

Child Care Act 1991 (Early Years Services) (Registration of School Age Services) Regulations 2018 – Explanatory Guide

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Explanatory Guide

Introduction

Since 1996, childcare services caring for pre-school children (i.e. children aged 0 to 6 who are not attending school) have been required to (a) register with Tusla, the Child and Family Agency and (b) comply with Regulations made under the Child Care Act 1991. The 1996 Regulations for pre-school services were revised in 2006, and again in 2016. The current Regulations governing pre-school services are the “Child Care Act 1991 (Early Years Services) Regulations 2016”. These Regulations are referred to in this Guide as the “2016 Regulations”.

Up until 18 February 2019, childcare services caring for children attending school (before or after school, or during school holidays) have not been required to register with Tusla or comply with any regulations. Such services are referred to in this Guide as “school age services”, or “school age childminding services”.

Regulations governing school age services and school age childminding services are now being introduced. This means that from the “commencement date” of **18 February 2019** all services providing care for school age children will be required to register with Tusla and to comply with certain regulations. School age services will be allowed some time in which to apply for registration – details of the statutory timelines are contained in sections 1 and 4 of this Guide.

Although the main focus of these new Regulations is on how to get your service registered, some of the Regulations set out requirements which must be met after registration when you are carrying on your service and Tusla will have the statutory power to inspect these requirements. These requirements are explained in sections 3 and 6 of this Guide.

The aim of this Guide is to set out in plain English what you will be required to do in order to register, and in order to comply with the Regulations. The Regulation that applies to each requirement is shown in brackets beside the relevant text. **This Guide does not purport to be a legal interpretation of the Regulations, and should be read in association with the Regulations themselves.**

For ease of reference, the first part of this Guide is designed for centre-based school age services and the second part for childminders.

Part 1: Providers of Centre-based School Age Services

1. Timescale for Registration

If you wish to open a new school age service on or after 18 February 2019, you must apply at **least three months before** you propose to begin operating. You must register **before** you begin operating your service.

If your school age service is operating before these Regulations come into effect on 18 February 2019, and you are **already on the Tusla register** as the provider of a pre-school service, you must apply for registration within six months of the commencement date of 18 February 2019, that is, **before 18 August 2019**.

If your school age service is operating before these Regulations come into effect on 18 February 2019, and you are **not yet on the Tusla register** as the provider of a pre-school service, you must apply for registration within three months of the commencement date of 18 February, that is, **before 18 May 2019**.

These deadlines for registration are contained in **Regulation 5**.

2. Preparing to Register

2.1 What information do I need to have before I start the registration process?

The registration process must be carried out online. You will need to know what kind(s) of service your service will provide when it is operating, as this determines the fee you need to pay as part of your application to register (**Regulation 4**). If you provide, or intend to provide, more than one type of service, the fee you pay will be the higher of the fees that apply. For example, if you provide a full day care service and a school age service, the applicable registration fee will be €80.

It should be noted that if you are already on the Tusla early years register, and already paying an annual fee to Tusla in respect of your pre-school service, you will **not** be required to pay an additional fee for registration of your school age service.

The full list of fees is as follows. This list is in **Schedule 1** of the Regulations:

(1)	(2)	(3)
	Class of Service	Annual fee
1.	School Age Service (other than a Childminding Service)	€80
2.	Childminding Service (school age)	€40
3.	Full day care service registered under the 2016 Regulations	€80
4.	Part-time day care service registered under the 2016 Regulations	€80
5.	Sessional pre-school service registered under the 2016 Regulations	€40
6.	Childminding Service (pre-school) registered under the 2016 Regulations	€40

2.2 What documents do I need to have before I start the registration process?

- ✓ The vetting disclosure from the National Vetting Bureau (“Garda Vetting”) in respect of:
 - You, as the (proposed) registered provider;
 - The person who will have day-to-day charge of the service (if this will not be you);
 - Each director, if your service is a corporate body;

- The “second person” whom you are required to have available in cases of emergency if you are operating your service single-handedly.
- ✓ Police vetting for any of the above persons who have lived outside of the Republic of Ireland for longer than six consecutive months, where this is practicable.
- ✓ Two written references providing evidence that you are suitable to provide a school age service. One of these should be from your most recent employer (if any).
- ✓ Where the service is a corporate body, two written references for each director of the service.
- ✓ Documentation which demonstrates that you have valid and appropriate insurance cover for your service. This may be a copy of your Certificate of Insurance or written confirmation of your insurance cover from your insurance company.
- ✓ A copy of each of the following policies for your service:
 - Statement of purpose and function
 - Complaints policy
 - Policy on administration of medication
 - Policy on infection control
 - Policy on managing behaviour
 - Policy on the dropping off and collection of children
 - Fire safety policy

These policies are defined in **Schedule 6** of the Regulations.

