

Proposed New Childminding Regulations - Easy Read Summary

Introduction

Who are these regulations for?

The regulations will apply to childminders. A childminder is someone who is paid to look after other people's children. This does not include those that only look after relative's children. Childminders work in their own home and they work alone.

Why is the Government bringing in these regulations?

Regulating childminders is a commitment in the National Action Plan for Childminding 2021 – 2028. It is also in the Government strategy for young children, *First 5*.

Why are regulations needed?

Regulations are good for children, families and childminders. Regulations are official recognition from the State, and demonstrate that childminders are a valued part of early learning and childcare in Ireland. The regulations will bring in child safety rules such as Garda vetting. Regulations will allow childminders to register their service with Tusla – at the moment, the law prevents most childminders from registering. By being registered, childminders will be able to offer the families that use their services access to the National Childcare Scheme, which subsidises fees for early learning and childcare. This may help childminders find families to use their services.

What is in the proposed regulations?

The regulations are organised into different sections each dealing with a different aspect of a childminding service. Each section and regulation has been summarised below. This summary is based on the current version of the regulations. The regulations may change following the public consultation, in particular those regulations that feature in the online survey, which can be found [here](#).

Making a submission

If you want to have your voice heard in relation to these regulations, you can fill in an online survey [here](#) or you can attend a consultation focus group in your area or online. Details of planned meetings can be found [here](#).

Queries

If you have any queries about these regulations please contact:
qualitydevelopment@equality.gov.ie

Proposed Childminding Regulations

Part I

Preliminary and General

This section sets out when the regulations come into effect. It defines all of the terms used in the regulation document and links those definitions to any other relevant legislation.

It also sets the amount to be paid annually by a childminder to remain on the register as well as the final date for payment.

Part II

Registration and Regulation

This section sets out the documentation the childminder needs to register with Tusla. Some of the requirements have more details in a different part of the regulations. We have not included the same information twice.

Regulation 5

Registration of a childminding service

- Childminders will have to apply for registration three months before their registration begins.
- Childminders will have to complete a registration form with the details of their service.
- Childminders will have to apply for Garda vetting for themselves, any person living in the house over the age of 16 and their emergency cover person (see Part IV).
- If any one of the people requiring Garda vetting has lived in a different country for longer than 6 months at a time, a police check for that person from the country they lived in will also be needed.
- Childminders will need two references, which can be from parents of children using the service, or parents of children who used to attend the service.
- Childminders will need proof of insurance for the service.
- Tusla will assess the Childminder's information and decide if the person can be a registered childminder.

Regulation 6

Register

- The name and address of the childminder's service, as well as the number and age of the children they can care for will be listed on the Tusla register and be made available to the public.

Regulation 7

Certificate of Registration

- Tusla will give the childminder a certificate of their registration which they have to keep for inspection purposes.

Regulation 8

Application to vary terms of registration

- A childminder has to give Tusla 60 days' notice of any changes that they want to make to details on the register or a change of the emergency cover person. (see Regulation 15)
- A childminder can't make those changes until Tusla have approved it.
- If a childminder stops working as a childminder, they must tell Tusla no later than 28 days afterwards.

Part III

The Childminder

Regulation 9

Training

- Childminders will have to do a pre-registration course, have a certificate in first aid and finish the Tusla Children First eLearning programme before registering with Tusla.
- After registration a childminder will have to take a short Quality Development programme to stay on the register.

Regulation 10

Suitable Person

- Childminders will have to sign a document stating that they are able to provide a childminding service.
- Tusla will assess this information along with other information such as Garda vetting to make sure that the person applying should be allowed to be a childminder.

Part IV

The Childminding Service

Regulation 11

Health, safety, welfare and Development of the child

- Childminders must make sure they take care of the health, safety, welfare and development of the children attending their service.
- This includes paying attention to the learning, development and well-being of the children.
- Childminders must abide by their handbook.

Regulation 12

Maximum numbers of children

- Childminders cannot care for more than 6 children at any one time. This includes their own children until they have finished primary school.
- Out of those 6 children, only two can be aged under 2 years, except where there was a multiple birth.
- Tusla can assess the space available in a childminder's home, the outdoor space and the age of children attending, and can set a smaller maximum number of children they can care for at any one time.

