

Research Digest

## Standard 15 Legislation and Regulation

Being compliant requires that all relevant regulations and legislative requirements are met or exceeded.



# Introduction

Regardless of the size of a setting, legislation and regulation plays a lead role in shaping its overall management, as well as determining how the daily activities within that setting are administered. While it remains the responsibility of each setting within early childhood care and education (ECCE) to determine its own relevant legislative and regulatory framework, up-to-date and comprehensive knowledge of that framework facilitates compliance. Barnardos (2005:5) elaborate this point:

*“Services need to be compliant, but they should ideally endeavour to adopt a proactive approach to all areas. Regular review of policies and procedures, and providing staff training where necessary will ensure that the service will be actively engaged in practice that seeks to set and maintain the highest standards for its service users and for the staff engaged there.”*

## Recent Research

Comprehensive knowledge of relevant up-to-date legislation is crucial for ethical, safe, productive, and effective work practices in early childhood settings. The *Child Care Act* (Department of Health, 1991) provides a legal framework relating to all children under eighteen years of age in Ireland. Considerable accountability and liability rests with management regarding compliance with legislation and regulations. Children, staff, parents, visiting professionals, and members of the public must be catered for responsibly. Policies and procedures must acknowledge and incorporate any appropriate legislation. Barnardos (2005) offer a useful guide, listing the main items of legislation, its purpose, who the legislation applies to, and sources of further information. The legislation is categorised under:

- Children, including child protection (  Research Digest/ Standard 9: Health and Welfare)
- General regulations for employers and employees
- Health and safety in general, incorporating information on fire, infectious disease, tobacco, toys and food
- Building, planning and environment regulations
- Finance, including regulations on tax, wages, etc.
- Management and governance, including regulations on equality, insurance, freedom of information, and data protection

Moloney (2006) also provides a comprehensive list of relevant Acts, legislation and key government policy, which settings should familiarise themselves with. Changes regularly occur in legislation and/or European Union (EU) directives that may impact upon providers, and so, vigilance is necessary. Compliance in itself is not sufficient to achieve the best possible quality of care and education of young children in settings. O’Kane and Kernan (2002) refer to the tension between two views, that of regulation as automatically improving the quality of services and that of regulation resulting in a focus

on minimum standards. In Ireland, it is acknowledged that the standards, as articulated in the *Child Care (Pre-School Services) Regulations* (Department of Health and Children [DHC], 1997), represent the mere starting point in safeguarding the safety, health and welfare of young children (O’Kane and Kernan, 2002). Revised Regulations came into force on 2nd January 2007 (DHC, 2006), but the amendments, though welcome, remain minimal. According to the Office of the Minister for Children (2006), the main adjustments to the Regulations are:

- An expansion of the Regulation on Child Development, which requires the service provider to ensure that each child’s learning, development and well-being is facilitated within the daily life of the service
- The inclusion of a requirement that all staff, students and volunteers in the service will be appropriately vetted once the relevant procedures to facilitate this are in place

Rather than simple adherence to regulations, we need ‘to move beyond seeking the quality of structural elements’ and consider the search for quality as a ‘never ending journey’ (Hayes, cited in O’Kane and Kernan, 2002:353). Quality is dynamic and should be continually examined and debated.

## Implementing the Standard

Compliance with all relevant legislation and regulations involves an awareness of, and familiarity with, the various categories which this legislation comes under. In addition to specific ECCE legislation, services should consider the following broad areas:

- Employment
- Equality
- Health and safety
- Building and planning
- Data protection



- Finance
- Management and governance

## Conclusion

Legislative and regulatory systems have a dual function; they ensure that services meet minimal outlined standards, and they encourage improvement in the quality of provision beyond minimal standards to promote children's development and learning (O'Kane and Kernan, 2002). To ensure effectiveness, the policies and procedures operative within settings should acknowledge and reflect all appropriate legislation, making it an integral part of the setting's overall vision and daily practices.

Though the development of a system of legislation and regulation for ECCE in Ireland has been a long and arduous process, the establishment of the Centre for Early Childhood Development (CECDE) in 2002, and the subsequent development of *Síolta*, the National Quality Framework for Early Childhood Education (CECDE, 2006), represent significant progress in the national context. As a quality assurance programme, *Síolta* outlines quality Standards within a framework that encourages and supports compliance, reflecting cognisance of the centrality of legislation and regulation to quality provision.

# Resources for Legislation and Regulation

Barnardos (2005). *Legislation Handbook for Childcare Providers*. Dublin: Barnardos' National Children's Resource Centre.

Department of Health (1991). *The Child Care Act*. Dublin: The Stationery Office.

Department of Health and Children (1997). *Child Care (Pre-School Services) Regulations*. Dublin: The Stationery Office.

Department of Health and Children (2006). *Child Care (Pre-School Services) Regulations 2006*. Dublin: The Stationery Office.

Moloney, M. (2006). *A Guide to Policies and Procedures for School Age Childcare*. Limerick: Limerick City Childcare Committee.

Office of the Minister for Children (2006). *Minister for Children Signs the Child Care (Pre-School Services) Regulations 2006*. Press Release, 9th October 2006. Accessed at: <http://www.dohc.ie/press/releases/2006/20061009.html>, 6th March 2007.

O'Kane, M. and Kernan, M. (2002). The Impact of the Child Care (Preschool Services) Regulations (1996) on the Quality of Early Childhood Services in Ireland: The IEA Pre-Primary Project Revisited (in) Horgan, M. and Douglas, F. (Eds.) (2002). *Lessons for the 21st Century – Research, Reflection, Renewal: Proceedings of the OMEP (Ireland) Conference 2002*. Cork: OMEP (Ireland), pp. 344-357.

Notes:



# síolta

The National Quality Framework  
for Early Childhood Education

