

Child Care Act 1991 (Early Years Services) Childminding Regulations 2024

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These Regulations set out the arrangements for the registration and inspection of childminding services while also recognising the home-based nature and family setting of childminding in Ireland.

Guidance for these draft regulations has also been developed.

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SCHEDULE 1

Application Form for Registration of Childminding Service

SCHEDULE 2

Application Form and Declaration for Renewal of Registration of a Childminding Service

SCHEDULE 3

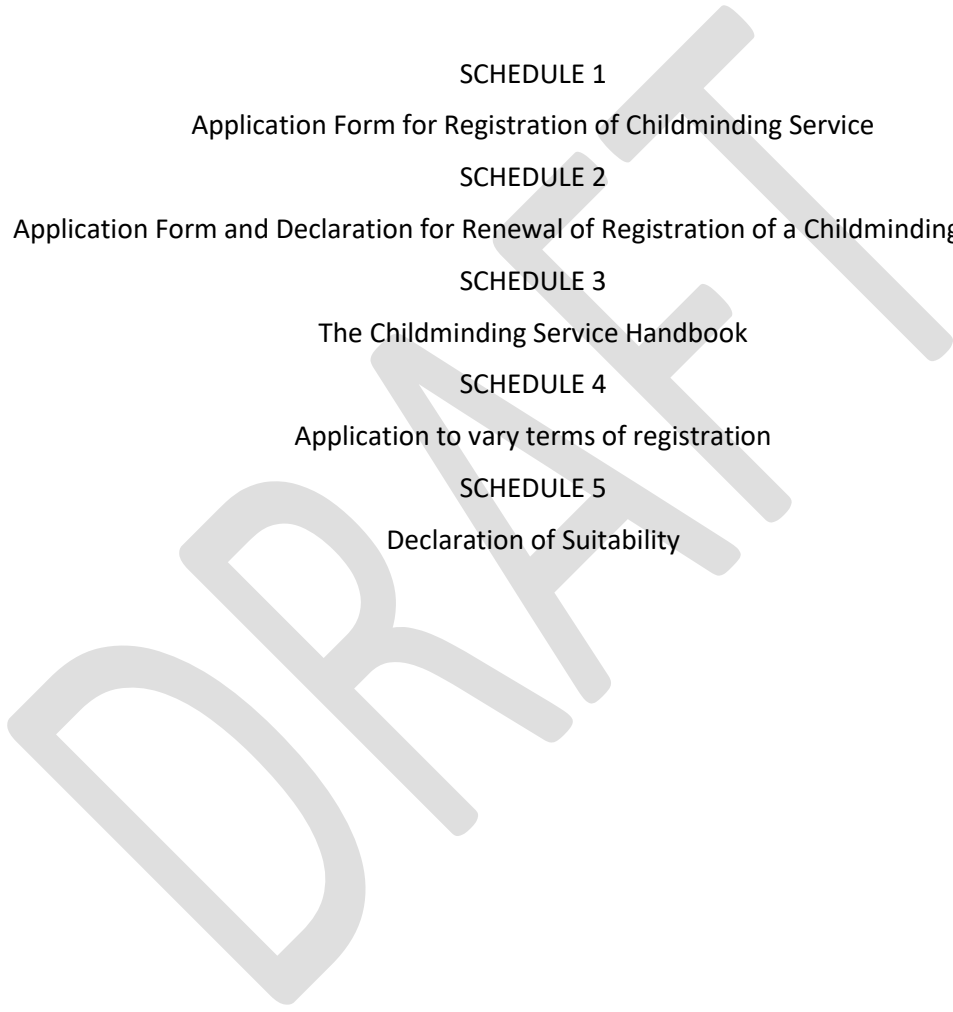
The Childminding Service Handbook

SCHEDULE 4

Application to vary terms of registration

SCHEDULE 5

Declaration of Suitability



Part I

Preliminary and General

Regulation 1 - Title and commencement

- (1) These Regulations may be cited as the Child Care Act 1991 (Early Years Services) (Childminding Services) Regulations 2024.
- (2) These Regulations shall come into operation on XX month 202X.

