the requirements of Regulation 9(2) when recruiting cooks and other ancillary staff who will be present while the service is open and may have access to children during the course of their duties.

References

Q17. What is a reference and what are the requirements of a reference?

A. A reference is a written statement from someone who knows the prospective employee and gives details of his or her past performance to a prospective employer. References should be sourced from the most recent and most relevant sources, for example if an applicant has previous childcare experience references should be secured from those employers and should be from the most recent employments.
The reference should:

- Be written on headed paper.
- Be dated.
- Be signed by the person giving the reference.
- Name the person in full for whom the reference applies.
- State the role the referee has in giving the reference, i.e. past employer, local solicitor.
- State the suitability the person has in caring for children.

Each reference must be validated by the prospective employer by contacting the referee and asking a series of questions to ensure that:

- The reference and its contents are correct.
- That it stipulates the prospective employee's suitability for the role.
- That it relates to the person about whom it is written.

A written record should be kept of the validation with the following details:

- The date the reference was verified.
- The person the prospective employer spoke to.
- The main points of the conversation.
- The person who undertook the verification process must sign the verification.

Should a prospective employee not have a past employer then the reference can be sought from a reputable source (this is a person who is a source other than a past employer who is highly regarded, well thought of, respected and who is independent, unbiased and not a family member).

Obtaining references is an essential part of the recruitment process. All references must be considered by the registered provider, prior to any person being appointed or assigned or being allowed access to or contact with a child in the early years service.

Q18. In relation to references, for staff who are working for more than 5 years in a service, can the registered provider give them a reference?

A. Yes, where a person has been in the employment of the current employer for 5 years or more, the registered provider as their employer can act as a referee, in the event they cannot obtain a reference from a past employer.

Q19. If all references have been received in writing and have been confirmed and checked and they are satisfactory, can the person start in the early years service?

A. No, as per the details set out in Q1 the prospective employee cannot start in the service until all of the requirements for the Regulation have been completed.

Q20. As a registered provider of an early years service I am having difficulty in obtaining a completed reference form for a staff member or there is difficulty in verifying its contents – what can I do? (See Q 18 above re references)

A. References should be sourced from the most recent and most relevant sources, for example if an applicant has previous childcare experience references should be secured from those employers and should be from the most recent employments.

All references must be validated and if it not possible to validate a reference you should request an alternative reference from the applicant. All efforts to obtain and validate references should be documented and kept on file.

Students

Q21. Does a student come under the term of "unpaid worker" even if they are only there to observe?

A. Yes, a student is considered under the definition of unpaid worker. '*An unpaid worker, in relation to a pre-school service, means a person who works in the service but who is not remunerated for such work by the registered provider' (2016).*

Q22. Can a student form part of the adult: child ratio on a relief basis?

A. No, a student on placement within the service cannot be considered within the minimum adult: child ratio. Note Q1 above in relation to all students.

Q23. What conditions apply to having a "Transition Year Student" in the service?

A. A "Transition Year Student" is a student participating in an Approved programme in a Department of Education and Skills second level school. A registered provider must ensure that they have consideration of a minimum of two references for any transition year student prior to commencement in the service. One of these references must be from the student's current school.

A school student on placement must be under the supervision of staff and not left alone with children at any time. Garda vetting disclosure (and police vetting where applicable) is required for all transition year students over the age of 18 years and if required can be sought for students under 18 years but over 16 years.

Q24. Can a contractor form part of the adult: child ratio while they are facilitating their session?

A. No, a contractor who attends a service for a specified time cannot be considered within the minimum adult: child ratio.

'A contractor in relation to a pre-school service, means a person who carries out work in the service under a contract for services, a necessary and regular part of which consists mainly of the person having access to, or contact with, children attending the service' (see Regulation 2).

Garda Vetting

Q25. Should board members and boards of directors / boards of management who do not work directly with or have access to the children be Garda vetted?

A. No: Board members and directors of a board do not require vetting if they do not have access at any time to the children in the service.

Members of boards of management and boards of directors are in a position of power and authority and governance. Within their powers of authority, they may have access to or have contact with children in the early years setting a board member must be vetted when they have any access to, or contact with the children in the service.

Q26. Where a Special Needs Assistant (SNA) is employed by the parents/ guardians of a child or another organisation, who applies for the Garda vetting disclosure?

A. It is the responsibility of the registered provider to ensure that anyone who has access to children in a service is suitable and competent. In the case of an SNA funded privately by a child's parents/ guardians the registered provider must seek and have consideration of a Garda vetting disclosure for that person.

If the SNA is an employee of another organisation, for example the Health Service Executive, Enable Ireland etc. that organisation is responsible for obtaining the Garda vetting. The registered provider must ensure that the organisation has obtained a Garda vetting disclosure for the person and a copy of this must be maintained by the registered provider.

Q27. I have recently taken up residence in the Republic Ireland and have never lived in Ireland previously; do I need Garda vetting?

A. Yes.

Q28. I am an employee who works directly with children and I have lived in the UK for more than 6 consecutive months, what do I need?

A. An International Child Protection Certificate (ICPC) is required for employees recruited after 2012 when the ICPC was introduced. Employees recruited before 2012 should have the UK police disclosure from that time. Further details available from the ACRO website.

Q29. All of my police vetting, references and qualifications are in another language (not English or Irish); do I need to have them translated into English?

A. Yes, all documents not already in Irish or English will need to be translated, by an officially recognised translator.

Q30. I have police vetting from Disclosures Scotland. It is a basic disclosure, is this still valid?

A. A Basic Disclosure contains only convictions considered unspent under the Rehabilitation of Offenders Act 1974 (UK) and is limited. The International Child Protection Certificate (ICPC) is now considered a more valid document as it is more comprehensive and this should be obtained. An International Child Protection Certificate (ICPC) is required or employees recruited after 2012 when the ICPC was introduced. Employees recruited before 2012 should have the UK police disclosure from that time. Further information can be found on the Disclosures Scotland website.

Q31. I am a sole operator/childminder and I lived in the UK for more than 6 consecutive months how can I obtain Police vetting?

A. In order to secure Police vetting for yourself as a sole operator/childminder you must apply to ACRO Criminal Records Office (ACRO) – further details available from the ACRO website. You are required to obtain an International Child Protection Certificate (ICPC)

Note: In addition, each sole operator/childminder applying for an International Child Protection Certification from ACRO must enclose a letter from the Early Years Registration Office which they can obtain, having firstly notified the registration office of their intention to apply to register as an early years service provider.

Note: *This letter is not required for any employees within a service and only applies for the registered provider or sole operator/childminder.*

Q32. Can the police vetting that was previously sought by the employee for another service be used in my service?

A. Yes, the police vetting is the property of the individual who applied for and received it. The registered provider will take a copy of the original police vetting and verify that it is a true copy of the original by signing and dating the copy having seen the true original. The individual retains the original document.

Q33. I have an 'applicant', employee, unpaid worker or contractor who wants to work either on a paid or voluntary basis who has been Garda Vetted but who does not have any police vetting certificates for when they lived and worked in a state or country outside of Ireland for more than 6 months consecutively – can they commence work?

A. No. Regulation 9 (3) clearly states that vetting must "be carried out prior to any person being appointed, assigned or allowed access to or contact with a child attending the preschool service".

Q34. Is a Garda vetting disclosure required for support staff who regularly visit early years services to give specialised classes?

A. Yes, where there is a contract entered into and / or where the person attends the early years service on a regular basis this person must be Garda Vetted.

Additionally, general safety measures should be in place to safeguard the children such as not permitting such persons unsupervised access to children.

Q35. Is it necessary for a registered provider to apply for a Garda vetting disclosure when a student is placed in their service?

A. No. It is the accepted practice that colleges as the relevant organisation apply for the Garda vetting disclosure prior to placement. Prior to any placement the college must allow the registered provider consideration of the vetting disclosures received by the college from the National Vetting Bureau in accordance with the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 (No. 47 of 2012).

Note 1: *If the student completing a placement in an early years service is under the age of 18 years but the placement is part of the 3rd level college practice placement, the college in this instance will need to obtain Garda vetting for the student.*

Note 2:
If the student; who is over 18 years; has either lived or worked outside the island of Ireland they must have police vetting certificate(s) for that/ those countries. This specific information will allow the person carrying on an early years service to make informed decisions with regard to any placement.

Q36. Can a Garda vetting disclosure be transferable where a childcare assistant employed by an organisation (e.g. a disability service) is allocated to different Services?

A. Yes, as the person is employed, for example by the disability service the employer will obtain the Garda vetting, however the registered provider for each service must have consideration of the vetting disclosures received from the National Vetting Bureau prior to the person commencing work in the service.

Q37. Is a Garda vetting disclosure transferable where a childcare assistant is employed by a number of organisations/ employers?

A. No. Each organisation /employer is required to process their own staff with regard to Garda vetting disclosure which will mean that some persons are "re-vetted" by the National Vetting Bureau more than once. The registered provider of an early years service must have consideration of the vetting disclosure received from the National Vetting Bureau prior to making any decision about any person [contractor/employee/unpaid worker] being allowed access to or contact with children.

Q38. Is a Garda Vetting disclosure required for parents/ guardians who go on occasional outings with the pre-school?

A. No, it is not required. Parents/ guardians on outings should work in a supportive role with the early years service staff and can only supervise their own child. The parent/ guardian does not form part of the adult child ratio.

They are not responsible for, or should not be allowed unsupervised access to other people's children.

Q39. If a parent, member of community/ visitor, e.g. doctor, fireman etc. is coming in to do a presentation is vetting required?

A. No, it is not required, however parents/ guardians/ visitors should not be allowed unsupervised access to other people's children. Such visitors to the service must be signed into the service by a staff member.

Q40. I am a registered provider with different early years inspectors and support agency staff calling to my service, am I entitled to ask for identification?

A. Yes, it is very important that the identification of persons calling to an early years service is checked and the registered provider is in all instances entitled to ask and view the identification prior to allowing access.

Note: *You may also ask to see the warrant of authority of an early years early years inspector.*

Q41. Staff supervision is a requirement of Early Years Services Regulations (2016); what evidence is required that it is taking place?

A. The Early years services Early Years Services Regulations (2016) 2016 require that staff are supervised appropriately and are provided with the information and training required to fulfil their role. Evidence of this supervision in the form of meeting minutes/ notes must be maintained.

Q42. How often should staff supervision occur in a service and how should this be documented to ensure compliance with Early Years Services Regulations (2016)?

A. The Early Years Services Regulations (2016) do not stipulate how often a staff supervision and support meetings take place, the frequency of staff supervision meetings should be outlined in the services Staff Supervision Policy and must follow best practice guidelines. A sample staff supervision policy is available as part of the Quality and Regulatory Framework suite of documents.

Regulation 10: Policies & Procedures of Pre-school service

A registered provider of a pre-school service shall ensure that the written policies procedures and statements specified in Schedule 5 are in place for the service

Cross Reference with the Quality & Regulatory Framework

Full Day Care	Sessional	Childminding	Drop–in
Pages 7-8	Pages 7-8	Pages 5-6	Pages 7-8

Q1. Our policy and procedure manual is a large document which parents/ guardians are welcome to read. Is it enough to have it available for parents/ guardians or am I required to provide all parents/ guardians with a copy?

A. A copy of the full policies and procedures of the service should be available to parents/ guardians on the premises at all times. Regulation 16(3) and Regulation 17 require the provider to make the policies and procedures available to parents/ guardians of a child currently attending the service or proposing to attend the service. It may be useful to provide all parents/ guardians with a brief summary of policies and refer to the larger document where required.

In addition to the policies and procedures a statement of the service's purpose and function and a safety statement for the service is also required.

Sample and template policies, procedures and statements required under the Early Years Services Regulations (2016) are available as part of the Quality and Regulatory Framework.

Q2. Is a Copy of a policy on Safe Sleep required for sessional services?

A. A policy on safe sleep is not required in sessional services where children over the age of 2 years attend for 3 – 3 ½ hours daily, as the children should not require a sleep while attending the service. However, should children under the age of 2 years be enrolled in a sessional service then a safe sleep policy will be required

Q3. 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?

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

Q4. Do childminders have to have polices on recruitment, training and supervision?

A. Childminders are defined in the Act and Early Years Services Regulations (2016) as being single-handed operators. However, specific arrangements

must be in place to engage an adult or adults to provide assistance in the event of an emergency for which the relevant safety arrangements should be detailed in the childminder's recruitment and training policies. Childminders who also recruit a suitable adult to deputise in the event of their absence, are required to have all these relevant policies in place.