- ✓ A copy of the safety statement for your service (if any)
 - *Under the Safety, Health and Welfare at Work Act 2005, an employer is required to have a safety statement. This statement should set out the manner in which the safety, health and welfare of the service’s employees is protected and maintained while at work, based on an assessment of all hazards and risks at the workplace.*
- ✓ A copy of the child safeguarding statement for your service
 - *Under the Children First Act 2015, service providers are required to have a Child Safeguarding Statement. This statement should set out the principles and procedures in place in your service to ensure as far as possible that a child is safe from harm while attending the service. Information in relation to preparing a child safeguarding statement can be found on the Tusla website.*

Samples and templates that you can use in developing these policies can be found on Tusla’s website, at the following link:

<https://www.tusla.ie/services/preschool-services/early-years-quality-and-regulatory-framework/sample-policies-and-templates/>

- ✓ Evidence of your CRO registration (if your service is a registered company)
- ✓ Your proof of identity. This must be a copy of your passport, driving licence, or Public Services Card.
- ✓ The relevant application fee, as determined by the previous section and **Schedule 1** of the Regulations. (Payment must be made online as part of the registration process).

3. Ongoing Requirements that you must comply with when operating your service

As set out in the Introduction to this Guide, the main focus of these new Regulations is on how to get your service registered. However, the Regulations also set out requirements that must be met after registration when you carrying on your service, and Tusla will have the statutory power to inspect these requirements.

3.1 Vetting Requirements for your Service (Regulation 8)

It is your legal responsibility to make sure that each employee, unpaid worker and contractor in your service is suitable and competent to meet the needs of the children attending the service.

To ensure this, you must consider the following when recruiting staff:

- References from the person's last employers, if any, and particularly from their most recent employer, if any;
- References from reputable sources where the person has no past employers;
- Garda Vetting for the person;
- Where the person has lived outside of the Republic of Ireland for more than six consecutive months, police vetting from the country where they used to live, where this is feasible.

You must carry out these checks **before** you take on staff and before anyone is allowed access to or contact with a child attending your service.

3.2 Staffing levels in your service (Regulation 9)

There must be a sufficient number of suitable and competent adults in the service to meet the needs of the children in the service.

There must be at least 1 adult for every 12 school age children in your service at all times.

If the person in charge of your service works alone, there must be a second person available nearby at all times, who can assist on short notice in the case of an emergency. This person should be familiar with your service and how it operates.

The children attending your service must be appropriately supervised at all times.

3.3 Policies and Procedures for your Service (Regulation 10)

There are a number of policies and statements which you must have in place in your service. These must be kept up to date and fully implemented.

The policies are as follows:

- Statement of purpose and function
- Complaints policy
- Policy on administration of medication
- Policy on infection control
- Policy on managing behaviour
- Policy on the dropping off and collection of children
- Fire safety policy
- Child safeguarding statement
- Safety statement

The first seven of these policies are defined in **Schedule 6** of the Regulations. The Child Safeguarding Statement is defined in the Children First Act 2015 and the Safety Statement is defined in the Safety, Health and Welfare at Work Act 2005.

Samples and templates that you can use in developing these policies can be found on Tusla's website, at the following link:

<https://www.tusla.ie/services/preschool-services/early-years-quality-and-regulatory-framework/sample-policies-and-templates/>

3.4 Premises of your Service (Regulation 11)

Children attending your service must have daily access to an outdoor space on your premises **OR**,

Where you do not have such a space available on your premises, you must ensure that the children attending your service have daily access to an alternative outdoor space.

3.5 Insurance for your Service (Regulation 12)

Your service must be adequately insured at all times for the number of children you are caring for and the type of service you provide.

3.6 Complaints about your Service (Regulation 13)

You must have a complaints policy in place that explains to the parents and children using your service:

- How they can make a complaint about your service
- How your service will deal with the complaint
- How your service will keep the person informed as to how their complaint is being handled.

You must keep a full written record of each complaint made to your service, including the nature of the complaint and how it was dealt with. These written records must be available for inspection by Tusla Early Years Inspectors on your premises.

3.7 Tusla's Register of Early Years Services (Regulation 6)

Once your service is registered with Tusla, members of the public will be able to search online for your registered details.

The public register will show the following information:

- The name of the registered provider
- The service address
- The maximum number of children the service is permitted to care for
- The name of your service (if any)
- The name of the person in charge of your service (if this is different to the registered provider of the service)
- The date from which your service is registered
- Whether your service offers any services in addition to your school age service, including the following (as registered under the 2016 regulations):
 - A full day care service
 - A part-time day care service
 - A sessional pre-school service
- The age profile of children for which your service is registered to provide a school age service
- Any condition attached to your registration.