Regulation 2 - Interpretation

- (1) In these Regulations—

“Act” means the Child Care Act 1991 (No. 17 of 1991);

“Act of 2012” means the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 (No. 47 of 2012);

“Certificate of Registration” means a certificate issued by the Agency to a childminder setting out the details of the childminding service registration;

“childminder” or “registered provider”, means the person whose name is entered in the register in accordance with section 58C of the Act as providing that childminding service;

‘childminding service’ means an early years service, which may include an overnight early years service, offered by a person who single-handedly takes care of children, which may include the person’s own children, in the person’s home for a total of more than 2 hours per day, except where the exemption provided in section 58L of the Act applies;

“overnight service” means a childminding service in which children are taken care of for a total of more than 2 hours between the hours of 7pm and 6am except where the exemptions provided in section 58L of the Act apply

“premises”, in relation to a childminding service, includes a building or part of a building, and any out-offices, yard, garden or land appurtenant thereto or usually enjoyed therewith in which the service is being or is proposed to be carried on;

“record” means any record kept or retained in pursuance of these Regulations including any electronic record, 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;

“register” means the register established and maintained in accordance with section 58C of the Act;

“registered medical practitioner” has the same meaning as it has in the Medical Practitioners Act 2007 ;

“Renewal of Registration” means the application process applying to a registered provider who has reached the end of their registration period and wishes to remain on the register as set out in section 58D(10) of the Act;

Regulation 3 – Prescribed early years service

A childminding service shall be a prescribed early years service for the purposes of Part VIIA of the Act.

Regulation 4 – Fees

- (1) Subject to this Regulation, the fee of €XXX is prescribed for the purposes of section 58D(3) as the fee to accompany an application under section 58D(2) (the “application fee”) in respect of a childminding service.
- (2) An amount equal to the application fee payable in respect of a childminding service is prescribed, subject to paragraph (3), for the purposes of section 58B(2)(d) as the fee payable annually by the childminding service towards the cost of inspections under Part VIIA (the “annual fee”).
- (3) No annual fee shall be payable by a registered provider in the year in which the registered provider makes an application for registration in respect of the childminding service.
- (4) The Agency shall, on an annual basis, notify the registered provider of the annual fee to be paid to it by that provider in respect of the childminding service and such fee shall be payable on or before 30 June of the year concerned.

Part II

Registration and Register

Regulation 5 - Registration of childminding service

- (1) The form set out in Schedule 1 is prescribed for the purposes of section 58D(3) for childminding services other than services seeking to apply for renewal of registration.
- (2) The form set out in Schedule 2 is prescribed for the purposes of section 58D(3) for childminding services seeking to apply for renewal of registration. Such services must have previously supplied, at registration or renewal of registration, all supporting documentation or evidence required to fulfil the requirements of the registration process as set out in Schedule 1.
- (3) A person who proposes to provide a childminding service shall make an application under section 58D(2) in respect of the childminding service at least 3 months before the person proposes to become a registered service.
- (4) A person making an application under section 58D(2) shall enclose with the form set out in Schedule 1—
 - (a) a copy of the vetting disclosure received from the National Vetting Bureau of the Garda Síochána in accordance with the Act of 2012 in respect of—

- (i) the childminder,
- (ii) all persons over the age of 16 years who normally reside in the premises during the operation of the childminding service, and
- (iii) any person who is proposed to provide Emergency cover as set out in Regulation 15.

(b) in so far as is practicable, where a person specified in clause (i), (ii), or (iii) of paragraph (a) has lived in a state other than the State for a period of longer than 6 consecutive months, vetting information in respect of the person obtained from the police authorities in that state,

(c) 2 references in writing in respect of himself or herself that demonstrate that he or she is a suitable person to provide a childminding service, including one from his or her most recent employer, if any, or from a parent of a child who currently attends or previously attended their childminding service, if any, or from another appropriate person.

(d) a completed declaration of suitability, set out at schedule 5,

(e) such documentation as demonstrates that the person making the application has valid and appropriate insurance cover for the childminding service,

(f) a copy of the Childminding Service Handbook as set out in Regulation 16, and

(g) evidence of training as prescribed in Regulation 9(1).

(7) A person making an application under section 58D(2) in accordance with paragraph (2) shall enclose with the form set out in Schedule 2-

(a) a copy of the vetting disclosure received from the National Vetting Bureau of the Garda Síochána in accordance with the Act of 2012 in respect of—

- (i) the childminder,
- (ii) all adults who normally reside in the premises, and
- (iii) any person who is proposed to provide Emergency cover as set out in Regulation 15.

(b) such documentation as demonstrates that the person making the application has valid and appropriate insurance cover for the childminding service, and

(c) a completed declaration of suitability, set out at schedule 5.

