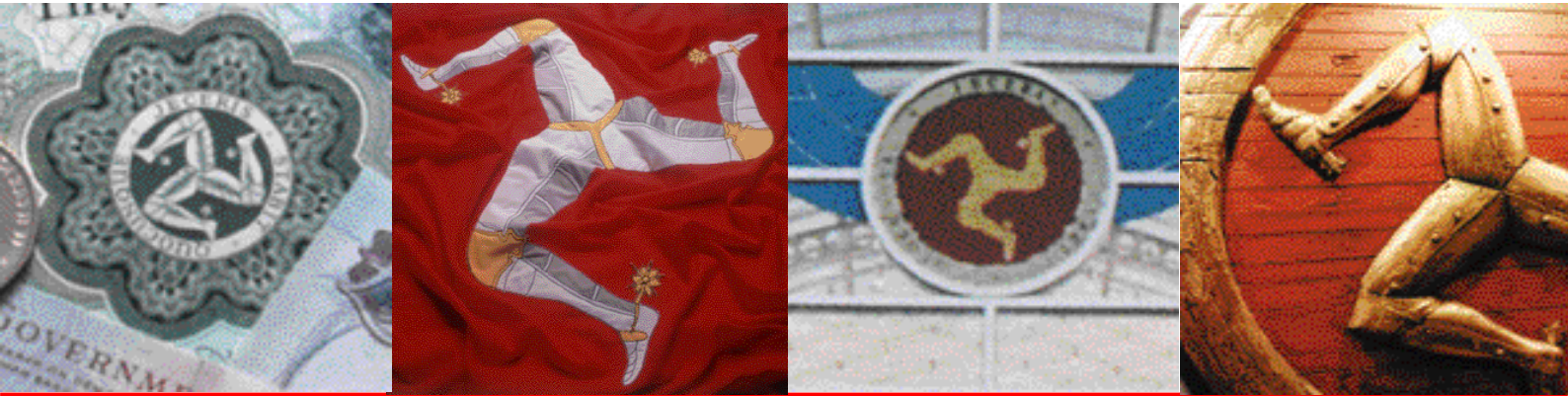




**Isle of Man
Government**

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Child Day Care Centres Minimum Standards Response to Consultation

August 2014

Department of Health and Social Care
Rheynn Slaynt as Kiarail y Theay

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Introduction

The Department of Health and Social Care (DHSC) is committed to promoting the welfare and development of all young children on the Isle of Man. Good quality care and education in the early years raise educational standards and opportunities, and enhance children's social development. The DHSC is determined that all child day care services provide a secure and safe environment for children, not least so that parents can have confidence that their children are well looked after. The draft standards can be viewed on this link: <http://www.gov.im/lib/docs/dhsc/Consultations/20140304childdaycarestandardsma.pdf>

Day care for children under eight years of age has been subject to regulation since the inception of the Children and Young Persons Act (CYPA) 2001, and minimum standards have been in place for over 10 years. The Regulation of Care Act 2013 has now replaced those sections of the CYPA and brought in additional responsibilities and duties. It is therefore considered necessary to review and update the standards for all services, including those providing day care to children under the age of eight years; these services include nurseries, play groups, holiday schemes and other out of school provision, crèches and childminding. The registration of a manager in child day care is a major shift from requirements of previous legislation and Standard 2.4 concerns the qualification a manager will in the future be required to attain. It was also considered necessary to introduce a section about looking after children with special needs and to strengthen the child safeguarding standard. It was therefore decided that consultation on these standards would be a full public consultation. Childminding has its own set of standards and are currently undergoing a consultation process involving childminders only.

Child day care services offer opportunities for children to broaden their experience and to enhance their learning and development. The standards represent a baseline of quality below which no provider may fall. However, they are also intended to underpin a continuous improvement in quality in all settings.

These standards will be reviewed on a regular basis by the Department. Reviews will take account of practice issues that have been identified either within the inspection process or from matters of serious concern that have arisen from complaints and other information provided to the DHSC. Reviews also take account of child care developments and professional research.

The DHSC is grateful for the interest shown by child care providers and others in the review of these standards and has welcomed the responses made. As a result of the consultation there have been several changes made to the standards. It is hoped that the following full response by the DHSC is also explicit in its explanations as to why some suggestions and comments have not influenced a change.

Background

The consultation was launched on 4 March 2014 and ran for 7 weeks. The closing date for comments was 25 April 2014.

This was a full public consultation; in addition the following people/organisations were contacted/provided with the information:-

- All Children's Day Care Service Providers
- The Department of Education
- The IOM College
- All Staff within the Department of Social Care

Overview of Responses

The consultation received a total of 20 responses. 5 responses were received by letter and 15 by email. 2 respondents wished to be anonymous.

