

## **DHSSPS Standards and Guidelines Quality Unit**

### **Minimum Standards for Childminding and Day Care for Children Under Age 12 - Summary of Responses to Consultation**

#### **Introduction**

1. Minimum Standards for Childminding and Day Care for Children Under Age 12 were issued for public consultation for a 12-week period on 1 August; ending on 24 October 2011. There were 63 responses to the Department. Additionally, Parenting NI conducted focus groups with 57 parents living in Belfast, Rosslea, Lurgan, Antrim and Dungiven. Shepherd's View Young Parents' Project also carried out a focus group with nine of their residents in their supported accommodation setting in Derry. The list of respondents is attached at **Annex A**.
  
2. There were ten consultation questions:
  - 1) Are the standards easy to understand?
  - 2) The standards were initially developed as five separate documents – one for each setting. Is this single amalgamated document a helpful way to present the standards?
  - 3) Is it reasonable to expect providers of services to meet these standards now?
  - 4) Will any of the standards have significant costs associated with compliance?
  - 5) Do you think the standards for smoking as set out on page 12 are reasonable?
  - 6) Are the arrangements for staff to child ratios in playgroups as set out on page 35 reasonable in relation to children aged 2 years and 10 months?
  - 7) Do you think the standards for training for childminders as set out on page 36 are reasonable?

8) Do you think that the draft standards are **likely to have an adverse impact on any of the groups identified under Section 75 of the Northern Ireland Act 1998?**

9) Do you think that **the needs of the Section 75 categories have been fully addressed in the draft standards?**

10) **Is there an opportunity for the draft standards to better promote equality of opportunity or good relations?**

3. The main issues and proposed changes resulting from the consultation are outlined in the following paragraphs. The table below shows a numerical breakdown of the answers received:

Question	Individual Respondents			Parent Focus Groups			Total Respondents		
	Yes	No	No Answer	Yes	No	Not Sure	Yes	No	No Answer / Not Sure
1)	36	14	13	51	6	0	87	20	13
2)	35	13	15	53	3	1	88	16	16
3)	22	23	18	46	10	1	68	33	19
4)	35	11	17	47	2	8	82	13	25
5)	40	7	16	55	1	1	95	8	17
6)	24	15	24	33	22	2	57	37	26
7)	15	26	22	20	15	22	35	41	44
8)	12	26	25	1	48	8	13	74	33
9)	25	7	31	46	3	8	71	10	39
10)	19	12	32	24	6	27	43	18	59

4. The second table shows total responses as a percentage breakdown (with parents' responses counted individually) :

Question	Yes	No	No Answer / Not Sure
1)	72%	17%	11%
2)	73%	13%	13%
3)	57%	27%	16%
4)	68%	11%	21%
5)	79%	7%	14%
6)	47%	31%	22%
7)	29%	34%	37%
8)	11%	62%	27%
9)	59%	9%	32%
10)	36%	15%	49%

5. Overall responses were positive. The majority of respondents (72%) agreed that the standards were easy to understand and 73% preferred the single document. There were some comments regarding the use of jargon and clarity of what is required as evidence and the document was reviewed for clarity. Additionally, some further refinement was requested regarding definitions of the various settings and it was requested that those settings exempt from registration and inspection were included. These changes have been incorporated in the revised document.
6. A recurrent theme in responses was the need for consistency in application of standards. This will be an issue for the HSC Board to ensure and it is currently producing implementation guidance for Trusts to ensure no regional variation. However, given the ethos of child-centred care, the standards attempt to strike a balance between prescriptive instruction in areas such as safeguarding and a more subjective approach in areas such as observations.
7. Many responses were concerned with practical issues regarding the implementation of the standards. These comments have been compiled into a separate matrix and issued to the Health and Social Care Board for consideration in developing its operational plans.

8. Question 8 is worded so that a negative response equates to a positive outcome (“Do you think that the draft standards are **likely to have an adverse impact on any of the groups identified under Section 75 of the Northern Ireland Act 1998?**”).