3.8 Changing the details on the Register (Regulation 7)

Tusla is responsible for maintaining the register of early years services, and you must notify them of any changes that you propose to make in respect of the details of your service that are on the register.

You must notify Tusla in writing, 60 days before your proposed change comes into effect. If this is not possible, you must give them written notice as soon as you can.

The proposed changes that you must notify Tusla about are:

- Change of service name
- Change of service address
- Change of registered provider
- Change in legal name of company
- Change of person in charge
- Change in service type
- Change in the number of children that your service can accommodate
- Change in the age profile of children for which your service is registered to provide services

The form you will need to use to notify Tusla of a proposed change in your registration details is at **Schedule 4** of the Regulations.

You should not proceed to make the proposed change until such time as Tusla has approved it.

3.9 Notifying Tusla if your Service Closes (Regulation 7)

If you intend to close your service, you must notify Tusla **no later than 28 days after** the service closes.

The form you will need to use to notify Tusla of the closure of your service is at **Schedule 5** of the Regulations.

3.10 Providing Information to Tusla (Regulation 15)

Tusla may ask you for certain information relating to your service in the course of the registration, change in registration details, or the inspection processes. You must provide this information, and you must provide it in whatever form Tusla specifies (for example in writing, or by email).

3.11 School Age Services in Drop-In Centres and Temporary School Age Services (Regulation 18)

School Age Services in Drop-In Centres and Temporary School Age Services (which are defined in Regulation 2) are not covered by these Regulations and if you only provide these services you do not need to register with Tusla at this time.

Part 2: Guide for School Age Childminding Services

4. Timescale for Registration

If you wish to start a school age childminding service after 18 February 2019, you must apply at **least three months before** you propose to begin operating. You must register **before** you begin operating your service.

If your school age childminding service is operating before these Regulations come into effect on 18 February 2019, and you are **already on the Tusla register** as the provider of a pre-school childminding service, you must apply for registration within six months of the commencement date of 18 February 2019, that is, **before 18 August 2019**.

If your school age childminding service is operating before these Regulations come into effect on 18 February 2019, and you are **not yet on the Tusla register** as the provider of a pre-school childminding service, you must apply for registration within three months of the commencement date of 18 February 2019, that is, **before 18 May 2019**.

These deadlines for registration are contained in **Regulation 5**.

5. Preparing to Register

5.1 What information do I need to have before I start the registration process?

The registration process must be carried out online. You will need to know what kind(s) of service your service will provide when it is operating, as this determines the fee you need to pay as part of your application to register (**Regulation 4**). If you provide, or intend to provide, more than one type of service, the fee you pay will be the higher of the fees that apply. For example, if you provide a pre-school childminding service and a school age childminding service, the applicable registration fee will be €40.

It should be noted that if you are already on the Tusla early years register, and already paying an annual fee to Tusla in respect of your pre-school childminding service, you will **not** be required to pay an additional fee for registration of your school age childminding service.

The full list of fees is as follows. This list is in **Schedule 1** of the Regulations:

(1)	(2)	(3)
	Class of Service	Annual fee
1.	School Age Service (other than a Childminding Service)	€80
2.	Childminding Service (school age)	€40
3.	Full day care service registered under the 2016 Regulations	€80
4.	Part-time day care service registered under the 2016 Regulations	€80
5.	Sessional pre-school service registered under the 2016 Regulations	€40
6.	Childminding Service (pre-school) registered under the 2016 Regulations	€40

5.2 What documents do I need to have before I start the registration process?

- ✓ The vetting disclosure from the National Vetting Bureau (“Garda Vetting”) in respect of:
 - You, as the (proposed) registered provider;
 - The “second person” whom you are required to have available in cases of emergency;
 - Any person over the age of 18 who will normally be present in your house at times when you are operating your childminding service
- ✓ Police vetting for any of the above persons who have lived outside of the Republic of Ireland for longer than six consecutive months, where this is practicable.
- ✓ Two written references providing evidence that you are suitable to provide a school age childminding service. One of these should be from your most recent employer (if any).
- ✓ Documentation which demonstrates that you have valid and appropriate insurance cover for your service. This may be a copy of your Certificate of Insurance or written confirmation of your insurance cover from your insurance company.

- ✓ A copy of each of the following policies for your service:
 - Statement of purpose and function
 - Policy on administration of medication
 - Policy on infection control
 - Policy on managing behaviour
 - Policy on the dropping off and collection of children

These policies are defined in **Schedule 6** of the Regulations.