Q5. I am planning on providing a pre-school in a Drop-in centre. Are all of the policies listed in schedule 5 required for this type of service?

A. All policies, procedures and statements relevant to the activities of the service must be included. Some of these may only require brief details such as the food and drink provisions for children attending for short duration.

Q6. Does schedule 5 include all of the policies, procedures and statements I require for my service?

A. The schedule in the Early Years Services Regulations (2016) specifies the policies, procedures and statements required under the current child care Early Years Services Regulations (2016). In addition, Regulation 6 requires each service to have a written safety statement). Sample and template polices, procures and statements are available as part of the Quality and Regulatory Framework.

These do not include the registered provider's responsibilities under other legislation such as Tobacco Control; Food Hygiene Early Years Services Regulations (2016), Employer legislation and Child Protection.

Q7. Is there a standard policy on managing behaviour?

A. Each service is required to have a policy on managing behaviour appropriate to the age and stage of development of all children which is in keeping with the philosophy of the service. The policy must:

- Support positive behaviour of the child attending the service.
- Specify the approaches for managing challenging behaviour of the child attending the service and assisting the child to manage his/her behaviour as appropriate to the age and stage of development of the child
- Explicitly state that no corporal punishment is permissible at any time in the service.

Regulation 11: Staffing Levels

(1) Subject to this Regulation, a registered provider shall ensure that there is at all times an adequate number of adults working directly with the children attending the pre-school service.

(2) Subject to paragraphs (4) and (5), a registered provider of a full day care service or a part-time day care service shall ensure that at all times the minimum ratio of adults to children specified in column (3) of Part 1 of Schedule 6 opposite a particular reference number specified in column (1) of that Part in respect of the age range of the children specified in column (2) thereof at that reference number is satisfied.

(3) Subject to paragraph (5), a registered provider of a sessional pre-school service shall ensure that at all times the minimum ratio of adults to children specified in column (3) of Part 2 of Schedule 6 opposite a particular reference number specified in column (1) of that Part in respect of the age range of the children specified in column (2) thereof at that reference number is satisfied.

(4) Subject to paragraph (5), where a registered provider contemporaneously provides—

(a) a sessional pre-school service, and

(b) a full day care service or a part-time day care service, or both,

the minimum ratio of adults to children applicable for the duration of the sessional pre-school service in respect of the children attending that service shall be the ratio specified in paragraph (3).

(5) Paragraphs (2) to (4) shall not apply before 1 September 2016 in respect of IMEB accredited services.

(6) A registered provider of a pre-school service in a drop-in centre or a temporary pre-school service shall ensure that at all times the minimum ratio of adults to children specified in column (3) of Part 3 of Schedule 6 opposite a particular reference number in column (1) of that Part in respect of the age range of the children specified in column (2) thereof at that reference number is satisfied.

(7) A registered provider of an overnight pre-school service shall ensure that at all times the minimum ratio of adults to children specified in column (3) of Part 4 of Schedule 6 opposite a particular reference number in column (1) in respect of the age range of the

children specified in column (2) thereof at that reference number is satisfied.

(8) Without prejudice to paragraphs (2) to (7)—

(a) a registered provider of a pre-school service other than a child-minding service or a sessional pre-school service shall ensure that there are at least 2 adults on the premises at all times,

(b) a childminder shall ensure that a second person familiar with the operation of the service and in a position to provide assistance to the childminder in operating the service is, at all times, within close distance of the service and available to attend the service to assist the childminder in the event of an emergency, and

(c) a registered provider of a sessional pre-school service shall ensure that, where the person in charge operates the service single-handedly, a second person familiar with the operation of the service and in a position to provide assistance to the person in charge in operating the service is, at all times, within close distance of the service and available to attend the service to assist the person in charge in the event of an emergency.

(9) In assessing compliance with the adult: child ratios specified in Schedule 6, unpaid workers and, where applicable, the person referred to in Regulation 24(2), shall not be taken into account.

(10) In this Regulation—

"IMEB" means the Irish Montessori Education Board Trust Limited;

"IMEB accredited service" means a full day care service, a part-time day care service or a sessional pre-school service that is accredited by IMEB.

Cross Reference with the Quality & Regulatory Framework

Full Day Care	**Sessional**	**Drop–in**
Pages 9-11	**Pages 9-11**	**Pages 9-10**

Q1. What is meant by "close distance" for the emergency person in respect to a single handed sessional registered provider?

A. The emergency person must be available to attend the service within 10 minutes. They must also know their designated role and responsibilities and be able to act without instruction.

Q2. What is the adult/child ratio requirement on outings?

A. The adult/child ratio is determined by the registered provider undertaking a separate risk assessment for each outing and calculating the numbers of adults required to ensure the safety, health and welfare of the children on the outing, in line with the required minimum ratios specified in Schedule 6 of the Early Years Services Regulations (2016). The following must be considered:

- Potential risks and/or hazards associated with the outing and the means of managing these.
- The number of adults required to adequately maintain the supervision and safety of all children going on the outing.
- Additional needs of children attending if applicable.
- Public accessibility if applicable.
- All relevant policies and procedures in the service.
- Insurance requirements.
- An adult trained in first aid for children must be on the outing.

Note: The service needs to check their own insurance policy as the ratios may be specified by the insurance company.

Q3. Are extra staff members required for nappy changing / supporting children to use the toilet if the adult/child ratio is compliant with the Early Years Services Regulations (2016)?

A. The adult child ratio as set out in the Early Years Services Regulations (2016) is the minimum requirement. A service may require additional staff beyond the minimum ratio in a room at points where children require extra support and care such as nappy changing, meal times, when a child is transitioning into the service and when settling children to sleep.

Q4. Does the manager of the early years service or crèche have to be supernumerary or can they be part of the ratios provided?

A. The manager does not have to be supernumerary as long as managerial duties do not detract from direct childcare and vice versa. Staff rosters should indicate who is covering for breaks in the service.

Q5. What adult/child ratios are required where a child has additional needs that require greater support?

A. The recommended ratios are the *minimum* number of adults required to supervise, care for and work directly with the children in the service. It is the responsibility of each registered provider to ensure that sufficient staff are working directly with the children in the service at all times. The ages of the children, their stage of development, and their particular needs may necessitate higher numbers of adults working directly with the children than is required in the Early Years Services Regulations (2016). The provider may allocate additional staff as they choose. Further information on supporting early years children with a disability is available from the Access & Inclusion Model (aim.gov.ie).

Q6. Can you cater for different age groups of pre-school children in one room?

A. Yes, subject to the registered provider meeting the regulatory requirements of;

- adult/child ratios
- suitability and safety of play materials
- appropriate activities catering for children at different stages of development
- adequate clear floor space to reflect the requirements of the varying ages of the children

Q7: What are the adult child ratios for services operating during the holiday periods?

A. The adult child ratio requirements remain the same at all times. Should a service operate a sessional, part-time or full day care service the ratios applicable are set out in Schedule 6 of the Early Years Services Regulations (2016) irrespective of the time of year.

Regulation 14: Review of Pre-school Service

A registered provider of a pre-school service other than a temporary preschool service shall ensure that—

(a) at regular intervals, being intervals of not more than one year, a review is carried out in respect of the quality and safety of care provided by the pre-school service to pre-school children attending the service, including a review of the policies, procedures and statements of the service, and

(b) a record of each such review is maintained for a period of 3 years after the review is carried out.

Cross Reference with the Quality & Regulatory Framework

Full Day Care	Sessional	Childminding	Drop–in
Pages 12-16	Pages 14-16	Pages 8-10	Pages 12-16

Q1. What is the annual review of the service?

A. The annual written review of the service includes review of the quality and safety of care provided and review of all policies, procedures, statements and care practices. A copy of the review and its processes must be made available for inspection purposes.

Q2. What records are required to be retained under Regulation 14(b)?

A. A record of annual review as required under 14(a) is required to be maintained in the service for a period of 3 years after the review is undertaken.

Regulation 15: Record of Pre-school Child

(1) A registered provider of a pre-school service other than a pre-school service in a drop-in centre or a temporary pre-school service shall ensure that a record in writing is kept in respect of each pre-school child attending the service containing the following particulars:

(a) the name and date of birth of the child;

(b) the date on which the child first attended the service;

(c) the date on which the child ceased to attend the service;

(d) the name and address of a parent or guardian of the child and a telephone number where that parent or guardian or a relative or friend of the child can be contacted during the hours of operation of the service;

(e) authorisation for the collection of the child;

(f) details of any illness, disability, allergy or special need of the child, together with all the information relevant to the provision of special care or attention;

(g) the name and telephone number of the child's registered medical practitioner;

(h) record of immunisations, if any, received by the child;

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

(2) A registered provider of a pre-school service in a drop-in centre or of a temporary pre-school service shall ensure that a record in writing is kept in respect of each pre-school child attending the service containing the particulars specified in subparagraphs (a), (d), (e) and (f) of paragraph (1).

(3) A record in writing referred to in paragraph (1) or (2) shall be open to inspection on the premises by—

(a) a parent or guardian of a pre-school child but only in respect of the record relating to that child,

(b) an employee who is authorised in that behalf by the registered provider, and

(c) an authorised person.

(4) A registered provider shall ensure that a record in writing referred to in paragraph (1) is retained for a period of 2 years from the date on which the child to whom it relates ceases to attend the service.

(5) A registered provider shall ensure that a record in writing referred to in paragraph (2) is retained for a period of 2 years from the date on which the child attends the service.

Cross Reference with the Quality & Regulatory Framework

Full Day Care	Sessional	Childminding	Drop–in
Pages 17-19	**Pages 17-19**	**Pages 11-12**	**Pages 17-19**

Q1. What records are required to be retained under Regulation 15(4)(5)?

A. Regulation 15 (4) requires that the record of the child's details as detailed in Regulation 15(1) must be retained in the service for a period of 2 years from the date on which the child to whom it relates **ceases to attend** the service. This applies to all services except Drop In and Temporary services.

Regulation 15(5) requires the record of a child's details attending Drop in and Temporary services must be retained in the service for a period of 2 years from the date on which the child **attends** the service.

Q2. In my service I use an electronic method of recording observations and care routines to share information with parents/ guardians, if parents/ guardians opt out of this method of communication am I required to provide an alternative method of communication?

A. Yes. Children and parent's individual needs should be respected and met where reasonably practicable. It would be expected that observations and care routines for children whose parent have opted out of the electronic recording system would have records in another acceptable format which that parent can access.

Regulation 16: Record in Relation to Pre-School Service

(1) A registered provider shall ensure that a record in writing is kept of the following information in relation to the service:

(a) the name, position, qualification and experience of the person in charge and of every other employee, unpaid worker and contractor;
(b) details of the class of service and the age profile of children for which the service is registered to provide services
(c) details of the adult: child ratios in the service;

(d) the type of care or programme provided in the service;
(e) the facilities available;
(f) the opening hours and fees;
(g) the policies, procedures and statement the service is required to maintain in accordance with Regulation 10;
(h) details of attendance of each pre-school child on a daily basis;
(i) details of staff rosters on a daily basis;
(j) details of any medication administered to pre-school child attending the service with signed parental consent;
(k) details of any accident, injury or incident involving a pre-school child attending the service.

(2) A registered provider shall ensure that-

(a) all documents and records relating to references and Garda and police vetting obtained under Regulation 9(2) are retained for a period of 5-years from the date on which the person to whom the document or record relates commences working in the service, and

(b) a record referred to in subparagraph (h)(j) or (k) of paragraph (1) is retained for 2 years from the on which the child to whom it relates ceases to attend the service, or in the case of pre-school service in a drop-in centre or of a temporary pre-school service, for a period of 2 years from the date on which the child attends the service.

(3) A record referred to in paragraph (1) shall be open to inspection on the premises, and the documents and records to in paragraph (2)(a) shall be open to inspection whether on the premises or elsewhere, by an authorised person.

(4) A record referred to in paragraph (1) shall be open to inspection on the premises by a parent or guardian of a child but only in respect of information concerning that child

(5). For the purposes of operating the pre-school service, a record referred to in paragraph (1) shall be open to inspection on the premises by an employee who is authorised in that behalf by the registered provider.

Cross Reference with the Quality & Regulatory Framework

Full Day Care	**Sessional**	**Childminding**	**Drop–in**
Pages 20-21	**Pages 20-21**	**Pages 13-14**	**Pages 20-21**

Q1. What records are required to be retained under Regulation 16(2)(b)?