(8) Where an application is made pursuant to section 58D by the registered provider of a childminding service or by a person who proposes to provide a childminding service, the Agency, prior to deciding whether to register the provider concerned pursuant to subsection (5) of that section—

(a) shall assess the information provided by the applicant,

(b) may assess any information previously provided by the applicant in relation to the childminding service or any information or documents held by the Agency in relation to the childminding service including information or documents obtained during inspection,

(c) may assess any information held by the Agency in relation to the applicant,

(d) may visit the premises where the childminding service is being, or is proposed to be, provided, as the case may be, and

(e) shall assess the suitability of the person applying.

Regulation 6 - Register

- (1) The register shall be available for inspection by members of the public by means of the internet.
- (2) The following details, in addition to those specified in section 58C(2), are prescribed for the purposes of that section as to be contained in the register:
 - (a) the name, if any, of the childminding service;
 - (b) the date from which the registration of the childminding service takes effect (if different from the date of registration);
 - (c) any condition attached to registration;
 - (d) the age profile of the children cared for by the childminder.

Regulation 7 - Certificate of Registration

- (1) A registered provider of a childminding service shall be furnished with a certificate of registration for the service by the Agency.
- (2) The Agency shall ensure that a certificate of registration is issued to a childminding service as soon as is practicable following any change to the details of registration on the register including:
 - (a) following registration or renewal of registration of the service,
 - (b) following completion of a change in circumstance as prescribed in Regulation 8,
 - (c) following attachment or removal of one or more conditions of registration under sections 58(D) (5) and (8) of the Act, or
 - (d) where the Agency has become aware that any particular entered in the register is incorrect in line with 58(D)(7).
- (3) A certificate of registration shall include all details in relation to the childminding service as contained in the register.
- (4) A registered provider of a childminding service shall ensure that a copy of the most recent certificate of registration for a childminding service is shared with all parents of children who attend the service, and that a copy is available for review by any parents who intend to use the service.
- (5) A registered provider of a childminding service shall ensure that the original certificate of registration is available for inspection by parents or by The Agency.
- (6) A registered provider of a childminding service shall not alter or amend the particulars detailed on the certificate of registration.

Regulation 8 - Application to vary terms of registration

- (1) A registered provider of a childminding service shall make an application to the Agency in writing of any proposed changes to the information of the childminding service that are contained in the register, at least 60 days before it is proposed that the change would take effect.
- (2) A registered provider of a childminding service shall make an application to the Agency in writing of any proposed changes relating to Regulation 15 at least 60 days before it is proposed that the change would take effect.

- (3) A registered provider of a childminding service shall not implement any changes applied for under paragraphs (1) or (2) without approval from the Agency.
- (4) The form set out in Schedule 4 is prescribed for the purposes of an application under paragraphs (1) or (2).
- (5) A registered provider of a childminding service who ceases to carry on the childminding service shall, not later than 28 days after the cessation of the service, give notice in writing to the Agency of the cessation.

Part III

The Childminder

Regulation 9 - Training

- (1) A person who proposes to provide a childminding service must –
 - (a) complete childminder-specific pre-registration training as deemed appropriate by the Minister,
 - (b) have training in first aid as deemed appropriate by the Minister, and
 - (c) complete child protection training as deemed appropriate by the Minister.
- (2) A registered provider of a childminding service must complete a Quality Development Programme as deemed appropriate by the Minister, within the timeframe specified by the Minister.

Regulation 10 - Assessment of Suitability

- (1) A person who proposes to provide a childminding service must provide a completed declaration of suitability, as set out in Schedule 5, when making an application under section 58D(2).
- (2) In determining the suitability of a person who proposes to provide a childminding service the Agency:
 - (a) shall assess the information provided under paragraph (1) by the person applying,
 - (b) shall assess all information provided under Regulation 5,
 - (c) may conduct an interview with the person applying in order to further assess suitability, and
 - (d) may assess any information previously provided in relation to the childminding service or any information or documents held by the Agency in relation to the childminding service including information or documents obtained during inspection.

Part IV

The Childminding Service

Regulation 11 - Health, Safety, welfare and development of child

- (1) A registered provider of a childminding service shall ensure that all reasonable measures are taken to safeguard the health, safety and welfare of children attending the service and that the environment of the service is safe.
- (2) A registered provider of a childminding service shall ensure that all reasonable measures are taken to facilitate the learning, development and well-being of children attending the service.
- (3) A registered provider of a childminding service shall operate in line with all the written policies, procedures, statements and documents set out in the Childminding Service Handbook.

