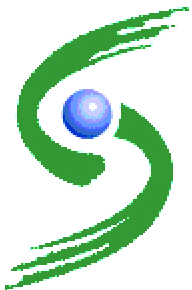


**Child Care (Pre-School Services)
Regulations 1996 and
Child Care (Pre-School Services)
(Amendment) Regulations, 1997**

and

**Explanatory Guide to Requirements and
Procedures for Notification and
Inspection**



**DEPARTMENT
OF HEALTH
AND CHILDREN**
AN ROINN
SLÁINTE
AGUS LEANAÍ

CHILD CARE (PRE-SCHOOL SERVICES)
REGULATIONS 1996 AND
CHILD CARE (PRE-SCHOOL SERVICES)
(AMENDMENT) REGULATIONS, 1997

AND

EXPLANATORY GUIDE TO REQUIREMENTS AND
PROCEDURES FOR NOTIFICATION AND
INSPECTION

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE,
SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
nó tríd an bpost ó
OIFIG FOILSEACHÁN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
4-5 BÓTHAR FHEARCHAIR, BAILE ÁTHA CLIATH 2.
(Teil: 01-6476834/5/6/7; Fax: 01-4752760)
nó trí aon díoltóir leabhar.

DUBLIN PUBLISHED BY THE STATIONERY OFFICE
To be purchased directly from the
GOVERNMENT PUBLICATIONS SALE OFFICE,
SUN ALLIANCE HOUSE,
MOLESWORTH STREET, DUBLIN 2,
or by mail order from
GOVERNMENT PUBLICATIONS,
POSTAL TRADE SECTION,
4-5 HARCOURT ROAD, DUBLIN 2.
(Tel: 01-6476834/5/6/7; Fax: 01-4752760) or through any bookseller.

Price: €3.81

Contents

	Page
Part I	
Child Care (Pre-School Services) Regulations 1996	7
Child Care (Pre-School Services) (Amendment) Regulations 1997	23
Part II	
Explanatory Guide to Requirements and Procedures for Notification and Inspection	25

@ Government of Ireland 1998
Reprinted 1998
Reprinted 2000
Reprinted 2002

P.63726 Gr..30-01 2.000 02/02 Brunswick Press Ltd. (6059)

PART I

**CHILD CARE (PRE-SCHOOL SERVICES)
REGULATIONS 1996 AND
CHILD CARE (PRE-SCHOOL SERVICES)
(AMENDMENT) REGULATIONS, 1997**

PART I

Article		
1.	Citation	7
2.	Commencement	7
3.	Interpretation	7

PART II

4.	Development of child	8
5.	First-aid	8
6.	Medical assistance	8
7.	Adult/child ratios	8
8.	Corporal punishment	9

PART III

9.	Notice to be given by person carrying on pre-school service	9
10.	Notification of change in circumstances	9
11.	Notice to be given by person proposing to carry on pre-school service	9
12.	Number of pre-school children who may be catered for	10

PART IV

13.	Register of pre-school children	10
14.	Records	11
15.	Information for parents	12
16.	Record of fire procedures	12
17.	Copy of Act and Regulations	13

PART V

18.	Premises and facilities	13
19.	Heating	14
20.	Ventilation	14
21.	Lighting	14
22.	Sanitary accommodation	14

Article

23.	Drainage and sewage disposal	14
24.	Waste storage and disposal	14
25.	Equipment and materials	15
26.	Food	15
27.	Safety measures	15
28.	Facilities for rest and play	16

PART VI

29.	Furnishing of information to health board	16
30.	Insurance	16
31.	Annual fees	17
32.	Inspection	17
33.	Enforcement and execution	17

S.I. No.268 of 1997

Child Care (Pre-School Services) (Amendment) Regulations 1997	23
---	----

**CHILD CARE (PRE-SCHOOL SERVICES)
REGULATIONS, 1996**

In exercise of the powers conferred on the Minister for Health by sections 50 and 68 of the Child Care Act, 1991, (No.17 of 1991), which said powers are delegated to me by the Health (Delegation of Ministerial Functions) Order, 1995 (S.I. No.130 of 1995), I, AUSTIN CURRIE, Minister of State at the Department of Health, after consultation with the Minister for Education and the Minister for the Environment, hereby make the following Regulations:-

