

## **Regulation 12**

### **EARLY YEARS SERVICES FIXING OF NUMBER OF CHILDREN ATTENDING AN EARLY YEARS SERVICE**

#### **1. Purpose**

To ensure that an Early Years Service provider adheres to the relevant space requirements, adult : child ratios, group sizes and age of the children when determining the number of preschool children that can be catered for at the same time in any premises in which a preschool service is being carried on.

The number of preschool children attending a service at any time can be fixed where the health, safety and welfare of the preschool children attending the service is compromised due to:

- The age range of the children in attendance
- Adult : child ratios
- Group size
- Space per child

#### **2. Scope**

All notified Early Years services

#### **3. Responsibility**

Early Years Inspection Service

#### **4. Relevant Legislation & Standards**

- Child Care Act 1991
- Child Care (Pre-School Services) (No 2) Regulations 2006 [S.I. No. 604 of 2006]
- Child Care (Pre-School Services) (No 2) (Amendment) Regulations 2006 [S.I. 643 of 2006].
- Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection (DOH&C 2006)
- National Standards for Preschool Services [DOHC 2010]

#### **5. Relevant Forms/documents**

Early Years Inspection Tool

Early Years Inspection Outcome Report

Letter of response to Pre-School Provider to fix number of children attending service FN1

Letter following decision of representation FN2

Letter following decision on request to seek amendment to decision FN3

## **6. Procedure**

- 6.1 The premises and the service are inspected.
- 6.2 Where non compliances have been identified the decision may be made to fix the maximum number of preschool children who may be catered for at the same time in the premises, having regard to the relevant space requirements, adult:child ratios, group sizes and age of the children. The provider is informed verbally that a decision is being made to fix the number of preschool children attending the service.
- 6.3 Letter FN1 sent to service provider to inform of decision with reason and explanation of the representation process.
- 6.4 If representation is not received within 21 days, document this information on the file and continue with the process
- 6.5 If representation is received by the Early Years Services Inspection Team it is forwarded to the Area Manager, Children & Family Services or their Designated Officer who reviews the file in consultation with relevant others where appropriate and notifies the service provider in writing with a decision (FN2).
- 6.6 The service provider may apply in writing to the Area Manager, Children & Family Services or their Designated Officer at any time after the decision is made, seeking amendment of the decision on the grounds that the circumstances which led to the decision have changed
- 6.7 The Area Manager, Children & Family Services or their Designated Officer reviews the correspondence and file and sends letter FN3 to provider with decision.
- 6.8 The inspection team should be informed of the Area Manager, Children & Family Services or their Designated Officer's decision
- 6.9 The Early Years file is updated with relevant decisions and copies of letters sent and received.

**Document: STANDARD OPERATING PROCEDURES (SOP) FOR THE EARLY YEARS SERVICES INSPECTORATE**

Version: 1  
Issued: 15/05/2013  
Implementation 20/05/2013  
Review: 20/09/2013

**FN1(a)**

Date

Name

Address of Preschool

**RE: “Fixing the maximum number of children that can be catered for in a service”**

Regulation 12 (1), Child Care (Pre School Services) (No 2) Regulations 2006 and  
Child Care (Pre School Services) (No 2) (Amendment) Regulations 2006

Dear

An inspection of (name of the premises) was carried out on the *date by (insert name of inspection team members) under the above regulations*

*The findings of the inspection in relation to numbers are as follows:*

(E.g. The number of children present in each room, their ages, type of service availed of and adult /child ratio can be documented in a table if more than one room)

Age of child	Type of Service <sup>13</sup>	Number of children present	Number of Adults available	number of adults required	Space available	Space required
0-1						
1-2 etc						
Total						

There was (insufficient space/inadequate number of adults available to supervise the children) in the service at the time of the inspection taking into account the ages of the children and their length of stay

In accordance with Regulation 12 (1), Part 111 of the Child Care (Pre School Services) (No 2) Regulations 2006 and of the Child Care (Pre School Services) (No 2) (Amendment) Regulations 2006 a decision has been made to fix the maximum number of children that can be catered for in the above service at \*\* children at any one time because of the reasons stated above. **Or** a decision has been made to fix the maximum number of children that can be catered for in the above service at \*\* children at any one time because of the reasons stated above and because of the ongoing breach of the (adult /child ratio, space requirements, group size) as highlighted on previous inspections dated and detailed as follows

<sup>13</sup> If the Service is an ECCE service – the applicable adult : child ratios apply.