A. All records in relation to references, Garda vetting disclosure and police vetting must be retained for a period of **5 years** from the date on which the person to whom they relate commenced in the service.

Regulation 17: Information for Parents/ guardians

A registered provider shall ensure that a parent or guardian of a child proposing to attend the service is provided with the information referred to in subparagraphs (a) to (g) of Regulation 16(1).

Cross Reference with the Quality & Regulatory Framework

Full Day Care	**Sessional**	**Childminding**	**Drop–in**
Pages 22-23	**Pages 22-23**	**Pages 15-16**	**Pages 22-23**

Q1. What information on staff must be provided to parents/ guardians?

A. The name, position, qualifications and experience of the person in charge and of every other employee, unpaid worker and contractor should be made available to parents/ guardians.

Q2. In our service we have a notice board displaying information on our staff. Is this sufficient for parents/ guardians/visitors?

A. Yes, it is sufficient to use a notice board, however General Data Protection Regulations guidelines will need to be followed.

Regulation 18: Copy of Act etc.

A registered provider shall ensure that a copy of VIIA (inserted by section 92 of the Child and Family Agency Act 2013 (No. 40 of 2013)) of the Act and of these Early Years Services Regulations (2016) is kept on the premises and the said copies shall be open inspection on the premises by-

(a) a parent or guardian of a child attending or proposing to attend the service,
(b) an employee, unpaid worker or contractor, and
(c) an authorised person.

Q1. Am I required to keep a copy of the act on my premises?

Yes, a registered provider is required to have copies of Child Care Act 1991 (Early years services) Regulations (2016) the Child Care Act 1991 (Early years services) (Amendment) Regulations (2016) and the Child Care Act 1991, Section 58 as amended by Part 12 of the Child and Family Agency Act, 2013, available on site in either hard or soft copy.

Regulation 31: Notification of Incidents

A registered provider shall notify the Agency in writing within 3 working days of becoming aware of any of the following incidents occurring in the preschool service:

(a) the death of a pre-school child while attending the service, including the death of a child in hospital following his or her transfer to hospital from the service;

(b) the diagnosis of a pre-school child attending the service, an employee, unpaid worker, contractor or other person working in the service as suffering from an infectious disease within the meaning of the Infectious Diseases Early Years Services Regulations (2016) 1981 (S.I. No. 390 of 1981);

(c) an incident that occurs in the service and that results in the service being closed for any length of time;

(d) a serious injury to a pre-school child while attending the service that requires immediate medical treatment by a registered medical practitioner whether in a hospital or otherwise;

(e) an incident in respect of which a pre-school child attending the service goes missing while attending the service.

Q1. What is meant by a Notification of Incidents?

A. The Early Years Inspectorate must be notified of the following incidents:

- The death of a pre-school child while attending the service, including the death of a child in hospital following transfer to hospital from the service.
- Diagnosis of an infectious disease in a child attending the service, an employee, unpaid worker, contractor or any other person working in the service as suffering from an infectious disease within the meaning of the Infectious disease Early Years Services Regulations (2016) 1981 (SI No 390 of 1981) and amendments: see HSPC List of Notifiable Diseases.
- Any incident in the service which results in the service being closed unexpectedly and for a length of time (an unplanned closure).
- A serious injury to a child while attending the service that requires immediate medical treatment by a registered medical practitioner, whether in a hospital or otherwise.
- An incident of a child going missing while attending the service.

Q2. When should I notify the Early Years Inspectorate of an incident?

A. A registered provider must notify Tusla in writing within 3 working days of becoming aware of an incident.

Q3. How should notification of incidents be informed to Tusla?

A. A Notification of Incidents Form is available on the Tusla website

- The form must be completed and signed by the registered provider.
- There must be a clear description of the incident.
- All actions taken must be recorded.
- Any outstanding safety issues must be addressed and a risk assessment must be completed in some circumstances.
- It must be noted that children or staff should not be named within the notification.

Q4. Where do I send the incident form?

A. The required incidents are notified to: ey.registration@tusla.ie

Q5. What is meant by serious injury?

A. Where a child sustains an injury while attending the service and the nature of the injury requires immediate medical attention and treatment of a registered medical practitioner. Medical attention can be in hospital or by the General Practitioner.

Q6. What is meant by an unplanned closure?

An unplanned closure is where the service has to close due to an incident in the service. That is the service has to close unexpectedly for example burst pipe in the service, no water, no electricity, inadequate staffing levels etc.

Notification of incident is not required when a service closes on the recommendation of national organisations such as the Met Eireann **National** Weather Warnings System, who issue a directive that the services in an area close for a defined period of time.

Q7. How will I know when to notify the Early Years Early years inspectorate of a notifiable disease?

A. The list of diseases (that are notifiable is contained in the Infectious Diseases Regulations 1981 and subsequent amendments. Only diseases listed here should be notified. You will find useful information at https://www.hpsc.ie/notifiablediseases/listofnotifiablediseases/

Q8. Does this mean that every time a child has vomiting and diarrhoea has that the service must inform the Early Years Inspectorate?

A. No. Only confirmed cases of notifiable illnesses are notified to the Early Years Inspectorate by the registered provider. Confirmed cases will be advised to you by the Department of Public Health.

Regulation 32: Complaints

(1) A registered provider shall ensure that the complaints policy on the service specifies-

(a) the procedure to be followed by a person for the purposes of making a complaint in relation to the service,

(b) The manner in which such a complaint shall be dealt with, and

(c) The procedures for keeping a person who makes such a complaint informed of the manner in which it is being dealt with

(2) A registered provider shall ensure that-

(a) a record in writing is kept of a complaint made to the provider in respect of the pre-school service, and

(b) the complaint is duly dealt with in accordance with the provider's complaints policy.

(3) A record in writing referred to in paragraph (2)(a) shall-

(a) include the nature of the complaint and the manner in which the complaint was dealt with, and

(b) be open to inspection on the premises by an authorised person.

(4) A registered provider shall ensure that a record in writing referred to in paragraph 2(a) is retained for a period of 2 years from the date on which the complaint has been dealt with.

(5) The requirement in paragraph (4) is without prejudice to any requirement to retain the record in writing referred to in paragraph (2)(a) under any other enactment or rule of law.

Cross Reference with the Quality & Regulatory Framework

Full Day Care	Sessional	Childminding	Drop–in
Page 26	**Page 26**	**Page 26**	**Page 19**

Q1. What should a parent or other concerned person do if they are concerned about the operation of an early years service?

A. Firstly, they should bring their concerns directly to the manager or person in charge of the early years service and request a copy of the service's Complaints Policy. All registered early years services are required to have a Complaints Policy.

Q2. What should the service's Complaints Policy contain?

A. This policy will outline how a concern will be managed by the service. The Early Years Services Regulations (2016) place the responsibility on registered providers to have a complaints management process in place and to address all complaints received from the public, parents/ guardians, or staff.

Q3. How should a person make a complaint?

A. The service's Complaints Policy will set out how a complaint can be made. It is advisable to put concerns in writing to the service, request a copy of the services Complaints Policy and ask that the issue is addressed under that policy.

Q4. If a person cannot approach the registered provider or feels it is not appropriate to discuss a concern with the service, what can they do?

A. If there are reasons that a person feels prohibited from bringing a matter to the registered provider directly, this information can be brought to the Early Years Early years inspectorate. Depending on the nature of their concern, the person may also need to contact the social work department in relation to child protection concerns, Pobal in relation to fees, enrolments in the childcare programmes and qualifications of employees, or other state bodies.

Q5. Can a person give information or raise a concern to the Early Years Inspectorate?

A. The Early Years Inspectorate welcomes feedback relating to early years services from parents/ guardians and other interested parties. There is a defined Parent Feedback process which enables parents/ guardians to express satisfaction or dissatisfaction and provide general views regarding an early years service.

Note: The Feedback process should not be used to raise concerns about early years services. Where concerns are identified the process below should be followed.

Where a parent or other interested party wishes to raise **concerns** about the welfare and safety of children who attend a service these should first, where possible, be brought to the attention of the registered provider. Where concerns need to be escalated to the Early Years Inspectorate they should be submitted by through the *Concerns about an early years service process*.

- Concerns received by the Early Years Inspectorate which relate to the operation of an early years service, will be reviewed and assessed for the risk associated with the concern to determine if they relate to the health, welfare and safety of children and if they fall within the remit of the Early Years Services Regulations (2016). The level of intervention and action taken including the focus and timing of inspections, will correlate to the level of assessed risk and its potential adverse impact on children. The person providing the information will be advised that feedback/the outcome of the Early years inspectorate will not be given, however all inspections undertaken in response to the concern will be published in due course.

- If the information relates to a child protection concern, it is important that a direct referral to the social work department is made.

- In some cases, the Early Years Inspectorate may ask the early years service to investigate the concern. The Early Years Inspectorate will have oversight of how the service manages this process.

- Where concerns fall within the remit of the Early Years Services Regulations (2016), the Early Years Inspectorate will ask the early years service to prepare a response to the concern received which may include an investigation report and outcomes of the service's investigation, risk assessment and any other actions taken to address the concern. The Early Years Inspectorate will have oversight of how the service manages this process.

- In all cases, the registered provider will be given an opportunity to respond to the concerns and to any inspection reports that are subsequently produced.

Q6. How are *concerns about an early years service defined?*

A. Concerns about an early years service are defined as any concerns regarding the operation of a service and /or the welfare and safety of children who attend, within the remit of the Early Years Services Regulations (2016). The information can come from a number of sources including; parents/ guardians or relatives of a child attending the service, staff of the service, visiting professionals or the general public.

Q7. How can a person contact the Early Years Inspectorate with information?

A. If a person wishes to contact the Early Years Inspectorate regarding a concern they have about an early years service, they may do so in a number of ways:

- By email: early.yearsui@tusla.ie
- By telephone: 061-461743
- By postal address: Feedback and Concerns Department, Early Years Early years inspectorate, 2nd Floor, Estuary House, Henry Street, Limerick.

Q8. Can a person remain anonymous?

A.

- Those providing information will be treated in confidence.
- It is the Early Years Inspectorate's policy that the name of persons raising concerns shall not be released to the registered provider, or in public documents in line with the public interest consideration. While all reasonable efforts will be made to protect the anonymity of the person raising concerns; the Early Years Inspectorate may not in all incidences be able to ensure anonymity.

Q9. What information should a person give to Tusla?

A. When raising a concern in relation to the Early Years Services Regulations (2016), the following details are most useful:

- The full name, address, telephone number and email address of person raising the concern.
- The relationship with the early years provider, for example - parent, staff, other
- The name, address and contact details of the service provider (if known)
- Time(s), date(s) and location, i.e. when the incident occurred and the name of the room or part of the building
- Name and age(s)of child or children involved (if known)
- Details of any other persons involved
- A factual account of the concern - providing as much detail as possible and enclosing copies of any relevant documentation
- Whether or not the concern has been raised with the early years service, and what response (if any) has been received

Q10. What information is accepted?

A. Acceptance is based on whether the information;

- Is within the remit of the Early Years Services Regulations (2016)
- Relates to a registered or unregistered early years service

- Is of sufficient detail to process

Q11. What information is not accepted?

A. Concerns cannot be accepted if:

- The matter is not within the remit of the Early Years Services Regulations (2016)
- The matter is relevant exclusively to another agency

Occasionally information that does not fall within the remit of the Early Years Services Regulations (2016) may be referred to the appropriate authority for their consideration. Should the information provided not meet the requirements, an acknowledgment letter will be issued and the person will be advised and redirected appropriately.

Q13. What happens when concerns contain components that are not exclusive to the remit of the Early Years Inspectorate?

A. Concerns submitted to the Early Years Inspectorate may contain components that:

- Are currently subject of known legal proceedings
- Relate to the Social Welfare Acts
- Relate to an existing investigation by the Gardaí
- Relate to a child protection matter which requires a referral to Child Protection Services

In these incidents the Early Years Inspectorate will work closely with colleagues within these departments/organisations and ensure these issues are forwarded to them.

Q14. What does vexatious mean?

A. Vexatious refers to any information submitted without sufficient grounds, especially so as to cause annoyance or embarrassment to someone, or a notification seeking only to harass or cause distress.

Q15. What happens if concerns raised are accepted by the Early Years Inspectorate?

