

**TÚSLA**

An Ghníomhaireacht um  
Leanaí agus an Teaghlach  
Child and Family Agency

# **Guidance Document**

Remaining Documents  
for Re-registration

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## **Introduction**

As you know, many early years service providers were required to re-register with Tusla by December 2019. Compliance with the re-registration process has been exceptionally high, with all providers who were required to re-register their service by December 2019 if they wished to continue operating doing so. We would like to thank you again for your engagement with this process during a hectic year for the early years sector.

The deadline for submitting a number of the documents was relaxed to the later date of the 30<sup>th</sup> of June 2020. These remaining documents need to be submitted by this date to conclude the process.

Many of you may have submitted some, or all, of these documents already.

If you have not submitted all of the remaining documents, you need to do so by 30<sup>th</sup> June 2020. Once you have gathered all of the documents, you can send them to Tusla via the Tusla Portal, which is reopening on 2<sup>nd</sup> April 2020. We encourage you to upload the documents on the portal as soon as possible after the 2<sup>nd</sup> April. Portal Guidance will be available before this date. Once submitted, your application will be reviewed and feedback will be provided to you following this.

This document contains information and guidance on the required documents. A checklist of the documents is available on page 12. An Irish Language version of this document will also be available on the Tusla website in the coming week.

There are a number of supports available to help you complete the re-registration process. Tusla is working with the Department of Children and Youth Affairs, City/County Childcare Committees, Voluntary Childcare Organisations and Pobal to coordinate and help service providers in the continuation of the re-registration process.

Further information on support will continue to issue over the coming weeks.

You will receive your registration certificate when the re-registration process has been completed.

## 1. Garda vetting for company directors and boards of management

All company directors and board members, **who have access to children in your service**, must be vetted by An Garda Síochána. You must submit these documents as part of your re-registration application.

## 2. Policy documents

**You must submit a copy of the following policies as part of your application**

Policy on Managing Behaviour

Complaints Policy

Policy on Administration of Medication

Policy on Infection Control

Policy on Safe Sleep

The Early Years Inspectors will review the policies on inspection of your service.

### Guides to updating your policies

The Tusla guidebook on developing policies can help you draft your own. In collaboration with Barnardos, Tusla has also developed policy samples, templates and related documents. You can access these on the Tusla website [here \(https://www.tusla.ie/services/preschool-services/early-years-quality-and-regulatory-framework/sample-policies-and-templates/\)](https://www.tusla.ie/services/preschool-services/early-years-quality-and-regulatory-framework/sample-policies-and-templates/).

If you are a **childminder**, childminding sample policies procedures and statements are available [here https://www.tusla.ie/services/preschool-services/early-years-quality-and-regulatory-framework/](https://www.tusla.ie/services/preschool-services/early-years-quality-and-regulatory-framework/)

City and County Childcare Committees are available to support service providers with the development and updating of policies. Local CCC contact details can be found on [www.myccc.ie](http://www.myccc.ie).

### 3. Fire certification

Depending on the date your service was established, you will need either a Fire Safety Certificate **or** a Fire Risk Assessment. These requirements were developed in consultation with the Association of Chief Fire Officers (ACFO)

This table outlines the relevant documents your service will need to submit:

Required documents in relation to fire safety certification		
Services operational from March 2014 to the present	*Fire Safety Certificate with conditions attached if applicable. Or Fire Safety Regularisation Certificate.	<input type="checkbox"/>
Services operational from 1992 to March 2014	*Fire Safety Certificate with conditions attached if applicable.	<input type="checkbox"/>
	In the absence of a Fire Safety Certificate, a Fire Risk Assessment	<input type="checkbox"/>
Services operational from before 1 July 1992	Fire Risk Assessment	<input type="checkbox"/>
<p>*If your service has conditions attached to the Fire Safety Certificate, you will also need to submit a Fire Compliance Certificate.</p> <p><b>Childminders do not need a fire safety certificate.</b></p>		

## **Fire Safety Certificates**

The local building control authority grants a Fire Safety Certificate when the plans and specifications for a new building or proposed certain alterations to an existing building are assessed by a Fire officer for compliance with Part B (Fire Safety) of the Building Regulations.

Fire Certification, under the Building Control Regulations 1991, became law on 1 January 1992.