Names of respondents

Vivienne Welch	Beeline Nurseries Ltd
Alice Oakes	Beeline Nurseries Ltd
Richard Hooper	Ramsey pre-school ltd
Chrissy Callaghan	Department of Education and Children
Tina Moore	Department of Education and Children
Chris Wilson	Department of Education and Children
Lynn Irving	Honeypot Nurseries Ltd
Captain Simon Clark	Salvation Army
Angelique Gale	Salvation Army
Tina Hampson	Willaston Playgroup
Zoe Chestnut	Crossroads Care
Fiona Harcourt	Cranford Nursery
Lisa Dancox	Storytime Nursery

Dave Dancox	Storytime Nursery
Catherine Simpson	Butterflies Day Nursery
Linda Lambie	Peel Playgroup
Shirley Hinds	Sandcastles Kindergarten
Dawn Wilders	Park House Nursery

Comments on standards and the Department's response

STANDARD	COMMENTS	RESPONSE & ACTION TAKEN
1.4	<p>Raises concerns about length of time taken for DBS check (4 weeks), seeks reassurance that this process could be speeded up.</p> <p>Volunteers are not staff and can be parents helping out on day trips etc. this implies they need to be DBS checked or permission sought (from R&I?) asks if this is practical, also is it relevant to new staff awaiting DBS undertaking a period of induction/shadowing.</p> <p>DBS check has been outstanding for over 4 months for a new member of staff. In order to keep ratios correct asks whether at the registered persons discretion a new person could be started whilst awaiting DBS check, providing they are not left alone and a risk assessment has been conducted on their suitability.</p> <p>As we are a very small playgroup we only have 3 permanent members of staff and 3 bank staff. We would find it impossible to continue with running the playgroup whilst awaiting the outcome of DBS checks for new staff. Could I suggest that there is an exemption for facilities with less than 10 members of staff on their books? As our playgroup is open plan it is very easy to ensure any new staff members are supervised however we often need new staff members to commence employment as soon as possible in order to meet adult to child ratios. Also the normal notice period for staff is 4 weeks / 1 month and we</p>	<p>The time taken for checks is beyond the control of Registration and Inspection. The DBS service has its own targets that are published and providers should raise any concerns directly with the DBS service. The requirement for the IOM to use the DBS (previously CRB) service as opposed to the previous method of "On Island Police" Checks is a requirement of the Police Act.</p> <p>In regard to new starters the standard doesn't require anything different than what has been the expected practice since 2003. The provider is expected to conduct a risk assessment and R&I must be contacted to discuss, as every circumstance will be different. Registration and Inspection Officers fully understand the pressures faced by providers in all sectors awaiting DBS clearance. The standard has been written to formalise what has always been the requirement of R&I and it will be reviewed in 12 months' time. It is also</p>

STANDARD	COMMENTS	RESPONSE & ACTION TAKEN
	<p>are currently experiencing at least 6 weeks for DBS checks to be complete. Unfortunately for small businesses this would not be manageable.</p>	<p>valuable statistical information that will inform amendments to the standard.</p> <p>Not amended</p>
1.5	<p>Feels the fees to keep police checks up to date are unreasonable. These additional charges are not found in other employment sectors. Suggests that better for everyone working with children to have their records updated and accessible to their employer online at all times rather than every three years.</p> <p>Again as a small business this could prove costly if the employer is to pay for either the signing up to the portability service for each member of staff or alternatively pay for renewal checks at least every 3 years.</p> <p>I think it is unfair to expect the members of staff to pay to sign up to the portability service. This industry is relatively low paid for the amount of responsibility members of staff have looking after children. In order to make childcare affordable to parents the salaries have to be kept at a relatively low level.</p> <p>All new DBS checks are returned to the applicant directly and not seen by the employer unless asked for; asks what evidence the portable option has been taken? The current DBS forms used by the vetting bureau, so they are left with 3 year check; asks how this period has been arrived at, and why it is needed; suggests the portable version would also need to be checked at the same interval.</p>	<p>The fees are set by the DBS service. They are not specific to the IOM. It is absolutely imperative that this aspect of protection is tightened up as there is no longer a system on the Island where the IOM police alert the Department informally if a person working with vulnerable adults/children had committed an offence after their police check was done. In addition to criminal convictions the enhanced DBS check on those who work with vulnerable adults/children includes checks against all the relevant registers where people who are unsuitable to work with vulnerable adults are listed. 3 years is therefore a very generous timescale for repeat checks. Many provider organisations on the Island already have a system of 3 yearly checks in place. It is stressed that the preferred option is for employees to sign up to the portability service which is currently £13 a year. That equates to 25p a week and works out slightly less than a 3 yearly check.</p> <p>Registration and Inspection require that the provider sees the certificate as they have to be assured of the person's suitability. When the portable option is taken up an access</p>

STANDARD	COMMENTS	RESPONSE & ACTION TAKEN
		<p>number is provided which allows the individual access to their criminal convictions history which will then enable them to provide the current status of their check at any time to their employer. Under the previous system of police checks there was no standard requirement for renewed checks unless a person moved to another care service. Responsible organisations have already introduced a 3 yearly renewal check on their staff and this is considered reasonable. When an individual moves employment they will be able to take their DBS certificate with them to show their new employer the date they were checked and the 3 years can therefore be tracked easily. This is not ideal but at this time we are unable, as a regulatory authority, to require the portability service to be taken up. Employers themselves could of course require this within their own processes.</p> <p>As a result of the comments an additional criterion has been added to this standard to provide further clarity on the providers' responsibilities with regard to Standard 1.</p>
1.6	Will recruitment and selection training be made available to providers who wish to access this? Who will provide this?	Accessing training is the responsibility of the registered provider. Employment Legislation is accessible and there are many good on-line packages available for recruitment and selection and some that are specifically targeted at the social care field.

