



# Guidance for providers of early years services operating outdoors

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## 1. Introduction

Tusla Early Years Inspectorate welcomes the increased focus on the use of outdoor environments in registered early years services. This is a very positive development in supporting quality early years provision and experiences for young children. Intentional inclusion of outdoor play provision was introduced as a regulatory requirement in the Child Care Act 1991 (Early Years Services) Regulations 2016. Specifically, Regulation 20: *facilities for rest and play*, clearly outlines the regulatory requirements to ensure children's daily access to a suitable, safe and secure outdoor space. While the current 2016 Regulations require children to access the outdoors on a daily basis they do not provide specific regulatory guidance for early years services which operate fully or partly outdoors.

In the absence of specific regulation for services operating outdoors, the current Child Care Act 1991 (Early Years Services) Regulations 2016 provide the regulatory requirements for all early years services. For early years providers who wish to offer an early years service which is operated fully or partly outdoors, Tusla early years inspectorate will work with you to support and guide you to be meet the regulatory requirements.

Regardless of regulatory requirements, we know as early years professionals and from listening to children that they enjoy playing outdoors. Spending time playing outdoors provides many opportunities for children to explore and think, to be curious and participate actively in their play and learning.

Many early years service providers have been using their outdoor spaces very successfully to enhance children's play and learning opportunities. During the Covid 19 pandemic increasing numbers of services started to spend more time outdoors. Early years service registered providers adapted their service provision to protect the health and safety of children, by spending more time in the outdoor early learning and care environment. This has resulted in an increase in the numbers of service providers extending their curriculum programme, to include more time spent outdoors.

Currently there are a large number of services which offer an early years service from an indoor environment with access to the outdoors on a daily basis as required under the 2016 Regulations. A more recent development is a blended approach or seamless provision. This is where children access both the indoor and outdoor early learning and care environment but there is an emphasis on spending increased time in the outdoor environment. There are also a number of early years service providers who are operating their early years service completely outdoors.

Regardless of the approach to service provision being taken, all early years services are required to meet the legislative requirements as outlined in the Child Care Act 1991 (Early Years Services) Regulations 2016. Details and support on how to meet regulatory compliance are outlined in the Quality and Regulatory Framework (QRF) and eLearning programme available- <https://www.tusla.ie/services/preschool-services/early-years-quality-and-regulatory-framework/quality-and-regulatory-framework-elearning-programme/>

There are a number of areas to consider in relation to meeting regulatory compliance and quality early years provision if as a registered provider of an early years service you decide to:

- Operate your early years service provision completely outdoors.
- Take a more blended or seamless approach, with increased use of the outdoor areas.

## **2. Operating an early years service outdoors**

Early years services which operate completely outdoors are assessed against the Child Care Act 1991 (Early Years Services) Regulations 2016. An early years service provider may apply to Tusla early years inspectorate to register and operate their proposed early years service outdoors. Settings which operate outdoors must meet fire and planning requirements and as such individuals proposing to operate an early years service outdoors are required to apply for planning permission to operate. Equally, all early years services which operate outdoors are required to have some onsite buildings or structures and these structures must be fit for purpose.

While the 2016 Regulations identify the space requirements for indoor service provision these space requirements are not applied by the early years inspectorate to early years services operating outdoors. There is no specific regulatory guidance for the outdoor space requirements in the 2016 Regulations as an outdoor service category does not currently exist.

As in all cases when operating an early years service, the registered provider is responsible for ensuring the safety of children in their service and all risks, particularly those which are specific to outdoor provision must be assessed. When planning the space allocation in an early years service which is operated outdoors, it is important to consider the type of activities and opportunities that children will have and ensure that there is adequate space for them to enjoy and engage in their play safely. It is ultimately the responsibility of the registered provider to provide appropriate safe space to meet the needs of the number and age range of the children accessing the service and the play activities being provided to meet their holistic development.

Where two services operate on the same site, for example one service operates from a building and children have daily access to the outdoor area and the other service operates as a fully outdoor service then both services must have individual outdoor space and both services will be assessed and inspected independently. Similar to operating an indoor early years service, from a Tusla early years inspection perspective early years service providers are required to demonstrate that the outdoor environment and outdoor provision meets the requirements of the 2016 Regulations in relation to Governance, Health, Welfare and Development of the Child, Safety, Premises and Facilities.