PART I

CITATION

1. These Regulations may be cited as the Child Care (Pre-School Services) Regulations, 1996.

COMMENCEMENT

2. These Regulations shall come into operation on the 31 st day of December, 1996.

INTERPRETATION

3. In these Regulations -

"the Act" means the Child Care Act, 1991 ;

"authorised person" means a person appointed under section 54 of the Act to be an authorised person for the purposes of Part VII of the Act;

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

"the Minister" means the Minister for Health;

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

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

"pre-school service" means any pre-school, play group, day nursery, creche, day-care or other similar service which caters for pre-school children, including those grant-aided by health boards;

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

"relevant health board" means the health board for the area in which a pre-school service is being or is proposed to be carried on.

PART II

DEVELOPMENT OF CHILD

4. A person carrying on a pre-school service shall ensure that every pre-school child attending the service has suitable means of expression and development through the use of books, toys, games and other play materials, having regard to his or her age and development.

FIRST-AID

5. There shall be a suitably equipped first-aid box in a premises.

MEDICAL ASSISTANCE

6. A person carrying on a pre-school service shall ensure that adequate arrangements are in place to summon medical assistance promptly in an emergency.

ADULT/CHILD RATIOS

7. A person carrying on a pre-school service shall ensure that a sufficient number of competent adults are supervising the pre-school children in the service at all times.

CORPORAL PUNISHMENT

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

PART III

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

9. (1) A person carrying on a pre-school service on the commencement of these Regulations shall, no later than six months from the date of such commencement give notice in writing together with the required fee to the relevant health board.

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

NOTIFICATION OF CHANGE IN CIRCUMSTANCES

10. (1) A person carrying on a pre-school service shall, within 28 days, notify in writing the relevant health board of any change in the particulars contained in the notice given by that person in the Schedule to these Regulations or in a form to the like effect in accordance with Article 9 of these Regulations.

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

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

11. (1) Where, on or after the commencement of these Regulations, a person proposes to carry on a pre-school service that person shall, at least 28 days before the commencement of the service, give notice in writing together with the required fee to the relevant health board.

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

NUMBER OF CHILDREN WHO MAY BE CATERED FOR IN PREMISES

12. (1) Where the relevant health board proposes to fix the maximum number pre-school children who may be catered for at the same time in a premises in which a pre-school service is being carried on, the board shall notify in writing the person carrying on the service of its proposal and of the reasons for it and the notification shall include a statement that the person concerned may make representations to the board within 21 days of the receipt by that person of the notification.

(2) A person carrying on a pre-school service who has been notified of a proposal under sub-article (I) of this article may, within 21 days of the receipt of the notification, make representations in writing to the health board concerned and the board shall-

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

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

PART IV

REGISTER OF PRE-SCHOOL CHILDREN

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

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

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

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

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

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

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

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

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

(2) The register shall be open to inspection by -

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

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

(c) an authorised person.

(3) It shall not be necessary for a person carrying on a pre-school service in a drop-in centre to enter in the register the particulars referred to in sub-article (1) (b), (c) and (h) of this article.

RECORDS

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

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

(b) details of attendances by a pre-school child on a daily basis,

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

(d) details of the maximum number of pre-school children catered for,

- (e) details of the staff/child ratios in the service,
- (f) details of any medicine administered to a pre-school child attending the service,
- (g) the type of care or programme provided,
- (h) details of any accident or injury involving a pre-school child attending the service,
- (i) the facilities available, and
- (j) the opening hours and fees.

(2) The record referred to in sub-article (1) of this article shall be open to inspection by -

- (a) a parent or guardian of a pre-school child attending the service but only in respect of information entered in the register concerning that child,
- (b) a person working in the pre-school service who is authorised in that behalf by the person carrying on the service, and
- (c) an authorised person.

INFORMATION FOR PARENTS

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

RECORD OF FIRE PROCEDURES

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

- (a) all fire drills which take place in the premises, and
- (b) the number, type and maintenance record of fire fighting equipment in the premises.

(2) The record referred to in sub-article (I) of this article shall be open to inspection by -

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

(b) every person working in the service, and

(c) an authorised person.

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

COPY OF ACT AND REGULATIONS

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

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

(b) every person working in the service, and

(c) an authorised person.

PART V

PREMISES AND FACILITIES

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

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

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

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

(d) furniture and work or play surfaces are suitable, in a proper state of repair and non-toxic and that all reasonable precautions are taken to ensure that they are not a source of infection.