STANDARD	COMMENTS	RESPONSE & ACTION TAKEN
1.7	<p>Does not agree that financial information should be available for inspection, considers the information to be confidential. Many nurseries run on a budget and don't make a profit; any spare funds are put back into the business for the benefit of the children. Requests clarification as to what is meant by "relevant" business management training and/or "substantial" experience.</p>	<p>Not amended</p> <p>Evidence of financial viability is a requirement of registration and a continued requirement in regard to monitoring the service. Regulation 24 of the Regulation of Care (Care Services) Regulations 2013 states "the registered provider must carry on the care service in such manner as is likely to ensure that the care service will be financially viable for meeting the needs of service recipients". The standard therefore merely reflects what the legal requirement is already. There are many 'not for profit' organisations operating a care service and it does not follow that such organisations are not financially viable. Financial viability affects the quality of care and is therefore a pivotal part of a care service business. An inspector would only ask to see financial information if evidence suggested that the care and services provided were below standard and that the cause of this was lack of finances.</p> <p>"Relevant" means within the context of the business being operated and 'substantial' should be given its ordinary meaning. It is the responsibility of the provider to provide the evidence to support this criterion and will vary with individual circumstances.</p> <p>Not amended.</p>

STANDARD	COMMENTS	RESPONSE & ACTION TAKEN
1.8	<p>Asks whether this should read registered manager at level 5 as determined by standard 2.4</p> <p>Is two years long enough to take on this role?</p>	<p>Some changes to wording made</p> <p>This is the minimum and it will be determined through the registration process whether or not the person is suitable to take on the role.</p> <p>Slight amendment</p>
2.2	<p>Movement of children between groups should be encouraged as opposed to the wording "may" be encouraged.</p> <p>Feels that the standard at 2.2 providing consistent staff contradicts the standards at 13.10 and 13.11 which involve rotation of staff to prevent relationship build ups to protect the child.</p> <p>Finds the provision requiring consistent staff contradicts with standard 13.12 which requires staff rotation.</p> <p>The additional wording is contradictory to later standards 13 regarding allocated staff. Asks how this will operate in small nurseries with smaller numbers of staff.</p>	<p>The standard makes reference to Standard 13 which means they should be considered together and a balance achieved.</p> <p>In smaller nurseries it may not be possible to implement this criterion and that is reasonable and appropriate. It is made clear in the introduction that there is flexibility within the supporting criteria and in particular circumstances a particular criterion need not be applied. This would be discussed on inspection.</p> <p>Not amended</p>
2.3	<p>Asks if an operational plan is necessary for small nurseries and what form should it take.</p>	<p>Same as above. Discuss with the inspector on inspection. Those new to registration will be given advice and direction if required.</p> <p>Not amended</p>
2.4	<p>Sees the course as beneficial to themselves running several nurseries, but not the staff. Would rather the staff were encouraged to attend evening classes to gain other skills more benefit to childcare e.g. child protection, speech and language development, EYFS (early years foundation stage) update training. States that there is a lack of these</p>	<p>The QCF (Qualification Credit Framework) has replaced the NVQ (National Vocational Qualification) framework and there are equivalents that straddle both qualifications. There has been an expectation for many</p>

STANDARD	COMMENTS	RESPONSE & ACTION TAKEN
	<p>courses available, but can't justify having staff take the level 5 which would be of no help at all.</p> <p>Feels that it is not in the best interest of the families to require the manager to obtain a QCF level 5 diploma. They feel that it will push experienced people away from the career if they feel unable to achieve the required qualification. They also feel it will increase costs to a nursery employing someone suitably qualified which will have to be passed on to parents. Suggest the registered person is the one who obtains the qualification of it becomes a requirement.</p> <p>Disagrees with the financial burden obtaining a level 5 qualification would cause the business, feels this should be free of charge. Cost will have to pass to parents.</p> <p>Level 5 qualifications: will it be available on Island; can the registered person obtain the qualification; what would happen if the person with the level 5 qualification was on holiday, would they need another level 5 qualified person to cover?</p> <p>Requests information regarding managers obtaining the QCF level 5 Diploma, and how much it would cost and whether it could be subsidised. Also asks whether there would be additional training for inspectors and more of them, would there be different rules for playgroups.</p> <p>Asks whether unqualified members of staff should be enrolled in a level 2 courses. Understands that there is no sufficient training on the Island and a correspondence course is too expensive. Asks whether part time course is available through IOM college. Strongly disagrees that the registered manager should be level 5 qualified and team members who are level 3 qualified are more than capable of being in</p>	<p>years in both the adult and the children's sector that managers leading service delivery should have a recognised management qualification in addition to their professional qualification. The provision of Early Years has lagged behind and it is no longer considered acceptable for this to continue.</p> <p>The QCF Level 5 diploma in Leadership is relevant for managers in early years settings who are leading and supervising staff teams on a day to day basis.</p> <p>There has been a lot of research in England on the quality of child care qualifications and the QCF diploma is not accepted as sufficient in that jurisdiction. England is working towards requiring a degree level qualification for leaders in child day care. Other jurisdictions have accepted level 5 as the relevant management qualification. The IOM Government have considered this carefully for application to this jurisdiction and have decided to accept this level of qualification. This is consistent with all other care service provision on the Island.</p> <p>The criteria require a 50% ratio of qualified staff; this has not altered from previous standards. It is hoped that providers</p>