A. If accepted, an acknowledgment is issued to the person submitting the information. This states that the information was relevant to the Early Years Inspectorate's supervisory function and will be used to inform the Early years inspectorate's inspection activity. The Early Years Inspectorate reserve the right to seek clarification on points of the information received, as appropriate. The service retains the right of reply to all information received about the service within the remit of the Early Years Services Regulations (2016).

Q16. How is a registered provider informed of concerns about an early years service?

A. The registered provider will be advised by email or in writing of all concerns received, which fall within the remit of the Early Years Services Regulations (2016). When a concern falls within the remit of the Early Years Services

Regulations (2016), a response will be requested. When a concerns falls outside of the remit of the Early Years Services Regulations (2016), the service will be informed of any referral made to another agency.

Q17. I am the provider of an early years service and I received a complaint about my service, what do I do?

A. Ensure the service has a complaints policy and this referred for all complaints received by the early years service.
It should define who has the responsibility and how the complaint is handled with the complainant.
A record must be maintained outlining how the complaint was handled and the complainant must be informed at each stage of the procedure regarding the progress.
The complainant must be given a copy of the Complaints policy and when completed, an outcome of the process in writing and the rationale for the decision.
The record needs to be available for inspection by the EYI. You must keep details of all complaints for two years.

Q18. I am the provider of an early years service and I received a complaint about a staff member/employee in my service, what do I do?

A. As the registered provider you are responsible to investigate the issues concerning the alleged behaviour of your staff. If the nature of the complaint relates to child safeguarding; You should always inform the Child and Family Agency social work department when you have reasonable grounds for concern that a child may have been, is being, or is at risk of being abused or neglected (Children First National Guidance). These enquiries should be robust, comprehensive and proportionate to the issues of concern. It would be important that you consider Human Resource protocols when staff are implicated in a complaint. Retain a record of these deliberations for inspection purposes.

Q19. I am a sole operator, how will a complaint against me be managed?

A. A complaint received regarding a sole operator will be managed by the feedback and concerns process of the Early Years Inspectorate.

Q20. Are reports of inspections undertaken in response to concerns published?

A. Yes, all inspection reports undertaken inclusive of inspections following receipt of a concern are published. Inspection reports are published on the Tusla website

Q23. How long will the process for concerns take?

A. The process will be concluded as quickly as is practicable taking into account all aspects of the concern including potential referrals/ liaison with other agencies.

Health, Welfare and Development of the Child

Regulation 19: Health, Welfare and Development of Child

(1) A registered provider shall, in providing a pre-school service, ensure that—

(a) each child's learning, development and well-being is facilitated within the daily life of the pre-school service through the provision of the appropriate activities, interaction, materials and equipment, having regard to the age and stage of development of the child, and

(b) appropriate and suitable care practices are in place in the pre-school service, having regard to the number of children attending the service and the nature of their needs.

(2) A registered provider shall ensure that no corporal punishment is inflicted on a pre-school child whilst attending the service.

(3) A registered provider shall ensure that no practices that are disrespectful, degrading, exploitive, intimidating, emotionally or physically harmful or neglectful are carried out in respect of a pre-school child whilst attending the service.

(4) A registered provider shall ensure that a pre-school child shall not be—

(a) permitted access to the internet,
(b) photographed, or
(c) recorded,

while attending the pre-school service other than in accordance with the terms of the consent of a parent or guardian given in the form specified in the service's policy on the use of the internet and photographic and recording devices.

Cross Reference with the Quality & Regulatory Framework

Full Day Care	Sessional	Childminding	Drop–in
Pages 28-44	**Pages 28-43**	**Pages 22-34**	**Pages 28-36**

Q1. Should the early learning and care setting be providing tablecloths, real crockery and cutlery to facilitate snack and mealtimes?

A. These are not always necessary. Food should be consumed with clean hands from a container, and where necessary, using clean cutlery. Family style dining and the use of real material is considered a positive practice to be encouraged in services.
For younger children appropriate finger foods may be handed directly to the child or taken from a clean high chair tray. Snacks for older children can be eaten from a clean plate, bowl, container, clean sharing platter, or directly from the child's lunch box provided from home.

Services should therefore provide the most hygienic methods for serving foods prepared or reheated by the service while parents/ guardians or guardians are responsible for the hygiene of lunchboxes and feeding utensils provided from home.

Where crockery and cutlery are used for serving food to children in any service, these should be age appropriate and the provider must ensure that cleaning facilities for these are compliant with food hygiene Regulations.

Q2. Are children required to sit at a table during meal/snack times, or can alternative options be provided, floor, outside for picnics?

A. Yes, all children are required to sit for meals and snacks whether these are consumed indoors or outdoors.

For mealtimes, children should be seated at a suitable sized table or similar facility either indoors or outdoors. Children should always be directly supervised when eating and adults should sit with children during mealtimes to role model positive social skills.

For snack breaks, children should be comfortably seated within easy reach of a clean, level surface to facilitate the return of food items onto their plate, bowl or lunchbox, whether this is a table top, picnic bench or log.

Q3. What is the guidance in relation to risky play?

A. The Early Years Inspectorate recognises the importance for children of engaging in risky play in extending their boundaries and self-Regulation.

All early years services must have a Risk Management Policy which sets out how any potential risks to the safety of the children are assessed and the steps taken to either eliminate these risks or to mitigate them (schedule 5 of the Early Years Services Regulations (2016)).

Where risky play activities are proposed, a risk assessment for each activity is required which identifies the safe limits and control measures to be in place for its safe implementation. Where a provider is uncertain with regards to any aspects of risky play, appropriate research or training should be undertaken
The Early Years Inspectorate does not promote any particular approach, however, relevant guidance may be sought through the local county child care committee or other relevant professional support organisation.

Q4. Is a provider required to provide for 'messy' play?

A. It is the choice of the registered provider if messy play is provided in the service. Messy play experiences do not have to be on a large scale and its primary function is to provide for open ended play with sensory stimulating materials.
Messy play provision does not conflict with any recognised early year's philosophy and its value in providing sensory exploratory experiences, stimulation of the imaginative and development of communication is well documented. Through messy play, children can experience different tactile sensations; use their imagination in handling and shaping the materials; exercise their fine and gross motor skills moulding, carrying and shaping; and discover important science and mathematical principles as a side effect of play.

Q5. Q5. What are my responsibilities regarding a child's access to the internet?

A. The service must have a policy on the use of internet and photographic and recording devices and implement this policy. The policy must include the following:

- The roles and responsibilities in relation to the use of technologies by children, including the internet, and photographic and recording devices.
- The required communication and consent requirements of parent(s)/guardian(s) regarding the service's use of technology by children, including the internet, and photographic and recording devices.
- The risks associated with the use of technology, including the internet, and photographic and recording devices within the service are identified and appropriately managed.
- All staff must have received training in the policy, be familiar with the policy and its implementation.

Q6. Can different age ranges of children be accommodated in one room?

A. 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, risk of tripping, or younger children being stepped on by older children.
Where mixed age ranges are accommodated in the same room, the developmental needs of each child must be met.

Q7. 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.?

A. Yes, staff must have the skills to care for children with additional needs who are attending the service.
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 this.
There is support and funding available with the Access and Inclusion Model www.aim.gov.ie to support staff and services in supporting children with additional needs.

Q8. Is there a standard practice on supporting behaviour in services?

A. Each early years service is required to have a policy on managing behaviour appropriate to the age and stage of development of all children which is in keeping with the philosophy of the service.

The policy must:

- Explicitly state that no corporal punishment is permissible at any time in the service.
- Support positive behaviour of the preschool child attending the service
- Specify the approaches for managing challenging behaviour of the preschool child attending the service and assisting the child to manage his/her behaviour as appropriate to the age and stage of development of the child.

The policy on supporting behaviour in the service must be implemented.

Regulation 20: Facilities for Rest and Play

(1) Subject to this regulation, a registered provider shall ensure that-

(a) having regard to the number of pre-school children attending the service, their respective ages and the amount of time they spend on the premises, there are adequate and suitable facilities for each child to play indoor and, where required by these Early Years Services Regulations (2016), outdoor, during the day, and

(b) there are adequate and suitable facilities for a pre-school child to rest during the day, and in the case of an overnight pre-school service, during the day and the night.

(2) A registered provider

(a) of a full day care service, a part-time day care service, a sessional pre-school service or a childminding service that is registered for the first time on or after the 30th of June 2016, or

(b) of a full day care service, a part-time day care service, a sessional pre-school service or a childminding service that moves premises on or after the 30th of June 2016.

shall ensure that a suitable, safe and secure outdoor space to which the pre-school children attending the service have access on a daily basis is provided on the premises.

(3) A registered provider of a full day care service, a part-time day care service or a childminding service, other than such a service to which paragraph (2) applies, shall ensure that-

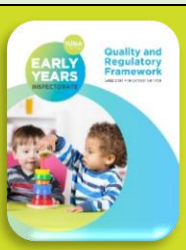
(a) a suitable, safe and secure outdoor space to which the pre-school children attending the service have access on a daily basis is provided on the premises, or

(b) where no such space is provided, the pre-school children attending the service have access on a daily basis to a suitable outdoor space

(4) Where the outdoor space to which the pre-school children attending the service have access is provided on the premises of a sessional pre-school service other than such a service to which paragraph (2) applies, a temporary pre-school or pre-school service in a drop-in centre, the registered provider shall ensure that such outdoor space is suitable, safe and secure.

(5) Where pre-school children attending a sessional pre-school service other than such a service to which paragraph (2) applies, a temporary pre-school service or a pre-school service in a drop-in centre have access to an outdoor space other than such a space specified in paragraph (4), the registered provider shall ensure that such space is suitable.

Cross Reference with the Quality & Regulatory Framework

			
Full Day Care	Sessional	Childminding	Drop–in
Pages 45-50	**Pages 44-49**	**Pages 35-39**	**Pages 37-39**

Q1. Are local authority playgrounds that are accessible within safe walking distance of the service regarded as 'outings'?

A. Use of playgrounds are deemed to be outings. All requirements relating to outings must be met and a risk assessment of the area should be undertaken prior to each use. Registered providers should contact their insurance company regarding all outings.

Q2. Does a drop in service and/or a temporary service need an outdoor play area?

A. No. However where an outdoor play area is provided it must be suitable, safe and secure.

Q3. Is an adult required to remain in the sleep room when children are sleeping/resting?

A. Adult/child ratios must be maintained at all times including when children are sleeping. Sleeping children must be physically monitored as per the services' safe sleep policy; however, some circumstances may require an adult to be present in the sleep room, for example:

- If a child is unsettled
- If a large number of children are sleeping/resting in the Sleep Room (6 children or more)
- If the Sleep Room is not adjacent to the play areas

Q4. Where a viewing panel is available is it sufficient to check sleeping/resting children through the viewing panel?

A. No. The adult must enter the room and physically check the child at least every ten minutes. At each physical check records of the child's colour, if they are sleeping, their sleep position and breathing pattern must be documented. The temperature of the sleep room and any necessary remedial action taken must also be recorded.

Q5. Are cocoon sleep beds, bunk cots or similar suitable for children aged 18 months plus?

A. No, these are not acceptable. The Safe Sleep for under 2's Best Practice Guidelines states that all children under 2 years attending a service must have access to their own cot. The sleep needs for children (under 2 years) must be accommodated in a standard cot. The only exception is where a child is known to climb over the sides of their cot in which case a suitable

low floor bed may provide a safer sleep facility where a documented risk assessment supports this. The service's policy on safe sleep should be available to all parents/ guardians of children attending the service and relevant consultation made with them when drawing up the care plan for their child which would provide an opportunity to clarify the safe sleep practices required by the service.

Q6. Can a child under two years be placed to sleep in a bouncer, stroller or bed with parents/ guardians' permission?

A. No. Children under two years must only be placed to sleep in a standard cot. Services are required to follow the national safe sleep best practice guidance for children in their care. (See Q5 above).

Q7. What is considered a rest facility for children in a sessional service?

A. The service should have a quiet space for children to have the opportunity to rest and relax and space for unstructured quiet activities with soft seating/ matting areas available for children to sit or lie down. Should a sessional service cater for children younger than 2 years, a separate sleep area must be provided.

Q8. Do the Early Years Services Regulations (2016) state that a service offering school aged childcare cannot use the same outdoor area as the Early Years children?

