

**Regulation of Childminding and
Day Care Services by HSC Trusts**

Minimum Standards

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Introduction

This document sets out minimum standards for the Regulation of Childminding and Day Care Services by the Health and Social Care Trusts (HSC Trusts). The standards specify the arrangements, resources and practices that Trusts should have in place to ensure the fulfilment of their duties under Part V of The Health and Personal Social Services (Quality Improvement and Regulation) (Northern Ireland) Order 2003 (“the Order”).

Background

In 2001, the Department of Health, Social Services and Public Safety (DHSSPS) issued a consultation paper, entitled “Best Practice – Best Care”, setting out proposals for improving the quality of health and social care in Northern Ireland. The results of the consultation showed widespread support for a new system of regulation covering a broad range of care services. This in turn led to the development of the Order.

The Order allows for the establishment of the Northern Ireland Health and Personal Social Services Regulation and Improvement Authority (the Regulation and Quality Improvement Authority) (RQIA), an independent body with responsibility for and powers to regulate establishments and agencies in the HPSS and the independent sector. Responsibility for all services previously regulated by the Registration and Inspection Units of the Health and Social Services Boards is transferred to RQIA.

Development of Standards

Article 38 of the Order confers powers on the Department of Health Social Services and Public Safety (DHSSPS) to prepare, publish and review statements of minimum standards applicable to all services including regulated services.

The standard statements and associated criteria cover key areas of the regulation of childminding and day care provision. They are applicable to all HSC Trusts and are designed to be used for self-assessment, as indicators for quality improvement and as a source of information for service providers. RQIA will look for evidence that the standards are being met through:

- Contacts with staff, managers, service users and providers;
- Inspection of policies, procedures, records and reports; and
- Observation of the Trust's regulatory methods and practices.

Implementation of the standards will provide an assurance that there is consistent quality in the registration and inspection of childminding and day care services throughout Northern Ireland.

How the Standards and Regulations Work Together

Article 35 of the Order sets out the functions of the Regulation and Improvement Authority, which include, "the function of carrying out inspections of statutory bodies and service providers". Inspections will determine the extent to which the minimum standards have been met by a Trust and will provide a basis for the identification of measures for improving the quality of the relevant services where necessary.

The minimum standards for the Regulation of Childminding and Day Care Services by HSC Trusts build upon the requirements of Part XI of The Children (Northern Ireland) Order 1995 ("The Children Order") and its associated Guidance and Regulations. As with The Children Order itself, the regulations carry the full weight of law and compliance is mandatory.

Values Underpinning the Standards

The belief that people in receipt of services are central to the planning, delivery, review and improvement of the service is the central conviction that underpins these standards. Children and their parents will experience quality care and support when they are involved in all decisions affecting their lives, when they can contribute to any planning for or evaluation of services and when they are fully valued by the establishment, agency, Trust or other body. The following values are fundamental to all the standards and should inform the regulation of childminding and day care services.

Dignity and Respect

The uniqueness and intrinsic value of children is acknowledged and each child is treated with respect.

Independence

Children and their parents have as much control as possible over their lives whilst being protected against unreasonable risks.

Rights

Children's human rights are safeguarded and actively promoted within the context of services delivered by the Trust.

Equality and Diversity

Childminders, day care providers, and those who use their services are treated equally and their backgrounds and cultures are valued. Services are provided by the Trust within a framework of equal opportunities and anti-discriminatory practice.

Choice

Children and their parents are offered the opportunity to select independently from a range of options based on clear and accurate information.

Privacy

Children have the right to periods of undisturbed activity, free from unnecessary intrusion or interruption. There is a balance between the consideration of the individual's own and others' safety.

Fulfilment

Children are enabled to have full and purposeful play and learning experiences, and to develop their abilities and potential.

Confidentiality

Children, their parents, carers and service providers know that information about them is managed appropriately by the Trust and that staff who have access to such information respect confidential matters.

Childminding and Day Care Services

Implementation of the Order will introduce a number of changes to the regulation of childminding and day care services for children in Northern Ireland. While HSC Trusts will continue to register and inspect service providers under Part XI of The Children Order, under new arrangements, the RQIA will inspect the Trusts' performance of those functions.

In addition to the standards against which a Trust's performance will be measured, another set of standards has been published separately for use by providers of childminding and day care services and by the Health and Social Care Trusts (HSC Trusts) in their regulation of those services. These standards are for use by providers of childminding, full day care, crèches, pre-school sessional care and out of school clubs.

In the set of standards for HSC Trusts, references following some of the criteria are to relevant Articles in The Children (Northern Ireland) Order 1995, or to Volume 2 of the Children Order Guidance and Regulations.