STANDARD	COMMENTS	RESPONSE & ACTION TAKEN
	<p>charge in the absence of the registered person. Administration and managing paperwork can be learnt through in-house training. Asks whether the Government is going to provide training for persons to gain this qualification, suggests the level 5 qualification would warrant a higher salary which smaller nurseries couldn't afford. Asks why it is a requirement now for level 5 when many nurseries have successfully ran their business for many years with a level 3 - 4 qualification, some nurseries may have to close making it difficult for parents to get childcare.</p> <p>Para 2 - The L2 Award and Certificate does not enable you to work with children and young people. After completing the Diploma you could work as: an Early Years Assistant in a Children's Centre or School, Pre-school Assistant, Nursery Foundation Stage Assistant, Special Educational Needs Assistant. Will this have implications for settings? Potential cost of training staff to L3 particularly for smaller settings.</p> <p>Trainees under 17" should be "trainees under 18"; clarification required as to the requirement for a level 5 Diploma which conflicts with standard 1.8 which states a level 3; who will teach the level 5 qualification and will the training be available on Island, who will pay for the training?</p> <p>Finds the requirement for a level 5 qualification difficult to understand. It's already hard enough in the childcare profession to find level 3 qualified staff. Believes it virtually impossible to do as such individuals would require higher salaries and benefits. Would expect persons with this level 5 qualification to gain employment in Government or large companies which could offer a higher salary and benefits. Could only see the owner being able to obtain the level 5, but would feel</p>	<p>themselves will push for 100% as a quality improvement measure. With regard to the level 2 The criterion for this does state as appropriate for the care/development of children in an early years setting. A slight addition to the standard has been made to clarify this.</p> <p>Where there is demand for a qualification the learning institutions will take steps to meet that demand. Discussions are ongoing with the IOM college about the impact the new standards will have upon learning requirements</p> <p>The responsibility for ensuring a skilled workforce belongs to the provider. Many years' experience does not necessarily equate to a skilled and knowledgeable individual. It can be 1 years' experience repeated 20 times over. Formal learning is a necessary component of skill and competence; they cannot be mutually exclusive.</p> <p>The reference to changing this to "trainees under 18" is not clear as to the reasoning. It is considered reasonable to have 17 years as the minimum age for a trained and competent child care worker.</p>

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	<p>insulted if without it the owner wasn't a fit person to manage a nursery despite many years' experience doing so. Finds it hard to understand why the Department would insist on this requirement on a person with such a long career in childcare. Could perhaps understand if they were imposed on a new person or business starting from scratch but not established child care businesses.</p> <p>I think the QCF Level 5 Diploma in Leadership is above and beyond what would be required for a small playgroup/nursery. I personally think it would be more appropriate if the registered manager can demonstrate that they have attended a course on Leadership. There are a number of issues with this particular standard. Over the last 18 months we have found it very difficult to find staff who are level 3 qualified to act as both Person in Charge and Deputy Person in Charge. I think this additional qualification for managers will mean it will be even more difficult to find staff. From speaking to others in the industry it is felt that certain people who have extensive experience don't think they would be comfortable to start training and doing qualifications again. Could I suggest that any persons taking childcare qualifications after 2014 have to gain this additional diploma whilst people qualified prior to 2014 are exempt? This would lead to new people coming into the industry gaining more experience and qualifications whilst not forcing out older people with "extensive experience."</p> <p>Registered Manager has been at the service for 15 years and has GNVQ Advanced Health and Social Care Cert, Cert in Pre School Practice level 2 and a Diploma in Pre School Practice Level 3. She has a young family and cares for her sick and elderly mother who resides with her. To expect her to then complete the above level 5 course in order to keep her job would not be possible or financially viable.</p>	<p>Where there are smaller services, where the manager is part of the staff ratio and where numbers of staff employed are small the supporting criteria can be applied flexibly. These will be individual decisions taken on individual circumstances. It is the outcome of the standard that has to be met and, as previously pointed out, the introduction to the standards makes it clear that as long as the provider is able to demonstrate clearly that a particular criterion need not apply an exemption will be agreed.</p> <p>The IOM Government are keen to develop a qualified workforce in all service sectors. It is considered this is essential in ensuring that children and vulnerable adults are looked after by staff with the necessary experience, skill and understanding of the people they are caring for. This requires knowledgeable leadership and direction. As previously stated the supporting criteria can be flexibly applied in specific circumstances but lack of finances to undertake the qualification cannot be a determining factor.</p> <p>The question regarding Inspectors qualifications is not relevant to this consultation exercise. However, for the purpose of providing clarity the skills required of Inspectors are professional and</p>

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	<p>Therefore I would have to become the registered manager myself (as well as Responsible Person). I have studied the Mandatory Group A units and the Optional Group B & C units from the CACHE QCF level 5 Diploma in Leadership for Children's Care, Learning and Development (Management) version of this course and I can honestly say there is not one unit that is not already understood, covered and practiced in this facility. The Mandatory and Optional Units covered by this course are just a fraction of the work undertaken by the Management here. I am the founder of Park House Nursery and have worked full time since it opened in 1999, often working late nights and weekends. I'm not sure that the persons deciding on this particular standard have thought of what running a busy facility actually involves. I really don't need to go back to college to learn something that I have been doing very thoroughly and successfully for 15 years. Other points to consider: 1) Would the current inspectors need to also qualify to Level 5 in order to inspect? 2) What would happen if the company financed the training of a Manager to Level 5 and then decided to leave to work elsewhere? 3) What would happen if the level 5 manager went on Maternity Leave or Long Term sick? 4) How are Nurseries expected to keep the cost of Childcare down when they would have to pay a level 5 manager? 5) How are Playgroups expected to cope financially (would they be able to pay their Level 5 Manager the 'going rate' in order that they stay)?</p> <p>Asks if level 5 is appropriate, UK educational site shows different bodies, is there a preferred option; the course costs 1-2k and requires observation in the nursery, IOM college not in position to offer such a course for at least 2 years with no indication of costs, leaves limited time to complete course by 2019 deadline; time for staff to attend such courses will be prohibitive as it will reduce staff numbers during working hours; on resignation of the level 5 how long would the nursery have to find replacement; cost of course will be difficult for</p>	<p>regulatory skills, not operational skills in regard to the running of services. They are not managing services and therefore there is no requirement for inspectors to possess a qualification in management. All inspectors have got the appropriate qualifications for the role.</p> <p>There is, and always has been a flexible and reasonable approach to sick cover and Maternity leave cover etc. These are individual circumstances that would be discussed with the inspector</p> <p>As previously stated England is wishing to pursue a higher qualification. Other UK jurisdictions accept the Level 5.</p> <p>It is anticipated that the IOM college will be able to offer the qualification in due course. An inability to access the qualification is not a reason for not including this as a criterion to this standard and as the comments made in standard 2.3 the Department will take a flexible and reasonable approach to the time limit, where there is clear evidence that the qualification cannot be accessed.</p> <p>Those acting up in the manager's absence would not be expected to attain this level of</p>