## **3. Governance**

In relation to governance, all of the requirements of the 2016 regulations apply. Regulatory requirements under Regulation 10: *Policies, Procedures and Statements of a Pre-School Service*, confirm that the policies, procedures and statements of the proposed outdoor service must reflect the service provision being provided. Under Regulation 9: *Management and Recruitment* part (7), staff working in the early years service must be provided with information and training to implement the policies, procedures and statements of the early years service. Equally under Regulation 17: *Information For Parents*, the service provider must provide all relevant information to parents in relation to the service being provided, the type of care provided and the facilities available. The information for parents must outline clearly that the early years service will be operated outdoors or where a service is taking a blended or seamless provision approach this also needs to be clarified to parents. It is important therefore to ensure that the policies, procedures and the statements and the purpose and function of the early years service reflect clearly the service provision being provided.

## **4. Health, welfare and development of the child**

When considering the health, welfare and development of the child accessing an early years service operated outdoors, the following areas must be considered;

Under Regulation 19: *Health, Welfare and Development of the Child*, the registered provider must ensure that all children, babies, toddlers and preschool children's basic care needs are supported. Children's individual care needs must be assessed and supported in the early learning and care environment. Tusla Early Years Inspectorate Pedagogical Principles which underpin our practice as an inspectorate may be considered when reflecting on how to support children's health, welfare and development when accessing an early years service outdoors <https://www.tusla.ie/services/preschool-services/elearning-webinars-and-resources/resources/>

Consideration should be given to the image of the child we hold as early years professionals and a recognition that children have rights under the UNCRC (1989). The critical importance of working in partnership with parents and families, while recognising that the child is embedded in a system of reciprocal relationships from the micro level at home and in the early years service, at a macro level from a policy perspective and that children's needs change. The importance of meeting children's basic care needs for food, rest, shelter, safety, positive quality relationships and interactions, identity and inclusion must be met on a daily basis in all early years services. From a pedagogical perspective, children should have access to nurturing adults who provide an autonomy supportive early learning and care environment, where children have choice, autonomy where their emerging interests are nurtured and supported. If we want children to have high levels of wellbeing and to be actively engaged in their meaning making processes as early years professionals we need to ensure that firstly their basic care needs are met, then they will be in a position to enjoy and be intrinsically motivated to learn. Therefore, when planning to operate an early years service outdoors, consideration should be given to;

### **4.1. Food and drink**

As outlined in the 2016 Regulations, based on the service provision type, the registered provider must ensure that there are adequate and suitable, nutritious and varied food and drink available for each child attending the service. This requires that there should be suitable facilities to prepare, cook, store and serve food and snacks as required. Children should have easy access to clean drinking water and there should be sheltered spaces which children can access freely to sit to eat and enjoy their food.

### **4.2. Nappy changing and toileting facilities**

There must be adequate and suitable nappy changing facilities, for children in nappies. The nappy changing area must provide for each child's privacy and dignity. There must be hand washing facilities available for adults and children, including warm running water, liquid soap and disposable hand towels.

### **4.3. Sanitary Accommodation**

The current regulations state that there must be one toilet for every 11 toilet trained child accessing an early years service operating outdoors, with appropriate hand washing facilities. The location of the sanitary facilities must allow for adequate staff supervision of children accessing them. Portable or chemical toilets are not permitted. All sanitary facilities must meet the requirements of the planning authorities in relation to sewerage and waste disposal. Toilets in outdoor early years services must be situated within a sound and stable structure. Equally there must be separate, soundly constructed, hygienic toilet facilities provided for

staff. There is a minimum requirement of one toilet and one wash hand basin for every 8 staff members.

#### **4.4. Facilities for rest**

Children over two years accessing an early years service operating outdoors must be provided with a facility which supports their individual needs for sleep and rest. The sleep / rest area must have shelter from the elements and it should be comfortable and conducive to sleep. There should be suitable bedding to ensure children are warm and comfortable and sleep and rest areas should be quiet during sleep and rest times. Attention should be given to ensuring that any bright light can be blocked out and children do not sleep in direct sunlight, the sleep area should be shaded to support children to sleep comfortably.