The standards will be available to service users, service providers and the wider public so that they are informed of the quality of the regulation of childminding and day care services that Trusts should provide.

REGISTRATION OF CHILDMINDING AND DAY CARE SERVICES

Standard 1: The Trust has in place arrangements for the registration of childminders and day care providers and for the cancellation of registrations.

Criteria

- 1.1 The Trust maintains a register of childminding and day care providers in its area, which is up-to-date and information on the register complies with Vol.2 (6.39).
- 1.2 The Trust has policies and procedures for the registration of childminders and day care providers, which are in compliance with the requirements of Part XI of The Children (NI) Order 1995.
- 1.3 The Trust uses a range of methods for disseminating information and raising awareness of the registration requirements for childminding and day care provision. Vol.2 (4.10)
- 1.4 Applicants are provided with relevant information in a suitable format, which clarifies the respective duties of individuals and Trusts in the application process.
- 1.5 The Trust liaises with relevant voluntary sector stakeholder organisations to ensure prospective applicants have access to support from them. Vol.2 (4.10)
- 1.6 The suitability of applicants, and relevant others, is established via the vetting process which includes Access N.I. check, Trust checks, medical statement, acquisition of references, qualifications and/or training and where appropriate, employment record checks.
- 1.7 Applications are processed and applicants notified of the Trust's decisions within required timescales. Applicants are advised in writing of the reasons for any delays in processing their applications. Vol.2 (6.11)

- 1.8 The Trust has in place a policy and procedures for imposing, varying or removing any requirement relating to, or, where necessary, for cancelling a registration. (Articles 125,126 and 128)
- 1.9 The Trust has arrangements in place for informing applicants and others as necessary, of the outcomes of their applications and of the appeals mechanism available to them to challenge decisions. Vol.2 (6.47)
- 1.10 The Trust issues certificates of registration without undue delay and seeks the immediate return of the registration certificate when a registration is cancelled or when a registered provider ceases to operate. (Articles 125, 126 and 127 of The Children (NI) Order 1995)
- 1.11 The Trust has an appeals procedure in place for responding to any challenges to its decisions, made by an applicant or a registered person. (Article 131)
- 1.12 The Trust has a protocol for considering requests from registered persons who do not wish their names to be included on the public register.
- 1.13 The Trust monitors, and evaluates at least annually, the effectiveness of its procedures and practices in the registration of childminding and day care services and takes remedial action where necessary.
- 1.14 The Trust reviews the provision of childminding and day care within its area, as required by Article 20 of The Children (NI) Order 1995 and in keeping with Volume 2 Chapter 8. This review should address the quality, availability and safety of the services within the Trust's area. The results of this review should be published within 4 months of the date of completion.

INSPECTION

Standard 2: Inspections of childminders and day care providers are conducted in accordance with statutory requirements.

Criteria

- 2.1 Each service has an announced inspection at least once per year. Follow-up inspections are undertaken as necessary. Where Trusts have concerns about the level of care offered in a setting, unannounced inspections may be undertaken as necessary.
- 2.2 The Trust gives written notice to the registered person of its intention to carry out an annual inspection.
(Article 130(5) (b))
- 2.3 Trust inspection procedures and activities should be aligned to minimum care standards.
- 2.4 Standardised arrangements are used in the inspection process to ensure consistency of inspection practice.
- 2.5 A draft inspection report is issued for factual accuracy within four weeks of the inspection, and the final report is deemed to be open within eight weeks of the inspection.
- 2.6 The Trust uses its powers consistently to impose, vary or remove requirements of a registration, with regard to all registered providers. (Articles 125 and 126)
- 2.7 The Trust monitors service provision to identify gaps in the quality, safety and availability of services in its geographical area. Remedial action should be taken as necessary.
- 2.8 The inspection process is person centred and outcome focused. Inspection reports should reflect a user perspective on the quality of the service.

2.9 When the provider falls below the required standard, improvement and/or enforcement action is invoked by the Trust.

STAFFING

Standard 3: The Trust employs registration and inspection staff to enable it to discharge its statutory duties under Part XI of The Children (NI) Order 1995.

Criteria

- 3.1 The Trust ensures that registrations are processed and completed in line with the statutory requirements.
- 3.2 An annual programme of inspections is undertaken that is proportionate to the performance indicators for each provider.
- 3.3 The Trust identifies when a service is not achieving minimum standards and/or is in breach of regulation. Inspection resources are allocated to address the concerns about standards and consistency of service provided.
- 3.4 The Trust ensures that all professional tasks associated with the discharge of its statutory duties under Part XI of The Children Order are undertaken by social workers. The Trust governance system assures itself that the Early Years staffing complement can discharge its statutory functions.