STANDARD	COMMENTS	RESPONSE & ACTION TAKEN
	<p>small nurseries to absorb and may have to be passed to parents. Suggests the Manx Quality Award may be a better alternative if the objective is to raise standards and it's already in place. Asks what if a member of staff already exceed level 5</p> <p>Raises queries regarding the level 5 qualification: standards mentions an equivalent qualification, what is considered the equivalent; is it applicable to all current registered managers regardless of experience; is it for all managers, including deputy manager, within a setting or just the registered manager; will there be training opportunities for this to be gained; cost of training; cost of employing someone level 5 qualified if they are only a small business?</p> <p>Asks whether the level 5 qualifications is going to be the highest level expected of managers or whether this might change. Asks whether staff already holding a degree in early years be accepted as an equivalent to level 5, or considered a higher status as it is in the UK.</p> <p>Para 4 - How will competence be measured?</p> <p>Para 5 - Time scale may have implications in terms of training up L5 assessors on island. Implications for small settings in terms of releasing the manager to attend training. Potential cost of course for smaller settings.</p>	<p>management qualification.</p> <p>All requests to be exempt from this standard will be considered. There are no plans to increase the level of qualification.</p> <p>All requests to consider a qualification as equivalent will be given full consideration. This has not changed from how R&I currently manage this issue. The units covered, the practice elements and the length of the course are all factors taken into consideration.</p> <p>Competence is for the provider to determine using set criteria. There is good guidance on sites such as 'skills for care' and within the QCF frameworks.</p> <p>Time scales can be flexible and some adjustment to wording is made to clarify this.</p> <p>Minor amendment made to further clarify the flexible approach that will be taken by the department when applying the standard.</p>
2.6	<p>Child ratio 1:8 for ages 2 to 7, agrees with this ratio for inside play, but feels it may need to be higher if playing outside as more chance of injury to child and focus of carer taken from remaining children</p>	<p>The ratio stated is always the minimum. Risk assessments should always be done for each activity, whether inside or outside to make sure that these levels are appropriate.</p>

STANDARD	COMMENTS	RESPONSE & ACTION TAKEN
	Asks if the ratio of 1:3 is appropriate for the under two years old and what is the significance of it being above ground floor level.	<p>The criterion has been slightly amended to make this clear. The additional staff required for above ground floor level is not a change from existing requirements and is because of evacuation needs. There is no change to ratios from previous standards and it is expected that the additional standards for babies will apply which may require additional staff at certain times to deal flexibly with routines if there are only 3 babies in the unit</p> <p>Minor amendment made.</p>
2.8	<p>Should this read registered manager, and what is the definition of "on-duty", on site or on call/ available?</p> <p>I feel that clearer guidelines should be in place for outings in relation to staffing levels. My particular concern is with regard to children in vehicles. I have seen people from other nurseries picking children up from school and there is only 1 adult with approximately 6 children. However if there were to be an incident in the vehicle whilst the adult was driving there is no additional member of staff to deal with or witness the incident.</p>	<p>On duty means physically on the premises as does on site. On call means off duty/off site but available. There are some small services that only have 2 persons working; these places will have specific arrangements in regard to the person registered as the manager. If that person is on holiday and another person provides cover it needs to be clear who is in charge.</p> <p>Providers are expected to risk assess all their activities, including outings and transporting children in vehicles and should provide additional staff if required. Any specific concerns should be reported to the Registration & Inspection Team.</p> <p>Not amended</p>
2.9	Add in to 2.9 "but this will be recorded on the documentation related to the outing".	Amended

STANDARD	COMMENTS	RESPONSE & ACTION TAKEN
2.13	<p>Questions what criteria would apply if staff/child ratios are compromised, would the setting have to be closed for the day? Asks why they have to be supernumerary above staffing ratios; what is their role and responsibility and why it's not needed for under 20 children; suggests it will push up the cost of childcare. Suggests removing or least make the role divisible by the current ratios of 1:3 for babies and 1:8 for over two's.</p>	<p>This should be dealt with as it is currently; in that it depends entirely on the individual circumstances and it is up to the provider to decide if the service is safe. Providers are encouraged to telephone the Registration & Inspection Team to discuss options if they have a concern. Providers are also required by Regulation 10 of the Regulation of Care (Care Services) Regulations to notify the Department of certain events which includes "any event at the care service affecting the well-being of any service recipient".</p> <p>This standard has been in place since 2003. So shouldn't have been marked as 'new'. The existing standards state at 2.4 " Where there are more than twenty children in attendance the designated person in charge will be considered supernumerary to the staffing ratios in order that administration and staff management duties may be carried out effectively.</p> <p>Not amended</p>
2.14	<p>Suggests more clarity needed guidance on numbers etc. as it may not be cost effective and possible exclusion in contradiction of special needs in standard 10.</p> <p>How do we ensure that all settings engage with this so that children with special needs can attend a local setting?</p>	<p>It is the provider's responsibility to assess the requirement for additional staffing. They would do this once they are in possession of all the relevant information from the professionals.</p> <p>It is up to the provider to decide if they</p>

