

Submission by the National Voluntary Childcare
Collaborative (NVCC) to Mr. Brian Lenihan,
Minister for Children, in relation to the Child
Care (Pre-School Services) Regulations
2006.(Statutory Instrument S.I. No. 505 of 2006)

PART I

NVCC has considered and analysed the new Regulations, and notes that:

- the new Regulations were scheduled to come into operation on 2nd January 2007 at the time they were announced. NVCC wishes to reiterate that the revised capping of numbers together with the date of coming into operation will cause difficulty for services, leading to a probable significant reduction in the number of childcare places available from beginning of January 2007. This, NVCC notes is due to the inadequate period of time available to services to organise the necessary adjustments to their respective premises in order to handle the revised capping of numbers....**However NVCC is aware that this has already been brought to your attention and acknowledges gratefully your intention to implement a Statutory Instrument to change the date of coming into operation from 2nd January 2007 to September 2007.**

Part II

Regulation 8(1) MANAGEMENT AND STAFFING

- *Regulation 8.(1)(a) requires a person carrying on a pre-school service to ensure that 'a sufficient number of suitable and competent adults are working directly with the pre-school children....'*

NVCC seeks clarification regarding the benchmark for each of 'appropriate experience' and 'appropriate qualification' within the above context, in accordance with the definition set out in the Explanatory Guidelines (page 39)

- *Regulation 8(2)(c) requires a person carrying on a pre-school service to ‘ensure appropriate vetting of all staff, students, and volunteers by acquiring Garda vetting from An Garda Síochana.*

NVCC seeks clarification as to when an Garda Síochana will have set down procedures to make the said vetting available.

- *Regulation 8(2)(d) requires that a person carrying on a pre-school service shall ensure that staff students and volunteers who have lived outside the jurisdiction and for whom Garda vetting is not available, shall provide the necessary police vetting from other police authorities.*

NVCC’s understanding is that personnel currently receiving training in the facilitation of Garda Vetting on behalf of organisation(s), are being informed that in terms of the European context, ‘self-provided’ garda vetting documents should not be accepted. This is due to the fact that the authenticity of such documents cannot be relied upon. Given that Ireland has become a country with a significant culturally diverse workforce, NVCC needs to know the procedures for non-national childcare workers, volunteers or students and for Irish citizens who have worked outside the state.

- *Regulation 9 Behaviour Management*

NVCC wishes to enquire as to what resources/supports are being made available to roll out ‘child protection training’ for childcare workers, students and volunteers?

Part III

- *Regulation 10 requires that where a person proposes to carry on a pre-school service, that person shall, at least 28 days before the*

commencement of that service, give notice to the Health Service Executive.

NVCC feels that it is imperative that the above *Advisory service* of the HSE is separate to the *Inspection service* of the HSE (section 53 of the Child care Act 1991.

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- *The standard notification form (pursuant to Section 10) set out in the Schedule to the Regulations does not include the ‘Waiver request form for Community Services, which is included in the Regulations currently applicable.*

NVCC wishes to request inclusion of the said ‘Waiver request form for Community Services in the Schedule to the new Regulations.

Part IV

- Regulation 14(1)(i) requires that a person operating a pre-school service shall keep a record in writing of(i) policies and procedures of the service

NVCC wishes to enquire as to what resources and supports will be made available to the service providers in this regard.

Part V

- *Regulation 26(3)(a)(b)(c) provides that Regulation 26(1) and 26(2) is without prejudice to provisions of the Health Act 1947 and regulations made pursuant to that Act, the provisions of the Food Safety Authority of Ireland Act 1998 and any secondary legislation made pursuant to the European Communities Act 1972 relating to food safety.*

NVCC wishes to request that appropriate provision is made to ensure that unnecessarily onerous requirements are not imposed on part-time and sessional childcare services by way of ambiguous (inappropriate) interpretation of the relevant legislation by the inspectors.