### **Equality Issues**

9. The majority of respondents were content that the Standards meet the needs of the Section 75 groups and have no adverse affect on equality of opportunity. The new version of the standards was screened for equality purposes and it has been deemed that a full impact assessment is not required. There was no consensus on the question of the possibility that the standards could better promote equality or good relations. Given that the standards focus on child-centred care, no change has been made in regards to the promotion of good relations.
10. A small number of respondents were concerned that by stating that people under the age of 18 years may only by exception be counted as staff, we were potentially breaching age discrimination legislation. However the Departmental Solicitor has advised that this is not the case and the standard remains.
11. Children in Northern Ireland (CiNI) submitted detailed proposals for refinement of the values and principles underpinning the standards to reflect a rights-based approach and these have been adopted into the final document.

### **Qualifications of Staff**

12. National Vocational Qualifications have been replaced with the Qualifications and Credit Framework (QCF), and the revised standards now state that managers or the person in charge must have either the relevant professional qualification or a QCF level 5 Diploma in Child Care, Learning and Development (CCLD) or Playwork. For out of school clubs, the Diploma in Playwork is noted as the most suitable vocational qualification. An additional requirement is that deputy managers or persons in charge must also be qualified to these levels.

13. These requirements have been maintained following consultation. Many respondents queried the availability of QCF courses, but the Northern Ireland Social Care Council (NISCC) has advised that courses are available in colleges and that students are enrolled.
14. Similarly, issues were raised on the costs associated with training staff to this level. The issue of resource allocation is outwith the remit of minimum standards, but existing staff are **not** required to re-train to QCF standard. Additionally, it has been agreed that new applicants may be recruited as long as they can prove they are registered to complete the relevant QCF course by 1 April 2016.
15. There has been substantial work done across the sector as a whole to raise the qualification level of the workforce, and in practice the level of qualified staff in all settings is often higher than 50%. In order to reflect this, the standards were amended to state that *at least* 50% of all staff should be qualified to QCF Level 2 (or equivalent predecessor i.e. NVQ2), with the remainder working towards such a qualification. It was also decided to add a requirement that all supervisors or team leaders be qualified at least to QCF Level 3 (or equivalent predecessor qualification). Some respondents felt that this percentage was too low and should be raised. However, given these are minimum standards, it has been agreed to maintain the level of at least 50% and review it as necessary.
16. Some respondents felt strongly that there should be a minimum qualification for childminders. However, it was noted that the majority of respondents who held this view were proprietors or managers of day nurseries who compared the qualifications required in their sector to a childminder. Given the numbers who did not respond or were unsure, there was no majority view on the issue and, conscious of the potential to discourage childminders from registering, it has been decided that there should be no mandatory vocational training required at this time. Standards do however require childminders to undergo mandatory training in core areas such as health and safety, safeguarding and first aid as required by HSC Trusts.

## **Smoking**

17. 79% of respondents agreed with the proposal to prohibit smoking in childminders' homes during contracted hours of work – even if the children are not on the premises at the time (ie in school). Some respondents were concerned that such a standard is unenforceable, however, given the recognised risks to children associated with passive smoking, the standard remains.

## **Safeguarding**

18. Standards were updated in light of the findings of the serious case review carried out in relation to Nursery Z in England (where a nursery worker was found to have abused children in her care, photographed the abuse on her mobile phone and used social networking websites to send the images to her boyfriend), and now include standards on the use of mobile phones and cameras, CCTV and roles and responsibilities of Trustees and members of Management Committees.
19. Some concerns were raised about the new standards for Management Committees, however, given the recommendations of the Nursery Z serious case review the standards remain.

## **Ratios for Sessional Care Regarding Children Under Age Three**

20. During the pre-consultation discussions, the Department was asked to consider the possibility of standardising arrangements for the entry of children aged 2 years and 10 months to pre-school sessional care. It is common for groups to admit children of this age for pre-school sessions.
21. The Guidance and Regulations to the Children Order specify that in sessional care, the ratio of staff to children aged between two and three years should be 1:4. Above age three the ratio rises to 1:8. Given that some pre-school facilities admit children at 2 years and 10 months, it was proposed to amend standards to allow a maximum of four children at this age whilst maintaining the 1:8 ratio.
22. 47% of respondents agreed with this proposal and 22% did not respond or were not sure. 31% were against. Given that there was no majority against the proposal, the change has been adopted in the final draft.