STANDARD	COMMENTS	RESPONSE & ACTION TAKEN
		<p>wish to take children with special needs and this should be clear in their statement of purpose.</p> <p>Not amended</p>
2.15	Feels this is overkill as they only have a limited age range (3-4 yrs.)	<p>This is no change to existing required practice and is how inspectors determine compliance with ratios and the age ranges required under registration conditions.</p> <p>Not amended</p>
3.3	Wording to include - Develop a sense of what is right and wrong.	Amended
3.4	Wording to include - The registered person encourages the building of positive relationships by working in partnership with children and their parents; to facilitate a good understanding of individual needs and home circumstances through regular and informal meetings and sharing of profiles.	Amended
3.5	Wording to include - The registered person and their staff develop positive interactions through listening to and valuing what children say; they talk with them about what they are doing valuing the uniqueness of the child's interests and have high expectations ensuring that there is appropriate challenge.	Amended
3.8	Wording to include - The registered person gives children daily opportunities to be active, indoors and out, as well as time to relax.	Amended
3.9	<p>Take out 'where appropriate' as all settings should be providing a broad and balanced curriculum.</p> <p>The registered person has in place a broad and balanced curriculum which supports children's Personal, Social and Emotional Development, Communication and Language and Physical Development enabling them to develop their knowledge and skills in Literacy, Mathematics, Understanding the World and Expressive Arts and Design.</p>	<p>This only applies to services that are signed up to the EYF and this is the choice of the service provider.</p> <p>'Where appropriate' remains but otherwise amended to reflect suggested wording</p>

STANDARD	COMMENTS	RESPONSE & ACTION TAKEN
3.10	<p>The person commented on the Manx Quality Award as a good thing but making it a requirement can be costly for small business.</p> <p>Whilst I think it is a good idea for childcare facilities to meet standards I feel that putting this as a requirement can be costly especially to a small business or new business, which may not be in a position to afford the fees required to be recognised by such quality assurance systems. I feel this should be aimed more at the large nurseries.</p>	<p>There is no suggestion in the criterion that this is a requirement. It has been left as promoting quality assurance type awards as positive but is recognised that this is not appropriate for all service types.</p> <p>Not amended</p>
4.5	<p>We are based in a church hall and it was difficult enough to get written approval from the church without having to ask for lease documents.</p>	<p>The terms and conditions of a lease are extremely important to ensure that there is nothing in the lease that prevents a provider from meeting standards. It has been a requirement for many years to have the lease agreement prior to registering a service. Anyone in a lessee/lessor arrangement should know what their responsibilities are under that lease.</p> <p>Not amended</p>
4.13	<p>What is a regular basis could this be misinterpreted? Could this read where possible on a daily basis?</p>	<p>Using the terminology 'daily basis' is considered to be too restrictive. Regular has several general definitions which include done very often, habitually. It is probably better to try and strengthen that particular criterion than use the term 'daily basis'</p> <p>Slight amendment made</p>
4.14	<p>Question as to why they had to install toilets suitable for under 2 year olds if it wasn't necessary. Unsure of implication on SEN (special educational needs) - does this need to be here if it is in Section 10?</p>	<p>This criterion is same as existing standards. There are often individual circumstances that require something different. This is a query to be addressed elsewhere and is not</p>

STANDARD	COMMENTS	RESPONSE & ACTION TAKEN
		<p>appropriate to be raised in a consultation exercise. It is considered appropriate to refer readers to standard 10 when considering this criterion.</p> <p>Not amended</p>
4.15	Insert work "secure" before area where confidential information...	Amended
4.19	Should fire regulations be added?	<p>Fire is covered under a separate section. There are no specific Regulations for kitchens.</p> <p>Not amended</p>
Standard 5 Outcome	Could the word toys be changed for resources (including toys)?	Amended
5.2	<p>Furniture, resources (including toys)</p> <p>Where public playgrounds are used, the registered person ensures that regular risk assessments are carried out so that the children do not use faulty equipment.</p>	Amended
5.3	Take play out as this could be misinterpreted as settings needing tables for children to play.	<p>There are activities which require the use of a table.</p> <p>Slight Amendment</p>
6.3	Add in there is at least one member of staff with a current first aid certificate on outings at any one time. The first aid qualification includes training for first aid for infants and young children.	<p>this standard is about low level glass and does not relate to first aid, which is covered elsewhere.</p> <p>Not amended</p>
6.13	<p>Change "building" to "facility" as standard 4.3. The Nursery may be a contained facility within a larger building for which it has no responsibility.</p> <p>Appropriate security arrangements are in place in order to ensure that</p>	