Regulation 12 - Maximum numbers of children

- (1) Subject to paragraph (2), a childminder shall ensure that
 - (a) there are no more than 6 children in his or her care at any given time, including his or her own children until they have completed primary education, and
 - (b) Subject to paragraph (3), there are no more than 2 children under the age of 2 years in his or her care at any given time, including his or her own children.
- (2) Where the Agency decides, having regard to the composition of the childminding service, including but not limited to the space available, access to outdoor space and the profile of the children in attendance, that the maximum number set out under paragraph (1) may not be accommodated safely within the premises, it may set the maximum number of children a childminder can care for within the service at a number lower than that set out in paragraph (1).
- (3) Notwithstanding paragraph (1)(b), and subject to the approval of the Agency, a childminder may have more than 2 children under the age of 2 years in his or her care at any given time where all such children are siblings of each other.

Regulation 13 - The home setting

- (1) A registered provider of a childminding service shall ensure that premises of the childminding service is:
 - (a) safe and secure,
 - (b) kept adequately lit, heated and ventilated,
 - (c) cleaned, maintained and repaired, as required,
 - (d) equipped with adequate and suitable sanitary facilities for the maximum number of children at any given time, and
 - (e) appropriate for the purpose of carrying on a childminding service.

- (2) A registered provider of a childminding service shall ensure that children attending the service have access to age appropriate toys and materials to facilitate play and development.
- (3) A registered provider of a childminding service shall ensure that children attending the service have access to a safe space for outdoor play on a daily basis, whether on the premises or in another easily accessible location.
- (4) A registered provider of a childminding service shall provide a safe and suitable sleep space for children attending the service.
- (5) A registered provider of a childminding service shall ensure that a suitably equipped first aid box for children is available for use for the children attending the childminding service at all times.

Regulation 14 - Supervision

- (1) A registered provider of a childminding service shall have the sole responsibility for the supervision of children attending the childminding service which may or may not include supervision by sight as appropriate.
- (2) A registered provider of a childminding service shall ensure that children attending the service are not in the company of a person who does not normally reside in the home (a visitor) without supervision by sight of the childminder.

Regulation 15 - Emergency cover

- (1) A registered provider of a childminding service shall ensure that a person familiar with the operation of the service is, at all times, within close distance of the service and available to attend the service to assist the childminder in the event of an emergency.
- (2) A registered provider of a childminding service must submit to the Agency a vetting disclosure, as set out in Regulation 5, for any person providing emergency cover under paragraph (1).

Regulation 16 - The Childminding Service Handbook

- (1) A registered provider of a childminding service shall ensure that the written policies, procedures, statements and documents specified in Schedule 3 are in place for the service.
- (2) Schedule 3 is prescribed for the purposes of paragraph (1).
- (3) A registered provider of a childminding service shall ensure that the contents of the Childminding Service Handbook are reviewed as required.

Regulation 17 - Food and drink

A registered provider of a childminding service shall ensure that adequate and suitable, nutritious and varied food and drink is available for each child attending the service.

Regulation 18 - Insurance

A registered provider of a childminding service shall ensure that the service is adequately insured.

Part V

Information and Records

Regulation 19 - Record of the child

- (1) A registered provider of a childminding service shall ensure that a record in writing is kept in respect of each child attending the service containing the following particulars:
 - (a) the name and date of birth of the child;
 - (b) the date on which the child first attended the service;
 - (c) the date on which the child ceased to attend the service;
 - (d) the name and address of a parent or guardian of the child and a telephone number where that parent or guardian or a relative or friend of the child can be contacted during the hours of operation of the service;
 - (e) authorisation for the collection of the child;
 - (f) details of any illness, disability, allergy or special need of the child, together with all the information relevant to the provision of special care or attention;
 - (g) the name and telephone number of the child's registered medical practitioner;
 - (h) written parental consent for appropriate medical treatment of the child in the event of an emergency.
- (2) A record in writing referred to in paragraph (1) shall be open to inspection on the premises by—
 - (a) a parent or guardian of a child but only in respect of the record relating to that child,
 - (b) any person providing Emergency Cover under Regulation 15, and
 - (c) an authorised person.
- (3) A registered provider shall ensure that a record in writing referred to in paragraph (1) is retained for a period of 3 years from the date on which the child to whom it relates ceases to attend the service.
- (4) The requirement in paragraph (3) is without prejudice to any requirement to retain the record in writing referred to in paragraph (1) under any other enactment or rule of law.