HEATING

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

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

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

VENTILATION

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

LIGHTING

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

SANITARY ACCOMMODATION

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

DRAINAGE AND SEWAGE DISPOSAL

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

WASTE STORAGE AND DISPOSAL

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

EQUIPMENT AND MATERIALS

25. A person carrying on a pre-school service shall ensure that -
- (a) play and work equipment and materials are suitable and non-toxic and are maintained in a clean and hygienic condition,
 - (b) suitable and secure storage facilities are provided for unsafe, toxic, dangerous or hazardous materials, substances or equipment, and
 - (c) adequate and suitable storage is provided for prams, push-chairs, carry-cots, play and work equipment.

FOOD

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

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

- (a) adequate and suitable facilities for the storage, preparation, cooking and serving of food, and
- (b) adequate and suitable eating utensils, hand washing, wash-up and sterilising facilities are provided.

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

- (a) adequate arrangements are in place for extinguishing fires, for the giving of warnings and for the evacuation of all pre-school children in the premises in the event of fire, and for the maintenance and use of fire fighting equipment,
- (b) adequate arrangements are in place to ensure that the staff and, as far as is practicable, the pre-school children in the premises know the evacuation and other procedures to be followed in the event of fire.
- (c) materials contained in bedding and the internal furnishings of the premises have adequate fire retardancy properties and have low levels of toxicity when on fire.

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

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

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

(g) hot water provided for use by pre-school children is thermostatically controlled to ensure a safe temperature.

FACILITIES FOR REST AND PLAY

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

(a) adequate and suitable facilities for a pre-school child to rest during the day are provided, and

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

PART VI

FURNISHING OF INFORMATION TO HEALTH BOARD

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

INSURANCE

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

ANNUAL FEES

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

(a) where the service provided does not exceed 3.5 hours in the day-
€1.74 (£25), and

(b) in all other cases €3.49 (£50)

(2) The relevant health board shall, as near as may be to the first anniversary the notification referred to in articles 9 and 11 of these Regulations, and annually thereafter, notify the person carrying on a pre-school service of the annual fee to be paid to it by that person.

(3) The person carrying on a pre-school service shall, within 28 days of the receipt by him or her of a notification under sub-article (2) of this article, pay the relevant health board the fee specified in the notification.

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

INSPECTION

32.(1)A relevant health board shall, following an inspection by an authorised person, furnish a report in writing to the person carrying on the pre-school service of the outcome of the inspection.

(2) Subject to sub-article (1) of this article the relevant health board shall take such steps as are necessary to enforce these Regulations in relation to the pre-school service concerned.

ENFORCEMENT AND EXECUTION

33. These Regulations shall be enforced and executed in the functional area each health board by that health board.

SCHEDULE

Notification to health board by a person carrying on or proposing to carry on a pre-school service.

Iof
hereby give notice to theHealth Board that I
am carrying on/it is my intention to carry on a pre-school service (delete as
appropriate) situated at:-

Address _____

Telephone No: _____

Type of facility -Please tick as appropriate

Sessional Day _____

Full Day Care _____

Child Minding _____

Drop-in Centre _____

Personal Details

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

(a) State full name, previous name(s), date of birth, address and telephone number

Name _____

Previous Name(s) _____

Date of Birth _____

Address _____

Telephone No: _____

(b) If you will be employing someone to operate the pre-school service on your behalf, state full name, previous name(s), address and telephone number of that person

Name _____

Previous Name(s) _____

Date of Birth _____

Address _____

Telephone No: _____

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

(a) State the name of the organisation, full name of the person acting on behalf of the organisation and address and telephone number of that person

Name of Organisation _____

Name _____

Address _____

Telephone No: _____

(b) State full name and private address of person responsible for operating the service

Name _____

Previous Name(s) _____

Date of Birth _____

Address _____

Telephone No: _____

(c) In the case of a registered company, the registered office and the name of the Company Secretary should also be given.

Registered Office _____

Company Secretary Name _____

3. Information to be given about the person carrying on the pre-school service (as in 1 or 2(b) as appropriate).

(a) Relevant Qualification (title and date of qualification, name of organisation granting qualification).