EXPLANATORY GUIDE TO THE REQUIREMENTS AND PROCEDURES FOR NOTIFICATION AND INSPECTION

NVCC wishes to enquire as to the legal status of the appendices to the Statutory Instrument.(S.I. No. 505 of 2006), on the basis that they are open to interpretation by Inspectors and Providers.

(EG) Part I

- *Regulation 1.4 states that 'the implementation of the revised Regulations will be monitored*
NVCC seeks clarification around the monitoring process, to include a date when a review of the impact of the Regulations, from the information gathered during the monitoring phase, will take place.

- *Regulation 2(ii) which requires that a part-time day care service offering a structured day care service for pre-school children for a total of more than 3.5hours and less than 5 hours per day **must provide the same physical environment including rest play and sanitary facilities, as for full day care.***

NVCC notes that this category was initially sought under EOCP to meet the requirements of parents working part-time or in training/education. *In its current format*, the stated conditions attached thereto, will preclude the uptake of same by the service providers on the basis of financial non viability. NVCC is of the view that rest in part-time services can be accommodated by pull out beds which can be stacked when not in use, and food/nutrition can be provided by a part time service using a fridge and microwave.

(EG) Part II

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

The Explanatory guidelines go on to refer to, amongst other things, *Síolta*, The National Quality Framework for Early Childhood Education, 2006. NVCC’s concern is twofold

- it relates firstly to the variety of possibilities of interpretation by untrained personnel of the said regulation generally
- and more specifically to *Síolta which has not yet been piloted*. NVCC seeks clarification as to the status of *Síolta* in the context of this regulation on the basis that these Regulations reflect *compulsory minimum standards*, whereas *Síolta* reflects *aspirational quality standards*.
- NVCC seeks clarification as to the merit of including *Síolta* in the new Regulations

- **NVCC is of the view that the inclusion of Síolta in the new Regulations, warrants the inclusion of the National Council for Curriculum and Assessment’s ‘*Framework for early Learning*’.**
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- *Regulation 8(1)(a) states that a person carrying on a pre-school service shall ensure that a sufficient number of suitable and competent adults are working directly with the pre-school service at all times.*

NVCC have a concern that the issue of training has not been addressed within the Regulations, other than in very general terms.

NVCC requests clarification of ‘available’ on the last line of page 34

- **NVCC seeks clarification regarding a definition of ‘group’**
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- *Qualification and training (reference, page 40 of Explanatory Guidelines*

NVCC has a concern around the ambiguity of this reference, for several reasons:

- **if qualified staff should rotate between age groupings, will children be left in the care of unqualified staff part of the time, and**

- **there is no indication as to the type of induction training to be provided by services. NVCC feel very strongly that this could result in negative outcomes for (a) child(ren) taking no account of ‘consistency of care workers’, or ‘key worker systems’.**

 - **NVCC calls for a minimum qualification for all childcare workers.**
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- *Placing of children in age range groups (page 40 of Explanatory Guidelines)*

NVCC is of the view that the regulations should promote mixed aged groupings in early childhood care and education settings along with same age groupings as it is of great benefit to children. Social competencies such as sharing, cooperation, friendships and leadership have been linked through research to the benefits of multi-age groupings. Lilian Katz, a noted researcher of multi-age groupings, writes that, unlike children of an earlier era, today's children have fewer opportunities for socialisation in multi-age settings. She notes that the differences within a group of children can be a source of rich intellectual and social benefits.

NVCC seeks clarification regarding the interpretation of ‘mixed age group’ space requirements and ratios. At the time when the Regulations Review Group inputted to this process, the draft regulations contained a Chart which was helpful in terms of giving guidance in relation to mixed age groupings, NVCC notes that the said Chart has not been included in the Regulations.