Regulation 20 - Record in relation to the childminding service

- (1) A registered provider of a childminding service shall ensure that a record in writing is kept of the following information in relation to the service:
 - (a) the age profile of children for which the service is registered to provide services;
 - (b) the opening hours and fees;
 - (c) the Childminding Service Handbook in accordance with Regulation 16;
 - (d) details of attendance by each child, including their own children where applicable, on a daily basis;

- (e) details of any medication administered to a child attending the service with signed parental consent;
 - (f) details of any accident, injury or incident involving a child attending the service.
- (2) A registered provider of a childminding service shall ensure that a record referred to in subparagraph (d), (e), or (f) of paragraph (1) is retained for a period of 3 years from the date on which the child to whom it relates ceases to attend the service.
- (3) A record referred to in paragraph (1) shall be open to inspection on the premises, by –
- (a) a parent or guardian of a child but only in respect of the record relating to that child, and
 - (b) an authorised person.
- (4) The requirements in paragraph (2) are without prejudice to any requirement to retain the record in writing referred to in paragraph (1) under any other enactment or rule of law.

Regulation 21 – Information for Parents

- (1) A registered provider of a childminding service shall ensure that a parent or guardian of a child attending the service or proposing to attend the service is provided with a copy of the Childminding Service Handbook.
- (2) A registered provider of a childminding service shall ensure that a parent or guardian of a child attending the service or proposing to attend the service is provided with a contract for the childminding service.

Part VI

Notifications and Complaints

Regulation 22 - Notification of incidents

A registered provider of a childminding service shall notify the Agency in writing within 3 working days of becoming aware of any of the following incidents occurring in the childminding service:

- (a) the death of a child while attending the service, including the death of a child in hospital following his or her transfer to hospital from the service;
- (b) the diagnosis of a child attending the service, the childminder or a member of the childminders household as suffering from an infectious disease within the meaning of the Infectious Diseases Regulations 1981 (S.I. No. 390 of 1981) as amended;
- (c) an incident that occurs in the service and that results in unplanned closure of the service for any length of time;
- (d) a serious injury to a child while attending the service that requires immediate medical treatment by a registered medical practitioner whether in a hospital or otherwise;

- (e) an incident in respect of which a child attending the service goes missing from the service while attending the service;
- (f) an allegation of harm against a child is made against the childminder or a member of the childminder's household or a person providing emergency cover.

Regulation 23 - Complaints

- (1) A registered provider of a childminding service shall ensure that the complaints policy of the service specifies—
 - (a) the procedure to be followed by a person for the purposes of making a complaint in relation to the service,
 - (b) the manner in which such a complaint shall be dealt with, and
 - (c) the procedures for keeping a person who makes such a complaint informed of the manner in which it is being dealt with.
- (2) A registered provider of a childminding service shall ensure that—
 - (a) a record in writing is kept of a complaint made to the childminder in respect of the childminding service, and
 - (b) the complaint is duly dealt with in accordance with the complaints policy of the childminding service.
- (3) A record in writing referred to in paragraph (2)(a) shall—
 - (a) include the nature of the complaint and the manner in which the complaint was dealt with, and
 - (b) be open to inspection on the premises by an authorised person.
- (4) A registered provider of a childminding service shall ensure that a record in writing referred to in paragraph (2)(a) is retained for a period of 3 years from the date on which the complaint has been dealt with.
- (5) The requirement in paragraph (4) is without prejudice to any requirement to retain the record in writing referred to in paragraph (2)(a) under any other enactment or rule of law.

Part VII

Inspection and Enforcement

Regulation 24 - Furnishing of information to Agency

A registered provider of a childminding service shall furnish the Agency with such information as the Agency 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 Agency.

Regulation 25 - Inspection

- (1) The Agency shall have regard to the home-based nature and family setting of a childminding service when inspecting a service.
- (2) The Agency shall, following an inspection by an authorised person of a childminding service, furnish a report in writing of the outcome of the inspection to the registered provider of the childminding service.
- (3) Subject to paragraph (2), the Agency shall take such steps as are necessary to enforce these Regulations in relation to the childminding service concerned.

Regulation 26 - Enforcement and execution

These Regulations shall be enforced and executed by the Agency.

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SCHEDULE 1

Application Form for Registration of Childminding Service

This application form will be developed in consultation with Tusla EYI once the registration regulations have been finalised.

SCHEDULE 2

Application Form and Declaration for Renewal of Registration of a Childminding Service

This application form will be developed in consultation with Tusla EYI once the registration regulations have been finalised.

SCHEDULE 3

The Childminding Service Handbook

Schedule 3 will specify the content of the Childminding Handbook. A full list of requirements for the Handbook can currently be found in the Regulation Guidance.

SCHEDULE 4

Application to vary terms of registration

This application form will be developed in consultation with Tusla EYI once the registration regulations have been finalised.

SCHEDULE 5

Declaration of Suitability

The content of the declaration of suitability is currently being developed.