Qualification

Name of Organisation

Address of Registered Office of Organisation

(b) relevant experience including previous voluntary or paid work with children

Insert details here
(use additional sheet,
if necessary)

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

	Domestic	Other than Domestic
(a) Full Day Care	_____	_____
Sessional Day Care	_____	_____
Child Minding	_____	_____
Drop-in-Centre	_____	_____

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

5. The following documentation should be enclosed with this notification

:

- (a) appropriate fee or request for waiver under Article 31. (4) of the Child Care (Pre-School Services) Regulations, 1996. and
- (b) written confirmation from a chartered engineer or a properly and suitably qualified architect with experience in fire safety design and management that the relevant statutory requirements relating to fire safety have been complied with.

6. Declaration

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

Signed

Date

Dated this 18th day of December, 1996

Austin Currie

Minister of State at the Department of Health

EXPLANATORY NOTE

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

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

NOTE

Article 5 of the above Regulations has been substituted. See the Child Care (Pre-School Services) (Amendment) Regulations, 1997, overleaf.

S.1. No.268 of 1997

**CHILD CARE (PRE-SCHOOL SERVICES)
(AMENDMENT) REGULATIONS, 1997**

In exercise of the powers conferred on the Minister for Health by Sections 50 and 68 of the Child Care Act, 1991, (No.17 of 1991), which said powers are delegated to me by the Health (Delegation of Ministerial Functions) Order, 1995 (S.I. No.130 of 1995), I, AUSTIN CURRIE, Minister for State at the Department of Health, after consultation with the Minister for Education and the Minister for the Environment, hereby make the following Regulations:-

1. These Regulations may be cited as the Child Care (Pre-School Services) (Amendment) Regulations, 1997.
2. The following paragraph is substituted for Paragraph 5 of the Schedule to the Child Care (Pre-School Services) Regulations, 1996 (S.I. No.398 of 1996).

"5. The appropriate fee or request for waiver under Article 31.(4) of the Child Care (Pre-School Services) Regulations, 1996 should be enclosed with this notification."

Dated this 20th day of June, 1997

Austin Currie
Minister of State at the Department of Health

EXPLANATORY NOTE

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

These Regulations amend the Child Care (Pre-School Services) Regulations 1996 (S.I. No.398 of 1996) by removing the requirement that written confirmation that the relevant statutory requirements relating to fire safety have been complied with must be enclosed when a person carrying on or proposing to carry on a pre-school service is notifying her health board to this effect.

PART II

**EXPLANATORY GUIDE TO REQUIREMENTS AND
PROCEDURES FOR NOTIFICATION AND
INSPECTION**

TABLE OF CONTENTS

PART I

	Page
› Introduction	28
› Categorisation of Pre-School Services	30

PART II

› Section A -Guide to Requirements	32
› Adult/child ratios	32
› Corporal Punishment	33

PART III

› Number of Pre-school children who may be catered for	33
--	----

PART V

› Premises and Facilities	34
› Ventilation	35
› Sanitary Accommodation	35
› Food	36
› Safety Measures	37
› Facilities for Rest and Play	39

PART VI

› Insurance	40
› Section B -Notification and Inspection Procedures	41
› Transitional Arrangements	43

1. INTRODUCTION

1.1 The purpose of this Guide is to offer guidance on the Child Care (Pre-School Services) Regulations, 1996. It is written for persons charged with responsibility for implementing the legislation and for anyone affected by its provisions, in particular persons who are carrying on or proposing to carry on a pre-school service. The Regulations and the Explanatory Guide expand on the provisions of Part VII of the Child Care Act, 1991. The Regulations made under Part VII of the Act prescribe the measures which must be in place to meet the requirements of the Act relating to the:-

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

The guide briefly outlines the requirements that are prescribed in the Regulations.

1.2 The main provisions of the Child Care Act, 1991 in so far as pre-school services are concerned are set out in Part VII of the Act. A pre-school child is defined as a child under six years of age who is not attending a national school or equivalent. A pre-school service is defined as "any pre-school, play group, day nursery, creche, day care or other similar service which caters for pre-school children, including those granted-aided by health boards". The provisions of Part VII include:

- (i) introducing regulations placing a statutory duty on health boards to secure the health, safety and welfare and to promote the development of pre-school children attending pre-school services,
- (ii) obliging pre-school providers to notify health boards as prescribed in the Regulations,
- (iii) placing a duty on the person carrying on a pre-school service to take all reasonable measures to safeguard the health, safety and welfare of pre-school children attending the service,

- (iv) providing for the supervision and inspection by the health boards of a pre-school service
- (v) obliging health boards to provide information on pre-school services,
- (vi) providing for offences under Part VII and for appropriate sanctions.