- ✓ A copy of the child safeguarding statement for your service
 - *Under the Children First Act 2015, service providers are required to have a Child Safeguarding Statement. This statement should set out the principles and procedures in place in your service to ensure as far as possible that a child is safe from harm while attending the service. Information in relation to preparing a child safeguarding statement can be found on the Tusla website.*

Samples and templates that you can use in developing these policies can be found on Tusla's website, at the following link:

<https://www.tusla.ie/services/preschool-services/early-years-quality-and-regulatory-framework/sample-policies-and-templates/>

- ✓ Your proof of identity. This must be a copy of your passport, driving licence, or Public Services Card.
- ✓ The relevant application fee, as determined by the previous section and **Schedule 1** of the Regulations. (Payment must be made online as part of the registration process).

6. Ongoing requirements that you must comply with when operating your service

As set out in the Introduction to this Guide, the main focus of these new Regulations is on how to get your service registered. However, the Regulations also set out requirements that must be met after registration when you carrying on your service, and Tusla will have the statutory power to inspect these requirements.

6.1 Staffing levels in your service (Regulation 9)

When your service is operating there must be another person available at all times to assist you in the case of an emergency. This person must be nearby and easy to reach.

All children in your care must be appropriately supervised at all times.

6.2 Policies and Procedures for your Childminding Service (Regulation 10)

There are a number policies, procedures and statements which you must have in place for your service. These must be kept up to date and fully implemented.

The policies are as follows:

- Statement of purpose and function
- Complaints policy (you do not need to submit this policy when you are registering, but you must have a complaints policy in place when you are operating)
- Policy on administration of medication
- Policy on infection control
- Policy on managing behaviour
- Policy on the dropping off and collection of children
- Child safeguarding statement

The first six policies are defined in **Schedule 6** of the Regulations. The Child safeguarding statement is defined in the Children First Act 2015.

Samples and templates that you can use in developing these policies can be found on Tusla's website, at the following link:

<https://www.tusla.ie/services/preschool-services/early-years-quality-and-regulatory-framework/sample-policies-and-templates/>

6.3 Premises of your Service (Regulation 11)

Any children you care for must have daily access to an outdoor space on your premises **OR**

Where you do not have such a space available, you must ensure that the children you care for have daily access to an alternative outdoor space.

6.4 Insurance for your Service (Regulation 12)

Your service must be adequately insured at all times for the number of children you are caring for and the type of service you provide.

6.5 Complaints about your Service (Regulation 13)

You must have a complaints policy in place that explains how the parents and children using your service can make a complaint. Every parent using your service must be aware of your complaints policy.

6.6 Number of school age children you can accommodate in your childminding service (Regulation 14)

If you care for school age children only, you may not care for more than 12 children at the same time.

If you care for pre-school children also, you may not care for more than a certain number of school age children at the same time. The required ratios (which are shown in **Schedule 7**) are as follows:

(1)	(2)
No. of pre-school children being cared for	Maximum no. of school age children
1	10
2	7
3	5
4	2
5	1

For example, if you care for 1 pre-school child, you can also care for **up to** 10 school age children at the same time. If you care for 5 pre-school children, you can only care for 1 school age child at the same time.

These ratios apply in respect of children who are in your care at the same time. For example, you may care for 5 pre-school children and 1 school age child in the morning and then care for 12 school age children (but no pre-school children) in the afternoon.

12 is the maximum number of school age children that you may care for at the same time.

6.7 Tusla's Register of Early Years Services (Regulation 6)

Once your service is registered with Tusla, members of the public will be able to search online for your registered details.

The public register will display the following information:

- Your name (as the registered provider of the service)
- Your address (that is, the address where you carry out the childminding service)
- The date from which your service is registered
- Change in the age profile of children you are registered to care for
- Any condition attached to your registration

6.8 Changing the details on the Register (Regulation 7)

Tusla is responsible for maintaining the register, and you must notify them of any changes that you propose to make to your service after registration.

You must notify Tusla in writing, 60 days before your proposed change comes into effect. If this is not possible, you must give written notice as soon as you can.

The proposed changes that you must notify Tusla about are:

- Change of service address
- Change in the age profile of children you are registered to care for (for example, if you decide to stop caring for school age children and wish to care for pre-school children only, or vice versa)

The form you will need to use to notify Tusla of a proposed change in your registration details is at **Schedule 4** of the Regulations.

You should not make the proposed change until such time as Tusla has approved it.

6.9 Notifying Tusla if your Service Closes (Regulation 7)

If you intend to close your service, you must notify Tusla **no later than 28 days after** the service closes.

The form you will need to use to notify Tusla of the closure of your service is at **Schedule 5** of the Regulations.

6.10 Providing Information to Tusla (Regulation 15)

Tusla may ask you for certain information relating to your service in the course of the registration, change in registration details, or the inspection processes. You must provide this information, and you must provide it in whatever form Tusla specifies (for example in writing, or by email).