STANDARD	COMMENTS	RESPONSE & ACTION TAKEN
	people, including parents, are not allowed free access to the building.	Amended
6.14	<p>Needs specific clarification</p> <p>Suggests this is an insurance issue rather than a safeguarding</p> <p>Could you please explain the reasoning behind this particular standard? Surely it is common sense to ensure the building used has adequate security in place. If there is a specific safety criteria required this should be listed rather than a standard stating 'consult as appropriate and necessary'. This is too vague.</p>	<p>The Crime Reduction Officer is available for consultation on any matter related to security and the protection of children and is keen to pass this message on to providers. It was therefore considered that placing the reference to this under this standard makes providers aware that such a service is available. Services will be very different in their security arrangements depending upon where/how the service is provided and therefore this is an open criterion which allows the provider to seek advice as appropriate to their circumstance</p> <p>Not amended</p>
6.16	The registered person should not keep hazardous indoor and outdoor plants on the premises.	<p>This is not a change from existing standards</p> <p>Not amended</p>
6.23	As they are part of a shared Department of Education and Children building the fire equipment is the responsibility of the Department could the wording be changed to accommodate shared premises?	<p>It remains the registered person's responsibility to ensure that the landlord does the required checks. Wording has been extended to reflect this.</p> <p>Amended</p>
7.5	Sandpits are protected from contamination and the sand is clean and provided for the purposes of children's play.	Amended
7.7	<p>Agrees with this standard, but has struggled to find suitable staff training.</p> <p>Needs more clarification as to accepting a sick child into setting. More specifics on what medicine can be administered. A parent bring a sick</p>	<p>It should be the responsibility of the primary health care team and the prescribing GP. They have a duty of care. It is the responsibility of the service to develop their policy as to parameters for</p>

STANDARD	COMMENTS	RESPONSE & ACTION TAKEN
	<p>child into the setting could infect others and put the setting under pressure (child/staff ratios?) would it be beneficial to state that only staff who are level 3 qualified, or above, can administer medicines.</p> <p>According to their administration of medication policy, they feel that children in their care should only be given prescribed medicines. Also finds the wording of paragraph surround medication "not usually administered" and "over the counter medications are administered" as contradictive, asks that the wording is more definitive.</p> <p>Asks for guidance on what would be certain conditions e.g. asthma, epilepsy etc.</p>	<p>accepting sick children. These should accord with the Islands infectious disease guidelines. It is considered that any staff member could administer medication as long as they understand the medication and the contra-indications. It is the responsibility of the provider to delegate the task to competent staff.</p> <p>If it is the policy of the service only to give prescribed medication then that is not a problem and the criterion about 'over the counter' medication is not applicable. If a parent requires the administration of something not prescribed the provider would have to make a decision as to whether the service would do this and if agreed then the criterion to be followed. Again these are decisions for the provider to make and there may well be some unusual circumstance that requires a non-prescribed medication and so the door cannot be closed.</p> <p>The criterion actually says 'specific' conditions. Examples added as suggested.</p> <p>Amended</p>
7.9	Cross-referenced to 6.3	Noted but no amendment made to 6.3
7.11	Add in and appropriate measures taken to try and prevent a recurrence	This would seem to be inappropriately worded. Wording changed to 'incident' and suggested addition agreed.

STANDARD	COMMENTS	RESPONSE & ACTION TAKEN
		Amended
Standard 8 Outcome	Standard needs guidelines as to what is deemed "nutritious". Suggested collaboration with Public Health and guidance from Scottish NHS: http://www.thpc.scot.nhs.uk/wordfiles/under5s.pdf	It is the provider's responsibility to determine this using all appropriate guidance so no necessity to amend the outcome. Just add an additional criterion. Amended
8.2	Children who stay in day-care for the whole day are offered a healthy midday meal and other snacks and drinks routinely.	Amended
8.3	The registered person provides a framework for this information to record and how to act on the information but it's the nursery staff who would liaise with families when collating the info.	It remains the responsibility of the registered person who may well delegate the task. The standard has been slightly re-worded to account for this comment. Amended
9.3	The registered person liaises with parents to ensure that all children's records contain information, which enables appropriate care to be given and access to appropriate learning opportunities to be given.	Amended
10.1	Comments looking for where information can be accessed and suggesting that standard be re-written to reflect multi-agency engagement and needs of child thus encompassing 10.2 & 10.3	It is the provider's responsibility to access the information. It is considered that the standard does reflect the needs of the child and points providers to the need to look at current IOM legislation and other legislation that may have a bearing and appropriate guidance. Amended
10.2	As above	As Above
10.3	As above	Not Amended
10.5	Questions the wording "whenever reasonable" as too subjective. Children with special needs should fully participate	Reasonableness must come into this as services are not specific to children with

STANDARD	COMMENTS	RESPONSE & ACTION TAKEN
		<p>disabilities and therefore must take into account the needs of all the children. Making the standard too rigid will not encourage private providers to look after children with special needs which may then result in a lack of provision for these children</p> <p>Not amended</p>
10.6	Additional wording after parents to include "and other agencies".	Amended
10.7	The registered person ensures adequate provision of play areas for personal care of all children and ensures policies and procedures are in place to achieve this. The registered manager and all nursery staff should adhere to the policies and procedures put in place to regarding the personal care of all children.	<p>It is considered that the wording is sufficient to cover the matter of intimate care, which is rather different to personal care. Reference to policies and procedures is added as suggested</p> <p>Amended</p>
11.1	Change of wording to: The registered person produces a written statement on positive behaviour management, which states the strategies (to replace methods) used to manage children's behaviour.	Amended
11.6	Suggests it be the level 5 qualified registered manager who carries out this responsibility and is part of the 2 key staff that this nursery has that covered for each other. There is a named member of staff within the setting who has the responsibility for promoting positive behaviour and has the skills to support staff and to access expert advice if ordinary strategies are not effective with a particular child.	<p>That is a decision for the provider/manager to make. In large establishments it may well be better to delegate this responsibility. The standard therefore provides for this option. Some amendment made to wording as per suggestion.</p> <p>Amended</p>
12.1	Change of wording to: the role of parents, including involvement in their child's learning	Amended
12.2	As above	Amended
12.7	This should be worded as per 13.14	Agreed & Amended
13.3	Request for details on training: will it be provided on island, out of	This is a separate issue to the consultation.