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

- (a) the care of one or more pre-school children undertaken by a relative of the child or children or the spouse of such relative,
- (b) a person taking care of one or more pre-school children of the same family and no other such children (other than that person's own such children) in that person's home,
- (c) a person taking care of not more than three pre-school children of different families (other than that person's own such children) in that person's home.

1.4 The Regulations impact across the various types of pre-school provision ranging from voluntary provision of community playgroups through to full day care provision in the commercial sector. It is important to emphasise that this is the first time that statutory controls have been applied to this sector.

In view of the wide range of pre-school services and the large numbers involved it has been decided to adopt a phased approach to regulation of the pre-school sector.

The implementation of the Regulations will be monitored over the next three years and a review will then take place with a view to further enhancing pre-school service provisions. This Guide may be updated in the interim to provide guidance on new issues as they arise.

2. CA TEGORISATION OF PRE-SCHOOL SERVICES

Section 50 of the Act states that Regulations may-

- (a) make different provision for different classes of pre-school services;
- (b) prescribe different requirements for different classes of pre-school services;
- (c) provide for exemptions from any provisions of the Regulations for a specified class or classes of pre-school services.

For the present, the Regulations have not been broken down into specific requirements for different types of pre-school services. However, it is considered that the following categories of pre-school services should be identified for the purpose of implementing the Regulations-

(i) Sessional Services

Sessional pre-school services mean the provision of:

- a service offering a planned programme to pre-school children
- a service of up to 3.5 hours per session

Services covered by the above definition may include pre-schools, playgroups, creches, montessori groups, naionrai or similar services which generally cater for children in the 2-6 year age bracket. Where younger children are cared for in sessional services the appropriate requirements should apply.

(ii) Full-day care

A full day care service means the provision of a structured day care service for children for more than 3.5 hours per day. Services such as those currently described as day nurseries and creches are included in this definition.

(iii) Childminders

Childminders look after children in the childminder's own home. They offer this service all the year around for the full working day or for different periods during the day. Parents and childminders negotiate their own terms. (Only childminders caring for more than three children are covered by the provisions of Part VII of the Act).

(iv) Drop- in Centre

A drop-in centre refers to services provided in shopping centres, leisure centres or similar establishment which is provided as part of a customer/client service and where children are left for a short period of time while t.he parent or guardian is availing of a service or attending an event.

SECTION A -GUIDE TO REQUIREMENTS

PART II

Article 7 Adult/Child ratios

A person carrying on a pre-school service shall ensure that a sufficient number of competent adults are supervising the pre-school children in the service at all times.

A competent adult is a person who has appropriate experience in caring for children under six years of age and/or who has an appropriate qualification in child care and is a suitable person to care for children.

The following adult/child ratios are recommended:

(i) Sessional Services

Age	Adult/Child Ratio
0-6 years	1:10

A second adult should be present on the premises at all times. The maximum number of children to be catered for in one room in a sessional group is 20.

(ii) Full Day Care

Age	Adult /Child Ratio
0-1 Year	1:3
1-3 years	1:6
3-6 years	1:8

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

(iii) Childminders

A single handed child-minder should look after no more than **6 children** including her own who are aged under 6 years of age and no more than **3** of these should be under 1 year of age. A childminder should have a telephone on the premises, or a second person available, to cope with emergencies.

(iv) Drop in Centres

Age	Adult/Child Ratio
1-6 years	1:8
Under 12 months	1:3

It is understood that the majority of drop-in centres cater for children over two years of age. A second adult should be present at all times.

Article 8 Corporal punishment

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

Inappropriate behaviour in a child attending a pre-school service should be corrected in a caring, constructive and consistent manner. Positive methods of discipline which encourage self control, self direction, self-esteem and co-operation should be used.

PART III

Article 12 Number of pre-school children who may be catered for

12.(1) Where the relevant health board proposes to fix the maximum number of pre-school children who may be catered for at the same time in a premises in which a pre-school service is being carried on, the board shall notify in writing the person carrying on the service of its proposal and of the reasons for it and the notification shall include a statement that the person concerned may make representations to the board within 21 days of the receipt by that person of the notification.