Regulation 13

The home setting

- A childminder's home should be safe and secure, comfortable for the children, and have enough space and facilities for the number of children.
- The children need to have access to suitable toys and other play and development equipment.
- The children need to be able to play outdoors every day, either in a garden or a nearby park or secure play space.
- Any child that needs to sleep during the day, must have access to a safe and suitable place to sleep.
- The childminder needs to have a stocked first aid box.

Regulation 14

Supervision

- The childminder is the only person who is responsible for the children in their care at all times

- The children need to be supervised by the childminder
- Children cannot be left alone with a visitor to the house

Regulation 15

Emergency cover

- If a childminder experiences an emergency that needs them to leave the house without the children, for example if they fall ill or a child needs to be taken to hospital, someone who knows the childminder and who lives nearby, must be available to supervise the children.
- The emergency cover person/s must be Garda vetted

Regulation 16

The childminding service handbook

- The childminder must have their policies and procedures as well as records and other documents in a handbook that can be shared with parents and Tusla.
- The Handbook must contain the following policies and information:
 - I. Child safety, covering: a child safeguarding statement; administration of medication; authorisation to collect children; safe sleep; details of the children (e.g. medical information) and supervision.
 - II. Health and safety, including: a risk assessment (including for outings); fire safety; accidents and incidents; infection control.
 - III. Child development, including: internet use; positive behaviour management.
 - IV. Service details, including: opening and closing times; holiday periods; how payments are managed; dealing with complaints; emergency cover; certificate of registration and a link to the regulations website.
 - V. Pets, including: notifying a parent; interactions with pets.
 - VI. Food and drink: including allergies; preferences; nutrition guidelines.
- The childminder should review their handbook regularly

Regulation 17

Food and drink

- A childminder must make sure that good, nutritious food and drink is available to the children

Regulation 18

Insurance

- A childminder must have the correct insurance for their service

Part V

Information and records

Regulation 19

Record of the child

- A childminder must have a record of every child that attends their service with the child's name; date of birth; the date they started at the service; the date they left the service; the name and contact details of the child's emergency contact person; contact details of the child's doctor and permission from the parent/guardian to seek medical treatment in case of an emergency.
- The child's records must be available to the child's parent, the emergency cover person and a Tusla inspector.
- Childminders will need to keep the child's records for 2 years after they have left the service.

Regulation 20

Records in relation to the childminding service

- Childminders will have to keep records about the service they provide including: the ages of the children they can care for; opening hours; fees; Handbook; children's attendance; any medication administered; accident/injury/incident report.
- The records must be available to a child's parent or a Tusla inspector.

Regulation 21

Information for parents

- Every parent must be given a copy of the handbook, which can be an electronic copy.
- Every parent should have a contract with the childminder.

Part VI

Notifications and Complaints

Regulation 22

Notification of incidents

- A childminder must tell Tusla within 3 working days if any of the following happen in their service:
 - I. The death of a child, including if the child dies after being sent to hospital from the service
 - II. An infectious disease diagnosis of a child, the childminder or someone living in the childminder's home
 - III. Anything that causes the childminding service to be closed unexpectedly
 - IV. A serious injury to a child that needs medical attention
 - V. If a child goes missing from a service
 - VI. If the childminder, emergency cover person or person living in the childminder's home is accused of causing harm to a child.

Regulation 23

Complaints

- A childminder must have a complaints procedure that sets out:
 - I. How someone can make a complaint
 - II. What happens if a complaint is made
 - III. How the person making the complaint will be kept updated
- A record must be kept of any complaint made detailing the nature of the complaint and how it was dealt with
- The record can be seen by an Inspector
- Complaints records should be kept for 2 years.

Part VII

Inspection and Enforcement

Regulation 24

Furnishing of information to Agency

- Childminders must give Tusla the information they need in relation to these regulations

Regulation 25

Inspection

- Tusla's inspection process will be appropriate for a family home setting
- After an inspection, the childminder will receive a written report on the outcomes

- Tusla have the power to enforce these regulations

Regulation 26

Enforcement and execution

- Tusla apply and enforce the regulations.