- **Clarification required regarding the determination of the maximum number of children permitted in a mixed age group.**
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- **Second Adult (page 40 Explanatory guidelines)**

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

Regulation 8 requires that a person carrying on a pre-school service shall ensure that a sufficient number of suitable and competent adults are ‘working directly’ with the pre-school children in the pre-school service at all times. NVCC have a concern regarding what NVCC see as a significant ambiguity attaching to the said ‘Second Adult’ reference on page 40 of Explanatory Guidelines.

- **Child protection (Regulation 9, page 44 of Explanatory Guidelines)**

NVCC’s comment here is that the aspect of Child protection could be stated more clearly. Training and support in ‘Children First’ should be accessible to all Childcare Providers.

- **Regulation 14(1) Records Update and Storage**

NVCC seeks clarification of the different periods of retention respective to the different types of records, eg. child records, financial records, staffing rota, cleaning rota, etc.

- **NVCC have several concerns regarding Regulation 14:**
 - **training must be made compulsory for Pre-School Inspectors to ensure, inter alia, that the ethos and philosophy of each of the respective types of service is respected. Each child care service has a legitimate expectation to be inspected in accordance with its respective ethos.**
 - **The NCCA Framework is not yet available**
 - **Staff will require further training to meet the requirements of this regulation**
 - **Childminders continuously interact verbally to set activities for children in consultation with their respective parents,in practice how appropriate is this regulation for childminders.**

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- Regulation 18(a) The Physical Environment, final paragraph in Explanatory Guidelines states that ‘except for childminders, the pre-school rooms should be for the sole use of the pre-school facility during the hours of operation

Further clarity regarding the meaning of ‘hours of operation’ within the above context is necessary.

- Regulation 18(b), as impacted by Explanatory Guidelines relating to Regulation 28. Clarification is required as to whether, in the event of having children ‘under 2’ sleeping in a room that is used as a playroom, a space requirement of 4.2sq.m, is required all the time.
- Regulation 18(e), Storage, meeting and break facilities (Page 54 of Explanatory Guidelines).

NVCC requires clarification around the meaning of ‘staff space’ within the context of the above.

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- Regulation 22 (iv) Sanitary Accommodation, (Page 55 of Explanatory Guidelines)

NVCC seeks clarification around the meaning of ‘ventilated space’ within the above context.

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- Regulation 26(1) Food and Drink Explanatory Guidelines, pages 58/59

NVCC has a concern regarding the quantity of snacks/meals to be offered in order to comply with the said explanatory guidelines. On the ground experience would suggest that the under-noted is more appropriate which NVCC would ask you to consider:

- **Children in full day care - as set out in Explanatory Guidelines**
- **Children in part time day care - one meal and/or one snack, or two snacks as appropriate to number of hours of part- time day care.**
- **Children in sessional day care - one snack**

NVCC feels that it is necessary to point out also that the food requirements, as stated in the new Regulations, whilst acknowledging that eating is a social activity for children, will limit the amount of available play/learning time, particularly in sessional services. NVCC notes that the National Task Force on Obesity wishes to promote that *‘children eat well, but not necessarily more often’*.

- Regulation 26(v) Potable drinking water should be available to children at all times

NVCC wishes to suggest that wording should be changed to *‘potable drinking water should be available for all children’*

- Regulation 28 Outdoor Play Area (Page 62 of Explanatory Guidelines)

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

Our request here is that ‘sessional, where possible’ would be included in the above.

- Page 61 of explanatory guidelines, first sentence,

NVCC wishes to request that the wording *‘this Regulation’* be changed to *‘paragraph (a) of this Regulation’*

NVCC have referred above to the dual role of Pre-School Advisor and Inspector accorded to the Pre-School Inspectorate. NVCC strongly reiterates its concern as to the inappropriateness of such a dual role, and finds it totally unacceptable. NVCC hereby calls for the immediate severance of the dual role and the establishment of a singular role of each of Pre-School Advisory Service to include Pre-School Advisors and Pre-School Inspectorate to include Pre-School Inspectors.