ORGANISATION

Standard 4: The Trust ensures clarity of roles and responsibilities of staff for the discharge of Part XI functions, within the Trust and with other relevant agencies, which facilitates the maintenance of clear lines of communication.

Criteria

- 4.1 The Trust has a coherent and integrated organisational and governance strategy in respect of childminding and day care provision. This is appropriate to the needs, size and complexity of the service with identified lines of professional and corporate accountability.
- 4.2 Systems are in place for collaborative work with the Department of Education and the relevant Education and Library Board in respect of children with special educational needs.
- 4.3 The Trust has robust human resource policies and systems in place to ensure appropriate workforce planning, skill mix, recruitment, induction, training and development opportunities for staff to undertake the roles and responsibilities.
- 4.4 The Trust has a system for identifying escalating risks to service provision and management structures in place to minimise identified risk. There are systems in place to prevent, identify, manage and review adverse incidents and near misses to prevent reoccurrence across the service.
- 4.5 The Trust has policies and procedures in place to identify and protect vulnerable children and provide child protection training to child minders and day care providers.

- 4.6 The Trust has a system for completing robust pre-employment checks on staff and ancillary personnel working in childminding or a day care service.
- 4.7 The Trust ensures that staff, parents, providers and other associated agencies are aware of its complaints and representations procedures. Information on these procedures is publicised in a range of formats and is available to children, parents and members of the wider community.
- 4.8 Information is accessible for parents, providers and associated agencies, to assist them in making the most appropriate choice of placement for their child.
- 4.9 The Trust actively involves service users and parents, staff and the wider public in the development, implementation and evaluation of childminding and day care provision in their geographical area.

STAFF TRAINING AND SUPPORT

Standard 5: The Trust's Early Years staff are trained, supervised and supported to assist them in the discharge of their Part XI functions.

Criteria

- 5.1 The Trust has a workforce strategy in place that ensures clarity in respect of structure, function, roles and responsibilities of staff. This addresses the development of the workforce in line with current and future service needs and departmental policy.
- 5.2 There is a training plan and development programme in place which meets identified training needs of staff. The plan is kept under review and updated at least annually.
- 5.3 Appropriate training and qualification opportunities are available for all staff in line with workforce and training strategies, and Departmental and Northern Ireland Social Care Council (NISCC) requirements.
- 5.4 The Trust has in place an appraisal and supervision system for staff which facilitates professional and regulatory requirements and informs the training, education and workforce development. The system operates in line with regional guidance and meets all relevant professional codes of practice.
- 5.5 Staff have undertaken child protection training appropriate to their roles and know how to manage child protection issues that arise in childminding or day care settings.
- 5.6 Staff are familiar with the arrangements for reporting adverse incidents and near misses. There is a whistleblowing policy in place in respect of unsafe practice and poor performance.

- 5.7 Staff operate in a person centred manner, and are knowledgeable about children's development. Staff have completed disability awareness training and have an understanding of their role in promoting equal opportunities for children with additional needs.
- 5.8 The Trust provides guidance, training and support to its Registration Panel (where applicable), or to those independent persons who assess applications, to assist them in the discharge of their duties and this includes the provision of legal advice where it is required.

MANAGEMENT OF RECORDS AND INFORMATION

Standard 6: Clear, documented systems are in place for the management of records and information in accordance with legislative requirements.

Criteria

- 6.1 The Trust has a policy and procedures in respect of the management and storage of records and information. The policy and procedures detail the arrangements for the creation, use, retention, storage, transfer, disposal of and access to records.
- 6.2 The Trust has an effective and integrated information technology and management system which supports the delivery of statutory functions.
- 6.3 Registration and inspection files relating to providers are structured and maintained in accordance with the Trust's policy. Information held by the Trust is managed in accordance with Good Management Good Records, the Data Protection Act 1998 and, where relevant, the Freedom of Information Act 2000.
- 6.4 Records required under The HPSS (Quality Improvement and Regulation)(Northern Ireland) Order 2003 are up-to-date, accurate and available for inspection in the Trust at all times. This includes information required by RQIA under Article 36 of The HPSS (Quality, Improvement and Regulation) Order 2003.
- 6.5 Systems and processes are in place to ensure that urgent communications, safety alerts and notices, standards and good practice guidance are made available in a timely manner to staff and partner organisations.

- 6.6 Up-to-date information on the Trust's childminding and day care services, records and inspection reports is made available to parents and to registered providers in a format that is user friendly.
- 6.7 Records are held securely for the period of time specified in guidelines and disposed of in accordance with legislation.