A childminder who is caring for 5 or less pre-school children in the childminders own home is not required to have a Fire Safety Certificate.

### **What is a Regularisation Certificate relating to fire safety?**

A Regularisation Certificate is granted by a local authority. It is for non-domestic buildings and apartment blocks that were begun or completed without the necessary Fire Safety Certificate. The certificate may be granted with or without conditions or refused.

### **Must I submit any conditions listed on my Fire Safety Certificate or Regularisation Certificate?**

Yes, you must submit the list of conditions attached to your Fire Safety Certificate or the Regularisation Certificate.

## **Fire risk assessment**

Was your service operating before 2014? If so, in the absence of a Fire Safety Certificate we will accept a Fire Risk Assessment that shows necessary work has been completed.

A Fire Risk Assessment must be carried out by a competent person who assesses your premises and the activities carried out there. They calculate the risk of a fire occurring that could harm those in or around the premises.

The Fire Risk Assessment aims to:

- identify fire hazards
- identify actions or works needed to eliminate or reduce the risk of those hazards.

They also decide what fire precautions and management arrangements are necessary to ensure the safety of people on your premises if a fire did start.

### **Who can complete a Fire Risk Assessment?**

A fire-risk assessment must be completed by a **competent person**. For building control regulations, the Health and Safety Authority includes as competent people:

- (a) architects that are on the register maintained by the Royal Institute of the Architects of Ireland (RIAI) under Part 3 of the Building Control Act 2007; See [here](https://www.riai.ie/) <https://www.riai.ie/>
- (b) building surveyors that are on the register maintained by the Society of Chartered Surveyors Ireland (SCSI) under Part 5 of the Building Control Act 2007; See [here](https://www.scsi.ie/) <https://www.scsi.ie/>
- (c) chartered engineers on the register maintained by Engineers Ireland under section 7 of the Institution of Civil Engineers of Ireland (Charter Amendment) Act 1969. See [here](https://www.engineersireland.ie/home.aspx) <https://www.engineersireland.ie/home.aspx>

We can only accept a Fire Risk Assessment if it is completed by a competent person as defined above. It is recommended that Fire Risk Assessments are carried out against the Fire Safety in Preschools 1999 document. This document is available at:

<https://www.housing.gov.ie/sites/default/files/migrated-files/en/Publications/Community/FireandEmergencyServices/FileDownload,1027,en.pdf>

If you have any questions about whether a professional is a 'competent person', please consult the list above.

### **Will a Fire Risk Assessment recommend that work be done in a specified timeframe?**

A Fire Risk Assessment document will identify areas of risk in your service and will prioritise them. The assessor will usually set out timeframes for completing the work depending on the type of risk and potential for harm.

We will accept this Fire Risk Assessment for registration once the works are completed in the timeframes set out. When the work is completed, you will need to provide us with the evidence that this is done. As the registered provider, you must make sure that all risks identified are addressed in the timeframes set out in the Fire Risk Assessment. Any risk that has been identified as posing a risk to children must be addressed as priority.

### **I moved premises in 2014; do I still need to submit a Fire Safety Certificate?**

Yes, any service that has operated for more than five years, but that has moved premises since 2014, must submit a Fire Safety Certificate for the current premises.

If a service that has operated since 2014 has no fire certificate, you must contact your local authority about the requirement for a Regularisation Fire Certificate.

### **Fire Compliance Certificates**

You must submit a Fire **Compliance** Certificate with your Fire **Safety** Certificate when there are conditions attached to your Fire Safety Certificate.

A Fire Compliance Certificate confirms that the building complies with the Fire Safety Certificate as issued under Part B of the building regulations. This is provided after a building is assessed by a competent person.

#### **What is meant by 'a material alteration to a premises'?**

This is an alteration (change) to premises which is done after the initial Fire Certificate was granted. In such cases, a new Fire Certificate or change to an existing Fire Certificate may need to be made. You must contact your local authority to find out what are the requirements for this.

#### **What does 'change of use' mean?**

Premises are given 'Permission of Use'. If after this, you change a building's purpose or the circumstances in which it is used, this is 'change of use'. These changes usually require further planning permission and fire certification. You must contact your local authority to find out what the requirements are.



## 4. Planning permission

Early years' services must have appropriate planning permission in place to operate. They must also comply with the building regulations of the State unless the appropriate authority exempts them.