STANDARD	COMMENTS	RESPONSE & ACTION TAKEN
	work hours, subsidised.	<p>However, it is the provider's responsibility to source/ access training. Induction in particular is the responsibility of the provider and would be done 'in house'. With regard to the safeguarding training that the Department provide; this is able to be accessed by the independent sector. Discussions as to how this can be co-ordinated for child day care centres are taking place.</p> <p>Not amended</p>
13.4	As per above	<p>Comments as above for the refresher training referred to in this standard.</p> <p>Not amended</p>
13.5	Should be responsibility of the registered manager.	<p>That is a decision for the provide/manager to make. In large establishments it may well be better to delegate this responsibility. The standard provides for this option.</p> <p>No amendment made</p>
13.10	Agrees with standard but suggests that rotation on a regular basis should be implemented not just considered.	<p>It is considered that we should not to be too restrictive. The provider has a clear responsibility to balance risk and make decisions accordingly.</p> <p>Not amended</p>
13.11	Due to small island it is not always possible to NOT have a relationship with a family. Standard needs to be more defined or removed.	<p>This criterion is central to safeguarding. If a staff member does know the family this is different to 'developing a special relationship' once in the day care service. This distinction should be clear and does not require any further clarification within the standard</p> <p>Not amended</p>

STANDARD	COMMENTS	RESPONSE & ACTION TAKEN
14.1	Additional wording to be added: any social, emotional and/or behavioural needs Any special educational needs first language/ any additional languages spoken	Amended
14.2	Include words multi-agency meetings after any safeguarding concern.	Amended
14.5	1 comment that 10 years is too long and another that 10 years is too short - should be kept indefinitely.	Children being cared for in in child day care are different to 'looked after' children as the former are still in parental care whereas the latter are not; records within child day care centre will also have been shared with parents during the life of the child at the service. It is therefore not necessary to keep the records for the same length of time as those children in homes or with foster carers. Records relating to safeguarding issues that had been raised with the safeguarding board should have been passed on to be retained by them. It is therefore considered that 10 years is a reasonable length of time for all other records and is consistent with England's requirements. Not amended; however a slight amendment has been made to standard 13 to reflect the need for safeguarding records to be dealt with differently.
14.9	Add in: Care, Learning and Play Policy.	Amended
	A.1 - How will this be determined in terms of competency to care for babies and also suitability to do so?	A1. It is the provider's responsibility to determine competence and suitability of staff, taking account of accepted good child care practice from recognised bodies and organisations.

STANDARD	COMMENTS	RESPONSE & ACTION TAKEN
	A.2 - The registered person ensures that: Children have the opportunity to interact with a key person at frequent intervals throughout the day.	A2. Original wording preferred. Key person is too nebulous. Not Amended
	A.3 - Quiet areas are provided to enable children to play quietly, relax and to enable individual sleep patterns to be facilitated.	A3. Amended
	A.4 - Activities, resources (including toys) and equipment	A4. Amended
	A.6 - Normally babies are held whilst bottle-feeding preferably by the same carer and attachments are sustained over time.	A6. Amended

Conclusion

There were several contributions made which have served to enhance the draft standards and it is heartening that providers have a commitment to raising quality in early years. The standard that raised the most comments was 2.4. It is recognised that the introduction of a qualification for leaders of child day care settings has an impact upon the sector. However it is a necessary change and brings these services into line with adult and child residential care where a management qualification has been the expectation for several years and has been also incorporated into their revised standards.

There were also a number of general comments made which were not attached by the person to a specific standard; some of these have already been addressed within the responses above as they were raised by other people within the context of a standard; others are not considered to be appropriate within the consultation but are noted and where applicable can be discussed further with the Registration & Inspections Team/other appropriate organisations. These additional comments are reproduced below:-

- The standards proposed are sufficient for settings in multi-use buildings, however those operating a full day care should have more in-depth care standards. Why not use The Step into Quality standards as a basis?
- There would be no need for Quality Assurance if Quality Standards are in place.

- Who will be offering the level 5 qualification as Education and all Government Departments appear to be having cut backs? Can this work based qualification linked to the Quality Award?
- Will there be a subsidy/grant to assist the person obtain the qualification as there will be cost implications to train and their expectation to receive higher salaries once qualified?
- Will the level 5 qualification just apply to the manager alone, or also to other levels of management e.g. those who would be in charge in the absence of the manager?
- What further development opportunities to gain relevant qualifications will be available for staff?
- Will there be a professional structure in place for staff to develop and progress which is recognized for the skills they acquire?
- Why are there minimum standards for those who are vulnerable when you have the opportunity to have best practice across the board, thus providing positive outcomes for children and parents improving lives?
- Trainees should always be supervised by experienced staff to avoid the risk of being exploited.
- Is it physically possible for 1 adult to care for 8 two or three year olds, and meet all their physical, social or emotional needs? Is this giving them the best start in life? This is such an important time for their brain development in these areas and impacts on their future learning.
- Will it be our responsibility to make links with the safeguarding board or will they be proactive and engage with us? Who and how will we be updated of any changes?
- Key worker system, not sure that this works. Children become attached to one member of staff which can cause anxiety for 2-4 year olds when the staff are sick or on holiday.

Next Steps

The revised standards will be published on the website and available for download by the end of August 2014. All registered providers will be provided with a personal copy. They will be subject to review following a 12 months implementation period. This review will include consultation with providers of Child Day Care.



This document can be provided in large print or audio tape on request

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