A. The Early Years Services Regulations (2016) do not state that school aged children cannot use the same outdoor area. A risk assessment which reviews having mixed age groupings in the outdoor play area at the same time should be completed which takes into consideration, the size of the space, equipment available, ages of the children, additional needs of children, and the number of children.

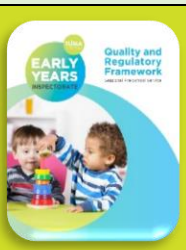
Q9. Is a separate dining room required in full day care services?

A. No. It is not a requirement under the Early Years Services Regulations (2016), however the provision of a separate dining room may be used to provide a change of environment for the children and to promote the movement and interaction of children from the different care rooms. A separate dining room, if provided, is not included as part of the space requirements for children attending the early years service.

Regulation 22: Food and Drink

A registered provider shall ensure that adequate and suitable, nutritious and varied food and drink is available for each pre-school child attending the pre-school service.

Cross Reference with the Quality & Regulatory Framework

			
Full Day Care	Sessional	Childminding	Drop–in
Pages 51-52	**Pages 50-52**	**Pages 40-42**	**Pages 40-42**

Q1. Is it acceptable to have a buffet table of snack foods for children to choose from whenever they want to during the session?

A. Yes, once the service can demonstrate how it ensures that snacks are suitable, sufficient, nutritious and varied and that the relevant food safety requirements are met. Food safety measures for a buffet style snack would need to include; systems in place for appropriate storage, preparation and serving of foods items; the controls to protect children with known food allergies; the measures to eliminate choking hazards and where the snack foods are provided and/or prepared by the service.

Q2. Can parents/ guardians send in pre-cooked meals?

A. Yes. On receipt of the food from the parent the registered provider/ early years practitioner must ensure compliance with the relevant food safety legislation, guidance can be sought from the local Environmental Health Office. The responsibility remains with the registered provider to ensure that the foods and drinks provided by parents/ guardians are; adequate, suitable, nutritious, varied and that they are stored and reheated safely.

Q3. How should formula feeds be stored in an early years setting?

A. Formula feeds should be stored in a fridge at 5°C or less. This is best practice to prevent the contamination of the milk and resultant illness of the child. The service should follow the Food Safety Authority of Ireland guide, Recommendations for the safe preparation and feeding of powdered infant formula (PIF) in child day-care settings

Q4. Is it acceptable to allow birthday cakes or other sweet treats sent in by parents/ guardians to celebrate their child's birthday to be shared with the other children?

A. Yes, once this is in line with the service's policy on healthy eating and suitable measures are in place in the event a child or children within the group has a known food allergy or other dietary restriction (e.g. diabetes, coeliac, vegan, dairy intolerance, parent request etc.).

Q5. Are there any restrictions on allowing parents/ guardians to bring foods that represent their different cultures for children to taste as part of our culture, diversity and inclusion programme?

A. Not if this is keeping with the service's policy on healthy eating, that each occasion is appropriately risk assessed and relevant safety precautions are

taken and that children's parents/ guardians are made aware in advance of these events.

Q6. We implement a treat day every Friday in line with the local national school where children are allowed to bring in a sweet or savoury snack treat. Could this incur a non-compliance if an inspection is carried out on one of those days?

A. That would depend on the nutritional value of the types of treats permitted and the length of time the children spend in the service. The regulatory requirement is that food and drinks provided are suitable, sufficient, nutritious and varied and that the service has a policy on healthy eating in line with current national best practice guidance.

Treats of limited nutritional value should only be permitted on an "occasional" basis or where they form a very small part of an overall balanced menu in a part-time or full day care service.

Q7. What types of meals are we required to provide for a part-time day care service if we cannot provide a hot meal?

A. The food provisions for children attending from between 3½- 5 hours a day in a service should include two meals and one snack.
A hot meal is not required but can be provided where appropriate arrangements are in place. One of the meals offered should include a breakfast where a child has not had one before arriving or a lunch if they start in the afternoon and have not already had one.
The service should be able to demonstrate how it ensures that the food and drinks provided are suitable, sufficient, nutritious and varied, whether these are provided by the service, or from the child's home, or other source. There are numerous sources that provide helpful suggestions for meal and snacks options including the following:

- HSE: Food and Nutrition Guidelines for pre-school Services.
- HSE publication: 3 week menu plan a resource for pre-schools (2006)
- Safefood: What is a Serving Size? A guide for pre-schools
- Safefood: Nutrition Matters for the Early Years
- Healthy Eating Guidelines for Children aged 1-4 years (Safefood)

Q8. Must a three- week menu be provided for full day care services or is a weekly plan sufficient?

A. A weekly plan which includes all meals, snacks and drinks is sufficient, provided that it is in conjunction with the service's policy on Healthy Eating, it demonstrates that foods provided are appropriately varied for each day; that they are developmentally suitable; that the overall menu plan provides for children's daily nutritional requirements; that special dietary requirements are appropriately catered for and that highly processed foods (i.e. containing chemical additives and preservatives), foods of low nutritional value and sweet treats are limited in keeping with national recommendations.
A weekly menu plan should be periodically reviewed and revised as necessary, taking into account children's particular dietary requirements, popular preferences, their cultural backgrounds and the opportunity to introduce new foods and seasonal ingredients.

Q9. Can we use a local café to supply the hot meals for our service?

A. Yes, once the following requirements are met;

- The provider is registered with their local environmental health department to ensure compliance with relevant food hygiene legislation.
- The provider is able to demonstrate the measures taken to ensure that the meals provided are suitable in particular with regards to salt content as children under five years have difficulty processing salt and too much can lead to health problems.
- That the overall menu of snacks, meals and drinks provided in the service caters for children's daily nutritional requirements.
- That the meals are suitably varied with regards to protein, vegetables, carbohydrate, colour and texture content.
- That highly processed foods which contain chemical additives and preservatives to increase their shelf life are avoided or limited to once a week.
- That the quantity of meals ordered allows for additional helpings to be offered if needed.
- That children with special dietary needs are appropriately catered for.
- That appropriate arrangements are in place to allow a child to eat outside of the scheduled meal time if needed e.g. if they are asleep at the scheduled meal time.
- That the services policy on healthy eating reflects the food provisions proposed or in place in the service.

Q10. Are children allowed to be involved in baking or cooking activities?

A. Yes, once hygiene and safety concerns are assessed and the relevant safety precautions are put in place.

Safety

Regulation 23: Safeguarding Health, Safety and Welfare of Child

A registered provider shall ensure that all reasonable measures are taken to safeguard the health, safety and welfare of a pre-school child attending the service and that the environment of the service is safe.

Cross Reference with the Quality & Regulatory Framework

Full Day Care	Sessional	Childminding	Drop–in
Pages 54-63	**Pages 54-64**	**Pages 44-52**	**Pages 44-52**

Administration of Medication

Q1. Can temperature reducing medication such as Paracetamol /Ibuprofen be given if contact cannot be made with the parents/ guardians?

A. This eventuality should be anticipated and the services Medication Policy should be agreed with parents/ guardians and consent previously sought and this should be documented in the child's file. When the body temperature in a child rises beyond a safe limit (38°C or higher) (QRF: FDC Pg. 97) it is important that measures are taken to reduce the child's temperature which may include the administration of a temperature reducing medication. As with any medications the amount, time, date and signature must be recorded. Parents/ guardians must be advised and a parental/ guardian signature sought at the end of the day, to confirm that parents/ guardians have been informed of the administration of the medication.

It is the parent's/ guardian's responsibility to inform the service if any medication has been given to the child before arrival to the service.

Safe practice in line with recommendations during a pandemic must be followed and children with a temperature should be isolated and sent home as soon as possible.

Q2. Can the service use one anti-febrile agent e.g. Paracetamol (Calpol) as opposed to each child bringing their own bottle?

A. Yes, a registered provider can provide the anti-febrile agent within the service. Parents/ guardians consent must be given for the service to use their own anti febrile medication and provide the service with information if their child is unable to take the product named by the service. Where parents/ guardians provide anti-febrile medication it must be clearly labelled with the child's name. The storage, consent and administration of the medicine must be detailed in the child's file.

Safe practice in line with recommendations during a pandemic must be followed and children with a temperature should be isolated and sent home as soon as possible.

Q3. Are providers required to give medication?

A. Yes, where children are required to have medication while attending the service. Regulation 10 requires that there is a Policy on Administration of Medication. All childcare staff must take appropriate actions to ensure the health, safety and welfare of the children in their care. This may include the administration of medication, especially in an emergency situation i.e. febrile convulsion, allergic reactions, seizures and asthma attack.

Where the medication being given is a prescribed or over the counter medication (inclusive of creams) the administration of medication form should be completed and include all of the details and the following should be clearly visible where applicable on prescription medication, a dispensing label on the medication that details the child's name, the medication name, the dose to be administered and the frequency of dose to be administered.

Where there is a requirement to give or supervise injection type medication the provider must ensure that staff are trained to do so safely.

Q4. If a child has specific needs requiring medication, is the provider obliged to administer the medication?

A. Yes, once the registered provider has the skills and knowledge to do so and has documented in the child's file how they received the training/ knowledge. The provider should ensure that the health, welfare and development of the child is adequately facilitated in the service. 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.

Any medication required for a child should be detailed on a care plan which has been drawn up by the service in consultation with parents/ guardians and medical professionals as required.

Q5. If a child has complex care needs and requires medication should there be a documented care plan?

A. Yes, the service should ensure that the medication required in the plan is detailed. The care plan is drawn up by the relevant health care professional(s) and documents current medications, medical treatments and other therapeutic interventions and specifies how the service will meet the child's needs. The care plan must be communicated and available to all staff working within the service.

Q6. Is written consent needed to apply sun protection creams supplied by the parent/guardian?

A. Yes, best practice would require written consent from parents/ guardians to apply sun protection creams supplied by the service in order that the parent can advise if a previous adverse reaction may have occurred with the cream supplied by the service.

Q7. Does a registered provider have to accept children who have not been immunised in line with the National immunisation Schedule?

A. In Ireland it is not a statutory requirement that children must be immunised (vaccinated) in line with the National Immunisation Schedule. This is a parents'/ guardians' choice. It is highly desirable that children are vaccinated in accordance with the schedule unless contraindicated for medical reasons as children who are not vaccinated are dependent on "herd immunity"[5] to protect against disease. The registered provider must document on the childs file if the child attending the service is not

[5] Vaccination protects the individual immunised who is less likely to be a source of infection to others. This reduces the risk to unimmunised individuals being exposed to infection. Thus, individuals who have not been immunised, or those who cannot be immunised, get some benefit from the immunisation programme. This concept can also be called population immunity.

vaccinated. This allows for the children who are not vaccinated to be best protected in the event of such an infectious disease occurring within service.

Q8. Can we use water from the rainwater barrel for water based play activities in our outdoor play area?

A. No. Harvested rainwater is not considered safe for direct handling for water play activities due to potential contamination of harmful organisms from bird or rodent droppings acquired from the run off collection area. Stored rainwater can be used for watering vegetation but not for other play activities.

Infection Control

Q8. What infection control precautions should be taken in an early years service?

A: The infection control measures required in an early years setting are set out in the document titled: Management of Infectious Disease in Childcare Facilities and other Childcare Settings.

Regulation 10 requires that the service has an Infection Control Policy as detailed in schedule 2 specifying the procedure to be followed in the service to protect people the transmission of infections.

Q9. Are pets allowed in a service?

A. Yes, however children's safety must be maintained at all times and the service should have a policy on pets. 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 service is not put at risk.

A policy for the pet in the service with risk assessment must be available. All animals carry some potential health and safety risk. Regular veterinary checks are essential. Useful information regarding child safety and health around pets is available for the HSE: Pets - child safety and choosing a pet.

Safety

Q10. Are providers required to have warm water temperature thermostatically controlled at 43°C or less (<43°C) for children hand washing?

A. Yes. Wash hand basins should have an instant supply of running warm water that is thermostatically controlled to a temperature of 43°C or below to avoid scalding and facilitate hygienic hand washing.

Q11. What does an "open door policy" mean?

A. An open door policy generally 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 when it can be reasonably operated by the registered provider. This is a matter for the registered provider.

Q12. What is the policy on carbon monoxide monitors?

A. The use of carbon monoxide monitors is 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 are 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 carbon monoxide monitors.

Q13. How must blind cords be secured in order to prevent an injury to a child in a pre-school?

A. Children can injure, or even strangle themselves on window blinds and curtain cords. When exploring or playing a child can become entangled in hanging cords. If the child then tries to sit or falls down, they can hang themselves in the loop. The cord or chain loop used to open and close vertical blinds can also strangle children.