(2) *A person carrying on a pre-school service who has been notified of a proposal under sub-article (1) of this article may, within 21 days of the receipt of the notification, make representations in writing to the health board concerned and the board shall-*

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

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

This article is aimed at preventing over-crowding in pre-school services. In the overall interests of safety and a quality service the maximum number of places for the different categories of pre-school services may be fixed by health boards.

PART V

Article 18 Premises and Facilities

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

- (a) the premises are of sound and stable structure and are suitable for the purposes of providing a pre-school service,*
- (b) adequate space per child is provided in the premises,*
- (c) the premises, fixtures and fittings are kept in a proper state of repair and in a clean and hygienic condition and are protected from infestation, and*
- (d) furniture and work or play surfaces are suitable, in a proper state of repair and non-toxic, and that all reasonable precautions are taken to ensure that they are not a source of infection.*

The recommended areas in regard to "adequate space" are as follows:

(i) Childminders

Implementation of the Regulations is a matter for the judgement of Inspectors in line with the Code of Practice.

ⁱ(ii) Sessional Services

Age of child	Floor area per child
0-6 years	2.00 sq metres

(iii) Full Day Care

Age of child	Floor area per child
0-1 year	3.70 sq metres
1-2 years	2.80 sq.metres
2-6years	2.32 sq metres

(iv) Drop-in Centres

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

The space requirements set out above relates to clear floor space per child.

Clear floor space means that area available for children's play and movement and should not include furniture or permanent fixtures. Extraneous areas such as kitchens, toilets, sleeping and other ancillary areas are deemed to be separate.

Article 20 Ventilation

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

Adequate and suitable ventilation from the premises should be provided and occupied areas should be ventilated to the external air either directly or by a suitable and adequate means of mechanical ventilation.

Article 22 Sanitary Accommodation

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

It is recommended that the following facilities should be provided-

- (a) adequate, suitable and hygienic nappy changing facilities,
- (b) separate toilet facilities for adults, where necessary ,
- (c) an adequate number of wash-hand basins with running hot and cold water,

- soap and suitable means of hand-drying at or near the sanitary accommodation and nappy changing area,
- (d) suitable and adequate means of ventilation from the sanitary accommodation to the external air,
- (e) the sanitary accommodation and nappy changing area should not communicate with any occupied room or food room except by means of a hall, corridor, ventilated lobby or ventilated space,
- (f) adequate and suitable means of drainage and sewage disposal, and
- (g) adequate and suitable facilities for the safe and hygienic storage and disposal of soiled nappies.

With regard to paragraph (c) above the recommended ratios are:

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

Article 26: Food

- 26.(1) *A person carrying on a pre-school service shall ensure that suitable, sufficient, nutritious and varied food is available for a pre-school child attending the service on a full-time basis.*
- (2) *Where food is consumed on the premises by a pre-school child, the person carrying on the pre-school service shall ensure that*
- (a) *adequate and suitable facilities for the storage, preparation, cooking and serving of food, and*
- (b) *adequate and suitable eating utensils, hand washing, wash-up and sterilising facilities are provided.*

Food may be cooked on the premises or children may bring packed lunches including cooked meals which may require reheating. If the food is supplied by the person carrying on the pre-school service it must be prepared on the premises or purchased from a supplier whose premises is registered with the relevant health board.

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

Article 27 Safety Measures

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

(a) adequate arrangements are in place for extinguishing fires, for the giving warnings and for the evacuation of all pre-school children in the premises in the event of fire, and for the maintenance and use of fire fighting equipment,

(b) adequate arrangements are in place to ensure that the staff and, as far as is practicable, the pre-school children in the premises know the evacuation and other procedures to be followed in the event of fire,

(c) materials contained in bedding and the internal furnishings of the premises have adequate fire retardancy properties and have low levels of toxicity when on fire,

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

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

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

(g) hot water provided for use by pre-school children is thermostatically controlled to ensure a safe temperature.

General Safety Measures

The recommended general safety measures to be taken include-

- (a) child proof locks on doors, windows, drawers and cupboards,
- (b) appropriate safety precautions on all low level windows, glass panels and patio doors,
- (c) windows at a first floor level fitted with restricted opening safety devices,
- (d) handrails on stairs and steps,
- (e) suitable and adequate gates at the top and bottom of stairs,
- (f) thermostatically controlled hot water,
- (g) safety covers for electrical sockets, and
- (h) safe storage for medicines and all toxic substances.