## Adult : Child Ratios for Childminders Regarding Pre-school Children

23. The Guidance and Regulations to the Children Order specify that a childminder may look after a maximum of six children, of whom no more than three are aged under five years. There was no formal proposal in the consultation to amend this ratio, however a number of respondents raised the issue.
24. These respondents felt strongly that as children may attend school before the age of five, the limit should not be applied at age five. They felt that this would negatively impact on a childminder's earning potential as a child aged four may be at school for most of the day, but the minder could not look after another pre-school child during this time.
25. In recognition of this position and in agreement with colleagues in the Office of Social Services, it has been agreed to amend the standard to state that a childminder may look after a maximum six children, of whom no more than three are ***below compulsory school age***. Amending this standard does not increase the overall numbers of children that can be accommodated, but also does not limit earning potential in the way described by respondents.

## Space Standards

26. Although not a specific question in the consultation, many respondents commented on the space requirements for settings as listed in the standards. This has long been a contentious issue and it was a conscious decision in this version to adhere to the requirements set out in the Guidance and Regulations to the Children Order. Space requirements per child are listed in the table below:

	Age Under 2 years	2-5 years	5-12 years
Full Day Care	4.2m <sup>2</sup>	2.8m <sup>2</sup>	2.3m <sup>2</sup>
Sessional Care	N/a	2.3m <sup>2</sup>	2.3m <sup>2</sup>

27. The Department is aware that for many years, individual Trusts have applied their own interpretation of what constitutes "clear space" and what is included in the

space requirements for each age group and this issue has proven contentious each time it has been discussed with stakeholders.

28. These standards define “clear floor space” as “usable floor space – i.e. space that can be used either for children to play in or play equipment”. In other words, if a child can play there or there is a fixed piece of play equipment such as a sand table, the space counts as part of the required standard. Fixed items such as cupboards, shelf units or sinks for example would not count towards the space requirement.
29. Many of the concerns centred on consistency of application by Trusts and requested more strongly defined boundaries for clear space. The proposed guidance on application will define what constitutes clear space.
30. Some Trusts that have been applying a blanket 20% reduction in measured floor space to cover fixtures and fittings and the Department of Education expressed discontent at it not being standardised, however we believe that the current proposals are sufficiently robust to ensure space requirements for children are suitable.
31. Some full day care providers noted that the requirements for sessional care are less than for full day care. However, as we understand it, the rationale for the lower requirements for sessional care is that children generally spend less time there.
32. The standards now make it clear that for babies aged 0-2 years in full day care, the area of the cot is included in the 4.2m<sup>2</sup> space requirement. However, following concerns from Trusts and Childcare Partnerships, standards have reinstated the requirement that babies sleep in a separate room rather than an “area”. We are advised that this is a requirement already in force across the Trusts and should not place an undue burden on providers.

### **Other amendments**

33. A number of other amendments were made in response to comments from respondents. These included updating references to food hygiene and infection control policies; reference to UNOCINI guidance in relation to referrals regarding suspected cases of abuse; the requirement for a policy on the use of social networking by staff; a revised requirement for contact with pets and other animals; and reference made to the need to comply with firearms legislation.

### **Affordability**

34. 68 % of respondents believed that the standards will incur additional costs for service providers. Given that Trusts have been applying their own interpretations of the Guidance and Regulations associated with the Children Order for a number of years, it is not our view that additional costs will be significant.
35. In recognition that there may be resource and opportunity costs for existing providers, it has been agreed that existing providers will be expected to comply with the standards by September 2013, one full year after receiving the detailed guidance from the HSC Board on the standards. New providers applying after the release of the guidance will be expected to be compliant from the outset.

### **Standards for Regulation of Childminding and Day Care Services by HSC Trusts**

36. These standards set out the requirements of the Children order in respect of HSC Trusts in their registration and inspection of providers of childminding and day care services. They will be used by the Regulation and Quality Improvement Authority (RQIA) to inspect Trusts in this regard.
37. RQIA suggested some minor amendments and are now content with these standards which are an objective list of the content of the Children Order and were not therefore subject to public consultation. The HSC Board has also reviewed this set of standards and is content. It is our intention to publish these standards at the same time as those for providers.

## **Conclusion**

38. The response to consultation was largely positive. Amendments have been incorporated where appropriate to reflect changes suggested by respondents. The standards have been long awaited and providers, parents, the HSC Board and Trusts are keen to see regional consistency. The introduction of these standards will improve quality in childminding and day care settings and represent another milestone in the Department's drive to ensure regional consistency in service provision and an assured minimum level of care regardless of location.

39. A children's version of the standards was produced for the consultation and this has been amended to take into account the changes proposed during consultation. On publication of the standards, the children's version will also be available on the Department's website.