- Looped blind cord must be kept out of the reach of children.
- Internal blinds manufactured[6] since 2014 are manufactured to a safer standard than previous.
- Older blinds fitted prior to the introduction of these standards must be made safe by following these steps:
  - Cords ending in a loop are particularly risky cut the cord to get rid of the loop and install tassels.
  - Cords and tassels should end at least 1.6 metres above the ground so children cannot reach them.
  - Replace cords with curtain or blind wands.
  - Where cords cannot be cut a tie down or tension device can be used to pull the cord tight and secure it to the floor or wall.
- Never put a cot, bed, high chair or playpen near a window or patio door where a child can reach a curtain or blind cord.
- Keep sofas, chairs, tables, shelves or bookcases away from windows to prevent children climbing up and reaching curtain or blind cords[7].

Q14. What type of nappy changing unit is required in my service?

A. The nappy changing unit must be accessible, of a sturdy design and be stable, this is to prevent the unit from tipping over and be suitable for the weight and age of the child. The surfaces of the nappy changing mat and unit must be non-porous and easy to clean. The mat must be in good condition, free from cracks and tears, preventing inner foam padding being exposed.

B. Nappy changing supplies and hand was basin should be within reach of the changing unit so that staff do not step away while a child is on the unit.

C. A step up may be required where older children require nappy changing.

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[6] certified to EN13120:2009+A1:2014 which relates to the performance requirements of the blinds, and also to EN 16433:2014 and EN 16434:2014 which relate to test requirements. (RoSPA, 2014; National Standards Authority of Ireland, 2015)

[7] https://www.nsai.ie/Images/News/7176_NSAI_Blinds-Safety_Leaflet_V2.aspx

Safe Sleep

Q15. Do I have to do 10-minute sleep checks on all children?

A. Best practice indicates the requirement to complete physical sleep checks at least every 10 minutes on all sleeping children. The sleep checks for children under 2 years must include observation for breathing, colour and position and periodic recording of the sleep room temperature. Children over 2 years who sleep in the service will also need to be checked. Staff carrying out these checks must sign the appropriate documentation. Sleep check records must be completed even if a staff member is in the sleep room at all times.

Fire Safety

Q16. Should sleep rooms be based on the ground floor of a service considering the procedure in relation to evacuating a building?

A. The location of a sleep room is important when considering the safe evacuation of infants and young children. Should a sleep room be in an upstairs part of the building then this must be agreed in the planning permission and outlined in the fire safety certificate. A procedure must be in place to safely evacuate the children in the event of a fire.

General Safety

Q17. Should we ask parents/ guardians not to send in certain food items if we have a child attending with a food allergy?

A. Where a child or children attend with a diagnosed food allergy or a food intolerance this must be risk assessed on a case by case basis to determine what control measures are required for its safe management.

The outcome of the risk assessment would help to determine the actions necessary to ensure the safety of the child. These actions may include the need or otherwise for parents/ guardians of other children to be requested not to send in certain food items to which another child attending is allergic to. The procedures or care plan would then also need to include what information is provided for parents/ guardians to identify food items containing the named allergen and the steps to be taken in the service to monitor its safe implementation.

Food safety

Q18. Can microwave ovens be used to re-heat foods and formula feeds?

A. Current food safety guidance states that infant milks or infant foods should not be warmed in a microwave oven (Safefood & HSE). Microwaves heat unevenly and may cause "hot spots" that could scald the infant's mouth.

Where it is intended to use a microwave oven for reheating pre-cooked meals for children, other than infant foods inclusive of infant milks, the provider should comply with the relevant food safety legislation. Where the use of a microwave is approved for this purpose, it is important to retain the manufacturer's handbook, as microwaves differ in their power levels and operating conditions and ensure that the services policies includes the relevant guidance for staff to follow. The policy must detail the procedures to ensure that foods are reheated to the appropriate temperature and the measures to ensure that the reheated foods are then served to children at a safe temperature.

Q19. For a three-hour sessional service, if the children's lunches provided from home are brought in chilled cool bags can these suffice instead of a fridge?

No. Chilled cool bags alone would not suffice if the snack foods provided include perishable food items where the need for refrigeration is indicated. These can be suitable for transporting such foods to the service but not for their safe storage.

Children under 5 years have not fully developed immune systems and are more vulnerable to illness than adults or older children. Fridges contain thermostat controls to ensure that foods stored within can be maintained at an appropriate, constant low temperature. While cool bags with pre-chilled packs can provide a cool storage facility for limited periods, there are several variables that can affect their efficiency which would be difficult to monitor in an early years setting. A sessional service can choose between the provision of snack foods that do not require refrigeration or provide a fridge facility for snack items that do require refrigeration.

Q20. Can we avoid the need to provide a fridge for storing children's snacks provided from home? Some of the children find their snacks too cold if consumed directly from the fridge. In addition, we are hoping to introduce a rolling snack where children can select from a variety of snack foods whenever they choose. This would require the snack foods to remain openly visible out of a fridge for about 1½ hours.

A. Certain foods and drinks require refrigeration while others do not. Perishable items (high risk foods, such as; cooked meats and meat products; eggs products, most dairy produce, cooked dishes such as rice, noodles, pasta, couscous, and foods which involve a lot of direct handling) contained in children's snacks and meals provided by parents/ guardians must be refrigerated and used or discarded within 90 minutes of being removed from the fridge.

- Refrigerated snack foods can be brought out to reach room temperature before being consumed. These must then be consumed or discarded within the recommended time periods (generally for no longer than 90 minutes). The registered provider needs to take into account that snacks provided from home may already have had a period unrefrigerated between the home and the service.

Regulation 24: Checking In and Out and Record of Attendance

(1) A registered provider shall ensure that each pre-school child attending the service is checked in and out of the service by an employee or an unpaid worker.

(2) Where there are more than 15 children attending a pre-school service in a drop- in centre, the registered provider shall ensure that one employee or unpaid worker is assigned responsibility for the checking in and out of children.

(3) A registered provider shall ensure that—

(a) no person other than—

(i) pre-school child attending the service,
(ii) a person dropping or collecting such a child,
(iii) an employee, or
(iv) an unpaid worker,

can enter the premises without his or her entry being approved by an employee, and

(b) a daily record in writing is kept of the entry on the premises of any such person.

(4) A registered provider shall ensure that a record in writing referred to in paragraph (3) (b) is retained for a period of one year from the date to which it relates.

Cross Reference with the Quality & Regulatory Framework

Full Day Care	Sessional	Childminding	Drop–in
Pages 64-65	Pages 65-67	Pages 53-54	Pages 53-55

Q1. Are parents/ guardians required to sign their children into the service and to record the time they arrive or is it sufficient for an employee to check in the child?

A. The signing in and out of children to a service is not the responsibility of parents/ guardians. The registered provider is required to ensure that a record of the time each child arrives and leaves the service is recorded by an employee or unpaid worker.

Q2. Is it ok to record the presence of children at circle time at 10am?

A. No, each child's arrival time must be recorded at the actual time they arrive and not retrospectively for example at 10am in this scenario.

Q3. If children are settling in to the service and are attending for 1-2 hours before they start in the service full time do I still need to record their arrival and departure time?

A. Yes, all children that are present within the service need to be recorded to ensure their safe evacuation in the event of an emergency or incident or for other reasons such as contact tracing in the event of an outbreak of an infections illness.

Q4. If children are transitioning to other care rooms within the service where do I record them?

A. The children's physical presence within the care room should be reflected in the records of that room, even if this is only for a short period of time.

Q5. Do I need to get everyone inclusive of the early years early years inspector to sign into the service?

A. Yes, all persons entering the premises other than, the pre-school child, the person dropping or collecting the pre-school child, an employee or unpaid worker must sign in and can only enter the premises with the approval of an employee. The records of such persons must be maintained for 1 year from the date the record was created.

Q6. Can a person aged under 18 years collect a pre-school child from an early years service?

A. A person under 18 years but over 16 years can collect a child from the service where there is written parental/guardian consent (if the person is the parent / guardian permission is not required).

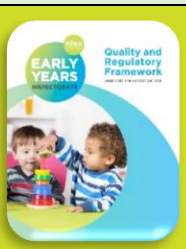
Regulation 25: First Aid

(1) A registered provider shall ensure that a person trained in first aid for children is, at all times, immediately available to the children attending the pre-school service.

(2) A registered provider shall ensure that a suitably equipped first aid box for children—

(a) is safely stored in an easily accessible and conspicuous position on the premises, and
(b) is available to the children attending the pre-school service at all times.

Cross Reference with the Quality & Regulatory Framework

			
Full Day Care	**Sessional**	**Childminding**	**Drop–in**
Pages 66-69	**Pages 68-71**	**Pages 55-57**	**Pages 56-59**

Q1. Is it necessary to have written consent from a parent in order for the registered provider to administer first aid to a child?

A. No. The purpose of administering first aid is to preserve life, protect from further harm, prevent worsening of condition, and provide relief and reassurances. It does not replace medical treatment. Therefore, First Aid treatment is in keeping with a registered provider's duty of care. It would be deemed negligent if staff were to refuse to administer first aid.

Q2. How many staff require first aid training within a service?

A. A staff member trained in first aid for children must be available to children at all times. When deciding the numbers of staff who require first aid training; the type of service being provided, the hours it is open and the provision of first aid on outings and when children are being transported must be assessed in order to ensure an adequate number of staff are quaified.

Q3. How can staff be sure that the training they are undertaking is up to standard?

A. From November 2021 in order to meet the regulatory requirement for Regulation 25, there must be at least one person(s) who has undertaken the FAR (First Aid Response) by a trainer approved by the Pre-Hospital Emergency Care Council (PHECC) immediately available to the children at all times. The number of people trained in first aid for children (FAR) and

available for first aid response is based on the service's risk assessments, including the size of the service and the hazards identified.
(The November 2021 date has been updated in line with the ability of services to comply with the requirements during the Covid 19 pandemic).

Q4. How many first aid boxes are required within a service?

A. A well equipped first aid box must be readily available to the adults caring for the children attending the service at all times. The first aid box should be clearly identifiable.
There should be at least one first aid box on the premises and one available for outings where these are undertaken. If the service is over several floors then one first aid box per floor is required.

Regulation 26: Fire Safety Measures

(1) A registered provider shall ensure that a record in writing is kept of—

(a) any fire drill that takes place in the premises, and
(b) the number, type and maintenance record of firefighting equipment and smoke alarms in the premises.

(2) The record referred to in paragraph (1) shall be open to inspection by—

(a) a parent or guardian of a pre-school child attending or proposing to attend the pre-school service,
(b) an employee, and
(c) an authorised person.

(3) A registered provider shall ensure that a record referred to in paragraph (2) is retained for a period of 5 years after its creation.

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

Cross Reference with the Quality & Regulatory Framework

Full Day Care	**Sessional**	**Childminding**	**Drop–in**
Pages 70-71	**Pages 72-73**	**Pages 58-59**	**Pages 60-61**

Q1. What are the requirements of a fire drill?

A. A fire drill should include the complete evacuation of all children from the premises to a place of safety in the open air, this must include all children who are not able to move independently, for this purpose, a pre-arranged assembly point should be designated and clearly identified. When the premises are evacuated, a roll call should be taken to ensure that both children and staff are accounted for. The roll book should be available at the assembly point to ensure all children can be accounted for. Each drill should be reviewed after it is carried out to identify any shortcomings in the emergency procedures and the procedures should be revised if necessary. In exceptional circumstances such as in a pandemic, individual room evacuations may be carried out.

Q2. Can fire drills be carried out room by room or should it be a whole service fire drill?

A. Fire drills need to be completed monthly as a whole service with the records maintained and available for inspection. (see note above).

Q3. How often should a fire drill be carried out? Is it monthly?

A. Fire drills should be carried out on a monthly basis 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 cared for and where children attend on different days or different sessions.

Q4. What is the requirement in relation to maintenance and checking of fire extinguishers; can I purchase a fire extinguisher and keep it for a year and then buy a new one rather than have a contractor maintain fire extinguishers?

A. The registered provider must ensure that the fire extinguisher that has been purchased is suitable for use within the setting. This approval must be sought and approved by an appropriate person qualified in Fire Safety. There must be documentary evidence of this approval. It is the registered provider's responsibility to ensure that the equipment is of suitable quantity and is the correct equipment and appropriate for use in the type of service being operated.