Fire Safety Management

The Department of the Environment has published a number of codes of practice for safety in certain types of premises subject to Section 18 of the Fire Services Act, 1981. While the codes do not deal specifically with child care premises the broad principles of fire safety, upon which they are based, are relevant to the management of child care premises. Persons carrying on pre-school services may find the "Code of Practice for the Management of Fire Safety in Places of Assembly" especially useful in this regard. This Code deals with a range of issues including Management duties, Fire Prevention, Staff Training, Fire and Evacuation Drills, Fire Protection Equipment and Record keeping.

Advice on fire safety matters may be sought from the local fire authority in which the premises is situated or from a professional fire safety expert e.g. an engineer or architect with competence in fire safety .

Article 28 Facilities for Rest and Play

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

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

Sub-article (a) is aimed primarily at children in full day care and may apply to children cared for by child minders or in nurseries. While sessional services usually cater for children aged 3-6 years of age. this article may apply to sessional services which cater for younger children. It is recommended that babies and children under 2 years of age should be provided with suitable sleeping facilities away from the general play area.

PART VI

Article 30 Insurance

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

The possession of adequate insurance cover is an essential requirement of the Child Care (Pre-School Services) Regulations 1996. It is recommended that

the insurance policy obtained should at least cover the following areas-

- (i) Public Liability; (to include provision for outings with children, where applicable)
- (ii) Employers Liability if there is any other person employed; (to include provision for volunteers, trainees etc where applicable)
- (iii) Fire and theft.

Individual providers are in the best position to determine the type and extent of insurance most suited to their needs. If it is intended to undertake any extra activities (e.g. outings for children) the insurers of the service should be notified and any additional cover necessary obtained in good time. In particular it may be necessary to obtain extra motor insurance cover for children who are being transported by the service provider.

SECTION B -NOTIFICATION AND INSPECTION PROCEDURES

Notification

Purpose of notification

The main purposes of notification are set out in Section 52 of the Child Care

Act 1991. These include:

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

Notification will also enable health boards to discharge their duty under section 56(3) of the Act in regard to the provision of information on pre-school services to any interested person.

Consequence of Notification

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

Inspection

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

Purpose of Inspection

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

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

In the case of childminding, the inspection should also pay due regard to the standard of comfort and homeliness available to the children. The premises should demonstrate that children are encouraged to play and have freedom within and outside the home.

Outcome of Inspection

Where a pre-school provider and/or her premises do not meet the requirements of the Child Care Act and associated regulations details of the deficiencies will be outlined in writing and she will be given a specific period of time within which to make specific improvements (provided such a delay would not adversely effect the welfare of children). A further inspection will be made after that date.

The health board can bring breaches of the regulations to the attention of the District Court under Section 57(b) of the Act. Offences under Part VII of the Child Care Act, 1991 are outlined under Section 57 of the Act.

Frequency of Inspection

Health boards should inspect service providers on a regular basis. It is considered good practice that the first inspection occurs within 3 months of receipt of the notification and thereafter once a year from that date. Where, however, there are concerns the health board should arrange a more structured and frequent visiting pattern to monitor the safety and well-being of children.

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

Information for Parents

The inspection process will provide regular monitoring of standards in the pre- school services. This will help to reassure parents regarding the care provided to their children. Inspection will also provide health boards with information on availability of various types of pre-school services. A list of such services should be provided to parents on request. It is hoped that the inspection process will enhance the status of pre-school provision and assist health boards in the discharge of their general duties to secure the health, safety and welfare and to promote the development of children attending pre-school services.

Transitional Arrangements

Article 9(I) of the Regulations provides a six month period for the initial notification by existing pre-school providers to health boards. An information campaign will take place to increase the awareness of parents and providers of the introduction of the Regulations.

At present health boards do not have accurate information on the number of pre-school services in their area which will come under the Regulations. However, it is estimated that the number of facilities involved could be in the region of 5,000 nationally. In view of the large numbers involved it is envisaged that health boards will have a two year period to complete the first inspection of pre-school services. On this basis all pre-school services should be inspected by mid 1999. Inspections will take place annually thereafter.

i