The requirements of the regulations for children under two years accessing an early years service which is operated in the outdoors are the same as those for services operating indoors. Children under two years specifically, must have access to a standard cot, unless the child has a history of climbing out over the cot, in which case, a floor bed or mat is safer (QRF, Full Daycare.P.46). The regulations also require that the safe sleep policy should be implemented in the daily practice of the early years service for all children while they sleep in the early years service.

#### **4.5. Facilities for play**

Play is essential for children, they have a right to play under the UNCRC (1989) Article 31, but they also clearly tell us that they love to play and this is one of the main attractions for them when coming to an early years service they have opportunities to play with their friends. Children should have a variety of play opportunities where they experience 'choice, wonder and delight' (Mardell et al 2016), children should have joyful, challenging experiences where they can enjoy the natural world. When providing opportunities for play in the outdoors the goal should not be to eliminate risk but for staff and children together to assess the risks, balance the risks with the benefits where staff, feel confident in their role. Equipment and materials in the outdoor environment should be age appropriate and include a variety of natural and artificial materials which support children's holistic development and wellbeing.

As with the indoor learning environment there should be a balance of child and adult-led activities. Interest areas which support children's curiosity and learning should be incorporated in the outdoor early care and learning environment. The layout or design of the environment outdoors should support children to play alone and in small and large groups. Comfortable equipped spaces for children and adults to sit and relax should be provided where positive interactions and relationships are supported.

#### **4.6. Safety**

The health, safety and welfare of the child are paramount and children's safety while attending an early years service must be prioritised. The safety concerns in relation to early years provision are relevant to both indoor and outdoor service provision. Safety concerns include general safety issues which emerge over time, based on the changing context. Possible risks should be identified in the service's safety statement and these should be assessed to ensure the safety of children attending the service. A risk assessment should be conducted on the outdoor early care and learning environment which identifies the risks or hazards and outlines how these risks are managed. Specific attention should be paid to areas such as outdoor sand play areas, fire pits, water features, ponds and tunnels. The impact of weather conditions on play equipment should also be risk assessed where the temperature of the play equipment surfaces may pose a risk of injury to children. The weather should also

be considered when considering children's health safety and wellbeing when playing outdoors and procedures should be put in place where there are extreme weather temperatures such as when bad weather warnings are issued or intense sunshine / heat. There should be sufficient safe secure shelters for children to access freely or alternative accommodation provided together with appropriate clothing, sun cream etc.

Other safety concerns which must be considered and addressed include preventing the spread of infection. Measures must be taken by the early years service provider and staff to minimise the spread of infection in the early years service which operates outdoors. This includes appropriate and accessible hand washing facilities, correct hand washing techniques, correct respiratory hygiene practices and nappy and toileting facilities which meet the requirements of the Regulations. Food hygiene requirements must be maintained. There should be suitable storage for perishable foods which must be stored in a refrigerator at temperatures between 0-5degrees Celsius. All cooking facilities outdoors must meet the Food Safety Authority - food safety regulations requirements.

Many early years services which operate outdoors have large spaces and areas for children to play. The outdoor play space must be maintained to ensure children's health safety and wellbeing. Equipment used outdoors must be maintained, cleaned and checked and removed if damaged or worn. There should be adequate space around equipment for children to play safely and risk assessment should be conducted to manage the play spaces and avoid or minimise fall or collision injuries.

The requirements under Regulation 26: *Fire safety measures*, must be complied with, in both indoor early years services and early years services which are operated outdoors. The issue of fire safety and evacuation in early years services operating outdoors is very relevant. When operating an early years service outdoors, the registered provider must ensure that fire drills are conducted and recorded and that the required fire fighting equipment is provided and maintained. A record of the fire fighting equipment used in the outdoor play area must be available on inspection. If there are fire pits in the service these should be risk assessed in consultation with the children. If the service is operating a blended or seamless approach when some of the children are playing inside and others are playing outdoors, then the fire drill procedure must take this into consideration. The importance of identifying clear assembly points in the early years service operated outdoors which have access to a safe space must also be prioritised to ensure safe exit of children and staff.