The Early Years Services Regulations (2016) require that the registered provider keep a record of the number, type of fire fighting equipment and a maintenance record for the fire fighting equipment and fire detection (smoke alarms) in the premises.

A registered provider must ensure that the person(s) utilising the equipment are trained in the appropriate use by a person qualified to do so.

Q5. I have a sessional service that caters for 22 children, is a battery operated smoke alarm sufficient?

A. No, the Chief Fire Officers have advised that all premises used for the purpose of carrying on an Early years services must have a self-contained

smoke alarm i.e. mains powered, this is contained in the Fire Safety in Preschools (1999) document.

Q6. For how long must I keep the records of the fire drill and service records?

A. All records in relation to fire drills and servicing of equipment must be held for 5 years from when it was created.

Regulation 27: Supervision

A registered provider shall ensure that pre-school children attending the service are supervised at all times.

Cross Reference with the Quality & Regulatory Framework

Full Day Care	Sessional	Childminding	Drop–in
Pages 72-74	Pages 74-75	Pages 60-61	Pages 62-64

Q1. What is "appropriately supervised" and how do we assess this?

A. Each child attending the service must be under the supervision of a qualified staff member at all times. Children are supervised primarily by direct observation. Supervision must be appropriate at all times including during indoor activities, outdoor activities, meal times, outings and during sleep time, using the toilet and nappy changing, technology use including internet access. Supervision must take consideration of the individual children's needs, right to privacy and the activities being engaged in and the required adult child ratios.

The registered provider must have written documentation detailing how children are adequately supervised at all times, i.e. staff roster, nappy changing policy, outdoor play policy.

The level of supervision of children will be examined through the process of evidence gathering on inspection, including observation of adult child ratios, engagement of staff with children, interactions of staff with children, layout of the premises and access to facilities such as toilets/ nappy changing, sleep practices for children, interviewing staff, review of documentation e.g. policies and procedures, including staff rosters, staff absence policies, facilitation of breaks for staff, risk assessment as appropriate.

Childminders must risk assess procedures around supervision where caring for children who are briefly in separate areas e.g. sleeping or during nappy changing.

Q2. What is acceptable in quiet areas for supervision?
A. Services provide spaces, indoors and outdoors, in which children can spend time alone time or play quietly in small groups. These spaces should be designed with visibility in mind that allows constant unobtrusive adult supervision.

Q3. Should the person supervising the children be qualified and vetted?
A. Yes, the registered provider must ensure that the children are appropriately supervised by a qualified and fully vetted staff member at all times.

Q4. Do 3 year olds need to be supervised when leaving the room?
A. Children are supervised primarily by direct observation, especially during transitions. At all times the child's age and development stage must be taken into account. Supervision for short intervals by sound is permissible, as long as staff check frequently on children who are out of sight (e.g. those who can use the toilet independently). Children must remain within hearing range of staff in case assistance is required and to prevent inappropriate behaviour.

Premises and Facilities

Regulation 21: Equipment and Materials

A registered provider shall ensure that there is adequate and suitable furniture, play and work equipment and materials available on the premises of the pre-school service.

Cross Reference with the Quality & Regulatory Framework

Full Day Care	Sessional	Childminding	Drop–in
Pages 78-80	Pages 78-79	Pages 64-65	Pages 68-69

Q1. What materials and resources should be available for babies, toddlers and children in the learning environment to support their development?

A. The materials and resources within an early years service must meet the specific developmental needs of the children who are using it. Resources should support children's holistic development, support their exploratory drive and intrinsic motivation to play and learn. Materials and resources in an early years service can be either natural or manufactured materials. All materials and resources should be safe and suitable for children to use. Manufactured resources must be made from high quality materials. Materials and resources should be available in sufficient quantities, and must be inclusive by reflecting the identity and the ability of the child or children in the service.

Q2. Are there different requirements with regard to furniture, work and play equipment and materials between outdoor and indoor based pre-school services?

A. No. All services are required to provide enough supplies of furniture, work and play equipment and materials to accommodate for general living, work related activities and for children's play. These should be of suitable design and size for their intended purpose, including the use of any naturally occurring materials used in their natural state or adapted for that purpose. The provisions should include the following:

- Suitable child sized seating and tables or similar stable surfaces to allow children to sit and engage in table top types of activities. Separate to rest facility requirements, there should be at least one available chair or seat for each child engaged or wishing to engage in table top work and when dining.
- Suitable adult seating to enable sitting and engaging with children at their level. There should be at least one available seat for every adult working directly with children
- Seating for nurturing all children - particularly where infants or children under 2 are catered for, suitable seating for adults that provides comfort and good back and arm supports (or cushion props for arms if needed) to facilitate nurturing.
- A working telephone for contacting children's parents/ guardians, for emergency calls and a phone, intercom or other suitable devise for any staff working on their own with children to enable them to make contact for assistance when needed.
- Storage cupboards or other suitable storage facilities – for secure storage of cleaning products and equipment; for security of personal files; for storage of first aid equipment and medications; for children's personal belongings, for strollers and equipment not in regular use; for clean laundry; for office resources; for additional toys and play resources (e.g. paints and paper); for regular use items e.g. drinking beakers, tissues etc.
- Display units or other similar facilities to allow a portion of the play materials to be visible and accessible at children's standing or seating level. Examples may include low level open tiered shelves; dressing up racks; book display units; table tops used for displays, wall mounted interactive units etc. or an equivalent provision in an outdoor based setting.

- Containers for maintaining groups of similar small play materials together such as small size construction blocks, small world toys, soft toys, dressing up props, treasure baskets, messy play tables, planter pots etc.
- Floor mats in indoor playrooms to provide a clean, padded ground surface for floor play activities, and for tummy time, floor play and crawling for infants.
- Additional furniture and equipment that may be provided includes dedicated infant /toddler dining seats (e.g. high chairs); infant strollers to enable daily access between the indoor and outdoor areas for non-ambulant children; all weather outdoor clothing; outdoor sun screens (e.g. canopy); picnic benches; portable dividers to define different interest areas; equipment necessary for children attending with additional needs; play tents, transport trolleys or carts; large play equipment (e.g. play household furniture, ball pool).
- Furniture and equipment and play resources should be hard wearing, easily cleaned and be easily sanitised or be disposable.
- Play equipment and materials that are suitable for the ages and stages of children's development that are provided in sufficient quantities for the numbers of children present at any one time.

Q3. What types of furniture, equipment or play materials would be classified as unsuitable?

A. Any furniture, equipment or play materials that is deemed to be unsuitable is most likely to also be deemed unsafe and therefore be non- compliant with Regulation 23 (*Safeguarding health, safety and welfare of child*).
Unsuitable play resources may also be non-compliant with Regulation 19 (*Health, welfare & development of child*) if it negatively impacts on the capacity to support children's learning or development. The following is a summary of what items would be deemed unsuitable in an early years setting:

- Inappropriate sized tables and seating for the age range of children catered for. In a childminder's home it is acceptable for children to have access to the adult sized furniture in the home once this has been risk assessed, safely managed and an appropriate sized table and seating are also provided.
- Unstable furniture or heavy equipment including outdoor resources that pose a risk of collapsing or toppling and causing injury. Tall free-standing shelves or other units that could be pushed or pulled over by a child. Unsecured climbing units, large glass mirrors that are not firmly secured.
- Indoor furniture and equipment that cannot be effectively cleaned e.g. raw rough wood surfaces, fabric chairs, couches, dress up outfits or toys that cannot be effectively laundered.
- High level area dividers which obstruct or restrict the adults view of children playing in an area.
- Foldable adult chairs in a toddler play area which could pose a risk of pinch or finger trap for these young children who like to explore everything within their environment.

- Equipment labelled unsuitable by the manufacture for the age range of children in the service e.g. baby walkers, trampolines[8], play equipment only suitable for older children, high rise play equipment that is not fixed, has unsafe features or does not include the provision of appropriate surround impact absorbent surfacing.
- Unsafe play materials such as manufactured toys that do not comply with relevant safety standards.; broken toys and toys with loose small parts; play resources that pose a risk of strangulation e.g. necklace beads or chains; unsuitable messy play material e.g. shaving foam; paints and glues not labelled as suitable for children; potentially contaminated items such as uncovered sand pits; and any items introduced for play that has not been risk assessed prior to use.
- Developmentally inappropriate play resources e.g. too advanced for young children, too basic for older children. Music, books, magazines or videos with inappropriate content for children.
- Play resources that promote stereotypes such as gender (*e.g. blue for boys, pink for girls, male only action hero figures etc.*), race *(e.g. Caucasian only represented in dolls, books, posters etc.*) or that promote gender specific roles.

Q4. What is accepted as sufficient for the quantities of the different types of play materials for children?

A. There is no prescribed quantity for each type of toy or play equipment to be provided in a service. This is dependent on their purpose under Regulation 19 (*Health, welfare & development of child*) which is to provide the appropriate tools to support each child's learning and development as well as to the number of items needed so that each child has access and allows for meaningful play experiences.

The influencing factors include, the service's philosophy; the purpose and goal of each play resource provided within a planned programme that reflects that philosophy; the variety and choices on offer; the frequency of rotation of play materials; the capacity to facilitate skill progression as well as enough quantities of each item to prevent undue competition between children, to support self-directed play, to allow for small groups to play together and to ensure that every child in an indoor or outdoor play area has an opportunity to access that toy or equipment during the day.

Special consideration has also to be taken when catering for children under two years including when in mixed age grouping and with some children with additional needs where the quantity of accessible play items may require more stringent adult controls for safety purposes and for managing play activities.

There can also be an excessive provision of play equipment and materials resulting in a cluttered play environment, items jammed together restricting ease of access and visibility, or creating disarray when trying to access, or impacting on the available free floor space for children.

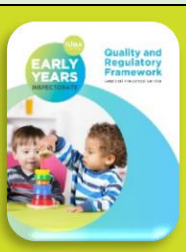
[8] Trampolines can be used for therapeutic interventions as advised by therapeutic early intervention services- . Quality and Regulatory Framework (QRF). (FDC page 60)

Regulation 29: Premises

A registered provider shall ensure that the premises of the service are-

(a) of sound and stable structure
(b) safe and secure
(c) kept adequately lit, heated and ventilated
(d) cleaned, maintained and repaired, as required, and
(e) equipped with adequate and suitable sanitary facilities

Cross Reference with the Quality & Regulatory Framework

			
Full Day Care	Sessional	Childminding	Drop–in
Pages 81-88	**Pages 80-87**	**Pages 66-70**	**Pages 70-76**

Premises

Q1. What is the requirement in relation to the use of a variety of floor surfaces e.g. carpet?

A. Flooring should be smooth, hard-wearing, easily cleaned and non-absorbent. Carpets are kept to a minimum and not used in any sanitary area or areas where food is prepared or consumed.

Access

Q2. How many ramps are required to access a service?

A. The number of ramps required in a service will depend on the needs of the children and staff. The universal design guidelines give advice on the requirements. We also recommend that you consult your local authority.

Lighting

Q3. How is it determined in a service that there is sufficient light?

A. The requirement is that there is adequate means of natural lighting supplemented by safe and suitable artificial lighting where necessary.

All areas should be brightly lit (but not glaring) to provide enough light and comfort for activities. There should be a balance between natural and artificial lighting that can be controlled, for example, sleep/resting areas that allow sleeping children to be monitored.

Stairwells and corridors should be well lit and outside artificial lighting is provided at entrances and exits used by children and their parents/guardians outside of daylight hours.

Sanitary facilities

Q4. Is there a certain height requirement for wash hand basins?

A. There is no specific height however wash hand basins must be accessible to the ages of the children using the facilities. Suitable step-ups can be used where required.

Q5. Are all toilets required to be low level or can a suitable step up be fitted to adult toilets?

A. No; toilets are not required to be low level and suitable step ups can be used where required.

Q6. Is it a requirement to have separate toilets for boys and girls?

A. No. There is no requirement for separate boys' and girls' toilets in an early years service.

Q7. What is the requirement for adult toilet facilities?

A. A minimum of one toilet and one wash hand basin must be provided for every eight staff.

Q7. How many toilets, wash hand basins and nappy changing facilities are required for children?

A. One toilet and wash hand basin is required for every 11 children and one nappy changing facility and wash hand basin is required for every 11 children that are in nappies.

Q8. Where children in nappies are attending a sessional ECCE service, where the wearing of nappies is not normally facilitated, will a changing mat suffice?