If this SOP is not fully followed, the reason for doing so should be clearly recorded and brought to the attention of the HSE manager of the service without delay. It should be recorded on the file.

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If you wish to make representation on this decision you can write to (**Area Manager, Children & Family Services or their Designated Officer, name, address and contact details**) within 21 days of receipt of this notice. This representation will be reviewed and you will receive written notification of the decision of this representation.

You may seek further amendment of this decision if circumstances change within your premises. This must be requested in writing.

Should you require any further clarification on this matter please do not hesitate to contact this office.

Yours sincerely,

Yours sincerely,

\_\_\_\_\_  
Early Years Inspection Service

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Early Years Inspection Service

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Version: 1  
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**FN2(a)**

Date

Name

Address of Preschool

**RE: Response to representation made by a service provider in regard to a decision by Early Years Services to fix the maximum number of preschool children who may be catered for at the same time in your premises.**  
Regulation 12(3), Child Care (Pre School Services) (No 2) Regulations 2006 and Child Care (Pre School Services) (No 2) (Amendment) Regulations 2006.

Dear

I refer to your correspondence received on (date) with regard to representation made on the decision by the HSE to fix the maximum number of preschool children who may be catered for at the same time in your premises.

In accordance with Regulation 12 (2), Part 111 of the Child Care (Pre School Services) (No 2) Regulations 2006 and Child Care (Pre School Services) (No 2) (Amendment) Regulations 2006 having taken your written representation into consideration and having reviewed the information available on your file regarding this matter a decision to ( proceed with the fixing of the maximum number of preschool children which can be catered for at the same time in your premises has been made)

**or**

a decision not to proceed with the fixing of the maximum number of preschool children which can be catered for at the same time in your premises has been made on this occasion.

Reason: *(fill in relevant reason)*

You may seek further amendment of this decision if circumstances change within your premises. This must be submitted in writing to the Regional Director of Children and Families [**insert name, address and contact details**].

Should you require any further clarification on this matter please do not hesitate to contact this office.

Yours sincerely

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Area Manager, Children & Family Services (or their Designated Officer)

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**FN3(a)**

Date

Name

Address of Preschool

**RE: Consideration of representations made and decision whether the maximum number fixed be amended.**

Regulation 12 (5), 12 (6) Child Care (Pre School Services) (No 2) Regulations 2006 and Child Care (Pre School Services) (No 2) (Amendment) Regulations 2006.

Dear

I refer to your correspondence received on (date) with regard to your request to amend the decision by the HSE in correspondence dated. .... to fix the maximum number of preschool children who may be catered for at the same time in your premises.

In accordance with Regulation 12 (5)(6), of Part III of the Child Care (Pre School Services) (No 2) Regulations 2006 and Child Care (Pre School Services) (No 2) (Amendment) Regulations 2006 and having taken into account your written representation to amend the decision on the grounds that the circumstances which led to the decision have changed.

I wish to advise you that it has been agreed to (amend the decision) or ( to uphold the decision) to fix the maximum number of preschool children who may be catered for in the premises at any one time for the following reasons

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You may seek further amendment of this decision if circumstances change within your premises. This must be requested in writing. You should note that you are obliged to adhere to the 'number fixed' [e.g. the maximum number of preschool children who may be catered for at the same time in your premises] as outlined in this correspondence.

Should you require any further clarification on this matter please do not hesitate to contact this office.

Yours sincerely

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Service Director of Children & Family Services (or their Designated Officer)

**FLOW CHART**  
*EARLY YEARS SERVICES FIXING OF NUMBER OF CHILDREN ATTENDING AN EARLY YEARS SERVICE*