Under Regulation 25: *First Aid*, all first aid requirements must be met in all early years services. The registered provider must ensure that a person trained in first aid for children, is at all times immediately available to the children attending the service. A first aid box/es must be stocked, replenished and easily accessible and available to staff when working in the outdoor early care and learning environment.

Children must be supervised at all times as outlined in Regulation 27: *Supervision*. Children attending the early years service should be supervised at all times. This should happen primarily by sight. If children are not within sight of the early years practitioner for short periods, the practitioner should be able to hear and speak with them. This is particularly relevant when children are outdoors in large spaces. While it is important to ensure that children's safety is a priority, adult supervision should never compromise a child's right to privacy. It is therefore important to consider the location of sanitary facilities when operating an early years service in the outdoors. Under Regulation 28: *Insurance*, all Registered Providers are required to ensure that the service is adequately insured based on the specific service being provided.

## **5. Premises and Facilities**

As identified previously when operating an outdoor early years service the outdoor area is considered under the 2016 Regulations to be the 'premises'. As such the Registered Provider must ensure that the outdoor 'premises' is safe, suitable for its purpose and provides an appropriate early learning and care environment for both children and staff. The outdoor area used for an early years service operating outdoors must comply with all relevant statutory requirements. A particular area of consideration is the attention which needs to be given to the safety and security of the outdoor space. There should be appropriate security systems in place to prevent unauthorised entry and unsupervised exit of children from the outdoor space. Attention to boundaries and an entry/ system should be in place. Children should be aware of the boundaries in the outdoor service; using different surface areas to mark boundaries can be very effective. It important that children in the service understand the routines and expectations, agreeing decisions with the children and discussing safe risks supports children's self-regulation, autonomy and competence.

The outdoor area should provide spaces for a variety of activities, spaces where children can be energetic, calm spaces, spaces to share, spaces to rest, to eat, storage spaces and spaces just to be. There should be sheltered areas where children can shade from the sun or be protected from the weather elements. Ensuring that children are warm and comfortable is another area which should be assessed. A combination of layered and protective clothing together with a supply of rugs or blankets and insulated floor matting may be used to ensure children's warmth and comfort. It is important that both children and adults enjoy being outdoors; therefor clothing should be appropriate to meet the changing weather, seasonal and play activities. The outdoor service should have sufficient mobile or stationary storage. Storage for records of the children attending and records in relation to the service should be provided. Similarly, storage for clothing such as rain gear, wet clothes, snow suits, wellies, sun hats, sun umbrellas etc. should be provided. There should also be a sheltered area where children can change their clothes and put on their wellies or shoes. A clear waste disposal policy and procedure and a comprehensive maintenance and repair plan for the outdoor early years service must also be in place.

## **6. Blended / Seamless Provision**

Where an early years service provider decides to extend the curriculum programme to increase the time spent in the outdoor environment, it is important that this decision is made in consultation with parents and is reflected in the policies and procedures and statement of purpose and function of the service. To support the quality of provision, some service providers may decide to provide some facilities both indoors and outdoors, such as toilets and hand washing facilities so that children can have easy access. It is important to ensure that when taking a blended or seamless approach that children are supervised at all times, primarily by sight. As identified earlier, the installation of sanitary facilities must comply with planning regulations. If you are providing a blended/ seamless approach to early years service provision, it is your responsibility to ensure and provide evidence of compliance with the Child Care Act 1991 (Early Years Services) Regulations 2016.

## **7. Conclusion**

There is ample evidence that being outdoors supports children's holistic development and wellbeing. Early years professionals have a duty of care to ensure that all children have quality early years experiences, when accessing both indoor and outdoor provision. All children accessing a Tusla registered early years service should be safe and have their basic

care needs met. These basic care needs include the need for food, sleep, rest, security, safety and quality relationships. These needs must be met whether the service being provided is an indoor, blended or an early years service operating outdoors. Compliance with the Child Care Act 1991 (Early Years Services) Regulations 2016 by registered early years service providers and staff will ensure that children will have quality early learning and care experiences. By keeping the best interests of the child at the heart of our work, listening to children, working in partnership with parents and constantly learning, the early years sector continues to strive to provide high quality early years provision, indoors, through a blended / seamless provision approach and/ or outdoors to meet the changing needs of children and families.