A. If a registered provider enrols a child in nappies they must ensure that appropriate and suitable nappy-changing facilities are available. A changing mat which can facilitate the age and developmental stage of the child, at the adult's waist level is sufficient in a sanitary area with a wash hand basin which has hot and cold running water.
A changing unit for children with additional need may be required if recommended by an early years specialist (Better Start).

A changing mat on the floor is not sufficient and does not meet the requirements of the Early Years Services Regulations (2016).
Suitable nappy disposal facilities must be available, i.e., a leak-proof, cleanable and sealable airtight container. A policy in relation to nappy changing must be available and implemented. Further information available in the document: Management of Infectious Diseases in Childcare Facilities and Other Childcare Settings

Ventilation

Q9. What level of ventilation in a sleep room is acceptable?

A. The requirement is that each room within a service must be adequately ventilated, either naturally through windows that can be opened, or by mechanical ventilation such as fans, air conditioners etc.

Ventilation requirements are set out in the Department of the Environment, Heritage and Local Government 2009: Technical Guidance Document F on Ventilation.

Q10. Is it a legal requirement to have mechanical ventilation in a toilet if there is a window which can be opened to the outside?

A. Each room within a service, particularly sanitary and nappy-changing areas must be adequately ventilated, either naturally through windows that can be opened, or by mechanical ventilation such as fans, air conditioners etc.

Cleaning

Q11. Are cleaning schedules required for a service?

A. Yes. Cleaning schedules are required. A detailed Cleaning Programme must be in place setting out items/areas to be cleaned, frequency of cleaning, the person responsible for doing the cleaning, the cleaning products used, the materials and equipment to be used.

Guidelines for early years services can be found in the document, Management of Infectious Diseases in Childcare Facilities and Other Childcare Settings

On the Tusla QRF Sample Policies and Templates webpage you will find Cleaning Schedules for Childcare facilities developed by the Health Protection surveillance centre.

Regulation 30: Minimum Space Requirements

(1) Subject to paragraphs (2) to (6), a registered provider shall ensure that adequate clear floor space is available in the premises for the work, play and movement of children attending the pre-school service.

(2) A registered provider of a full day care service or part-time day care service shall ensure that the minimum amount of clear floor space specified in columns (3) of the Schedule 7 opposite a particular reference number specified in column (1) of the Schedule in respect of the age range of children specified in column (2) thereof at that reference number is available for each child in that age range attending the service.

(3) A registered provider of a sessional pre-school service or a pre-school service in a drop-in centre shall ensure that a minimum of 1.818 square metres of floor space is available for each child attending the service.

(4) Where a registered provider contemporaneously provides-

(a) a sessional pre-school service, and

(b) a full day care service or a part-time day care service, or both,

the minimum clear floor space applicable for the duration of the sessional pre-school service in respect of the children attending that service shall be the floor space specified in paragraph (3).

(5) A registered provider of a temporary pre-school service shall ensure that a minimum of 2 square metres of clear floor space is available for each child attending the service.

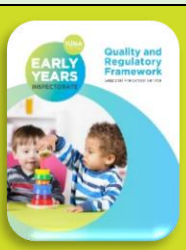
(6) Subject to paragraph (7), a registered provider of a sessional pre-school service shall ensure that there are no more than 22 children in a room in the service at any time.

(7) Paragraph (6) shall not apply where a registered provider contemporaneously provides-

(a) a sessional per-school service, and

(b) a full day care service or part-time day care service, or both.

Cross Reference with the Quality & Regulatory Framework

		
Full Day Care	**Sessional**	**Drop–in**
Pages 89-90	**Pages 88**	**Pages 77-78**

Q1. What is clear floor space?

A. Clear floor space is clearly defined in Part 1 of the Early Years Services Regulations (2016). It means floor space that is available in the service for children's work, play and movement. The following are examples of furniture that can be included in the clear floor space:

- Furniture and play equipment used by children- for example children's tables, chairs, sand/water play, child accessible low level shelving that holds and displays children's toys and equipment, easels, dress up racks, home corner and library area.
- Furniture that is used directly in relation to the care and education of children attending the service.

The following are examples of elements that cannot be included in the clear floor space:

- Permanent fixtures, such as storage cupboards for use by relevant staff or other purposes - for example, cleaning materials or furniture surplus to the needs of the children.
- Storage space.
- Excess storage of stacked chairs and tables in part of the room.
- Equipment and furniture stored in the early years room which is not required for use by the children and is deemed surplus to requirements.

Areas such as kitchens, toilets, hallways, sleeping and other service areas are not included in space measurement and are not considered clear floor space.

Q2. When does the space requirement of 1.818 Square Meters apply?

A. The space requirement for each child attending a sessional ECCE service for up to 3.5 hours is 1.818 square metres.

This measurement of 1.818 square metres also applies to full day care and part-time children who are availing of the ECCE session for up to 3.5 hours.

A full day-care/part-time child attending an ECCE service can only avail of the 1.818 square metres whilst in attendance at their contracted ECCE

session. When the ECCE session is finished, the full day/ part-time space requirement to the child applies, (2.35 or 2.3 square metres depending on children's ages).

Q3. What are the space requirements for a group of children who are in mixed age groups?

A. The minimum space requirements are applied as set out in Regulation 30 and schedule 7 of the Early Years Services Regulations (2016). If mixed age groupings are accommodated in the same room, the ratio is applied in line with the age of each child and the type of service being availed of by each child.

Q4. Can more than 22 children attend a sessional service in a Full Day Care Service or Part-time day care service?

A. Yes, in a Full Day Care setting/ Part-time Day Care setting if there is sufficient space available within the room and it is monitored on an on-going basis to ensure this does not negatively impact on the children's wellbeing. Adult/child ratios must be applied where there is any increase in child numbers.

Q5. Is a separate dining area required in full day care services?

A. No. It is not a requirement under the Early Years Services Regulations (2016), however the provision of a separate dining room may be used to provide a change of environment for the children and to promote the movement and interaction of children from the different care rooms. A separate dining room, if provided, is not included as part of the space requirements for children attending the early years service.

The minimum space requirements specified in the schedule to the Early Years Services Regulations (2016) are only required for areas set out for work, play and movement. As dining is largely a seated activity with minimal need for free movement, the specified minimum space requirements are not applied once the area is utilised to comfortably accommodate the numbers dining at the same time.

Q6. Where cots are stored in a room and are compromising the play space for children, what are the required and specific measurements per child for the remaining play space that is actually accessible to them?

A. The minimum space requirements for children as specified in schedule 7 to the Early Years Services Regulations (2016) must be provided at all times. Sleep facilities are a separate provision and are not part of these minimum area space requirements. Playrooms are not storage rooms and should not be used for this purpose, particularly for the storage of bulky furniture or equipment. Sleep equipment must not be allowed to encroach on the play and learning environment for the children in a room.

Inspection and Enforcement

Regulation 33: Furnishing of Information to Agency

A registered provider shall furnish the Agency with such information as the Agency may reasonably require for the purpose of enforcing and executing these Early Years Services Regulations (2016) and the information shall be in such form, if any, as may be specified by the Agency

Q1. Does the wording of the Regulation apply to verbal and written information requested at inspection?

A. Yes, it may be in any form. The Early Years Inspectorate can request any information that it considers relevant to ensure informed decisions are made when evaluating services during inspection and registration.

Regulation 34: Inspection

(1) The Agency shall, following an inspection by an authorised person of a pre-school service, furnish a report in writing to the registered provider of the outcome of the inspection.

(2) Subject to paragraph (1), the Agency shall take such steps as are necessary to enforce these Early Years Services Regulations (2016) in relation to the pre-school service concerned.

Q1. Why are Inspections unannounced?

A. An unannounced inspection allows for the assessment of the normal day to day running of the service. This provides an important assurance to the public with regard to the standards maintained in a service. Registered providers will be given every opportunity to respond to the findings of inspections and provide essential clarifications and evidence if requested.

Q2. I consider that 10 days to respond to a report is not reasonable, for example, a provider may be away on holidays?

A. Ten working days is essentially two calendar weeks which is the standard applied by most regulatory bodies. We will take into reasonable account any periods of absence during this time frame by the registered provider.

Q3. With unannounced inspection – we have a concern regarding the care and supervision of the children when the service is being inspected if staff are required to assist with early years inspectors?

A. Inspection teams recognise the reality that staff will be required to care for children during the inspection process. A flexible approach and reasonable expectations for provision of information will be applied.

Q4. Do Tusla early years early years inspectors interact with staff on inspection?

A. Yes, they do, this is an integral part of the inspection process.

Q5. Is the inspection team required to show their warrants authorising them to undertake this inspection?

A. The early years inspectors must carry their warrants and photo identification on every inspection and these are presented to the registered provider or person in charge at the start of the inspection and are available at all times.

Q6. Following an inspection should non-compliance be discussed with the person in charge before the early years early years inspector leaves the service?

A. Yes, the early years inspector(s) will use the closing meeting to clarify any issues the manager/person in charge/ registered provider may have in relation to the inspection process, aspects of where the requirements of the Early Years Services Regulations (2016) were met /not met should be discussed and will advise on the next steps following the inspection. Areas that are identified following review of information when writing the report that do not meet the regulatory requirements the registered provider may be contacted by the early years inspector to inform them of additional areas where the requirements of the Early Years Services Regulations (2016) were not met.
The closing meeting may be face to face or remote via the telephone/ computer.

Publishing of Reports

Q7. Will my report be published?

A. Early Years inspection reports are published on the Tusla website. All reports are subject to vigorous quality assurance process and only published when these processes are satisfied.

Parents/ guardians can make informed decisions in respect of the care and education for their children by being able to access and read inspection reports.

Q8. When will my report be published?

A. The report will be published as soon as possible following the inspection and any necessary follow up between the early years inspectorate and the registered provider.

Q9. How can I access a published inspection report of an Early years service?

A. A list of service providers and inspection reports can be accessed on the our website.

Q10. What is the difference between the DCEDIY number and the Tusla number?

A. The Tusla number is a unique identifier applied to each service on registration with Tusla. The number represents: Tusla, the year of registration, the local authority area and unique digits. For example - TU2018KK998.

The DCEDIY number is the DCEDIY identifier number for each service for all correspondence and interactions with the DCEDIY.

Q11. Can a member of the public get a report before it is published?

A. No. Reports are available to the public only when published. Parents/ guardians can request a copy of the draft report from the registered provider of the service.

Enforcement

Q12. Can a registered service be removed from the Register?

A. Yes, the Early Years Early years inspectorate can remove a registered provider from the Register. Examples where this can occur include:

- The premises in which the service is provided does not comply with the Early Years Services Regulations (2016).
- The operation of the early years service is not in compliance with Child Care Act 1991 (Early years services) Early Years Services Regulations (2016) 2016.;
- The applicant has been convicted of an offence under Part 12, Amendment of the Child Care Act, 1991.
- The applicant has been convicted of an offence that in the Early Years Inspectorate's opinion renders the applicant unfit to carry on or be in charge of such a service.
- The applicant has failed within 21 days of request to furnish Tusla with the reasonably required information or where the applicant has furnished the Agency with information that is false or misleading.
- A condition attached to registration has been contravened.

Miscellaneous/Other Questions

Q38. I want to support children to have access to move seamlessly from indoors to outdoors learning environment, what do I need to consider under the current Early Years Services Regulations (2016)?

B. The key challenges to providing dual access play environments for children between the indoor and outdoor areas would include;

- how the required adult child ratios (Regulation 11) and direct supervision of children (Regulation 27) moving between the indoor and outdoor areas would be maintained, including where children are sleeping;
- how the risks if any with regards to the route or passageway between the indoor and outdoor play environments are eliminated or controlled (Regulation 23);
- how the security of the premises is maintained, including the arrival of any parents/ guardians at differing times (Regulation 23);
- how the relevant sun protection measures are implemented, particularly when the sun UV index registers as very high (Regulation 23);
- the clothing provisions in place for children who choose to play outdoors

during inclement weather conditions (Regulation 19);

- how the air temperature of the playroom is maintained within the recommended 18 - 22° C range for children who choose to remain indoors particularly if doors are to be kept open (Regulation 29);
- how arrangements for snack and meal breaks are managed (Regulation 19); and how children remaining outdoors have ready access to drinking water facilities at all times (Regulation 22).
- While not a requirement, consideration should also need to be given as to how a named key worker support system if used by the service (Regulation 19) could be practically modified or managed