If you have questions about the planning requirements for your service, you should contact your local authority.

Required documents in relation to planning		
Services operating in a premises for less than 7 years (since 2012)	Planning permission With conditions attached if applicable.	<input type="checkbox"/>
	<b>or</b> Evidence that an application for retention of planning has been made. If the retention process is successful a copy of the planning permission must be submitted once received.	<input type="checkbox"/>
Services operating in premises for more than 7 years (before 2012)	Planning permission With conditions attached if applicable.	<input type="checkbox"/>
	<b>or</b> A sworn affidavit that the service has been in operation for 7 years or more in the relevant premises.	<input type="checkbox"/>
Services operating in premises for 7 years or more (before 2012) with periods of intermittent closure	Planning permission With conditions attached if applicable.	<input type="checkbox"/>
	<b>or</b> Evidence that an application for retention has	<input type="checkbox"/>

	been made. If the retention process is successful a copy of the planning permission must be submitted once received.	
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**Services with conditions attached to the Planning Certificate must provide a compliance certificate.**

**Childminders who are caring for 5 or less pre-school children in the childminders own home do not need planning permission.**

**A sworn affidavit is an oath made by a person and verified by a Commissioner for Oaths or a practising solicitor.**

**My service has been operating for more than seven years. However, I moved premises during the last seven years. Do I need to submit a planning certificate?**

Yes. An early years service that has moved within the last seven years must submit the required planning permission for the new premises.

**I have been operating a service for the last seven years (or less) but have not looked for planning permission. What can I do?**

If your service has been operating for the last seven years (or less) with no planning permission, you must apply to your local authority for planning retention. You must submit evidence of this application as part of the re-registration process.

**There are conditions in my planning that restrict the operation of my early years service. What must I do when re-registering?**

If you do not meet these conditions, you are in breach of planning. We must make sure that the premises are safe for children. We will look for confirmation that you are complying with safety conditions. If you have not complied with a safety condition, contact your local authority. They will decide what actions if any, you need to take. You must submit evidence of this communication to us.

**There are conditions in my planning certificate that are not in line with my current service provision. What can I do?**

You should contact your local authority to regularise your planning. You can continue to operate unless advised otherwise by your local authority while awaiting the final decision.

**What happens if I do not have my planning certificate by the 30 June?**

You should contact your local authority immediately. We will accept your re-registration application if your service has made an application to the local authority and you must submit evidence of this.

We may apply conditions to your registration until you submit the final documents. Your registration thereafter will be subject to receipt of appropriate planning from your local authority.

**What is a Planning Compliance Certificate?**

A Planning Compliance Certificate confirms that the building complies with the conditions of planning permission. This is provided after a building is assessed by a competent person.

**When do I need to submit a Planning Compliance Certificate?**

You must provide a Planning Compliance Certificate when there are conditions attached to the Planning Certificate. This compliance information must be submitted in addition to the Planning Certificate.

## **5. Floor plans**

A floor plan is a clear design or drawing of the premises, both interior and exterior. You must submit the following.

### **Interior design**

Your floor plan should show the interior design of the premises. It should show each room and its dimensions. This should include all rooms used in the calculations of clear floor space. Clear floor space is space that is available in the service for the children to work, play and move.

Areas such as kitchens, toilets, hallways, sleeping and other service areas are **not** included in the space measurement and are **not** considered clear floor space.

### **Outdoor areas**

Your plan should include any outdoor areas that children may use when attending the service. Hand-drawn plans for the outdoor space that include boundaries can be submitted. The outdoor plans must indicate where the area is in relation to the early years building.

### **Drawings**

All drawings or plans you submit must be accurate. They should preferably be drafted by an experienced or appropriately qualified person. However, if you do not have professional drawings, we will accept accurate floor plans, that have the measurements in square metres, and are to scale.

### **Childminding service**

You do not need to submit floor plans if you provide a childminding service that cares for 5 pre-school children or less in your own home.

## Checklist of documents needed by 30<sup>th</sup> June 2020

### Documents you must submit by 30 June 2020

#### Garda vetting

Garda vetting for company directors and boards of management.(See page 3 above)	<input type="checkbox"/>
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#### Policies

Policy on Managing Behaviour.	<input type="checkbox"/>
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Complaints Policy.	<input type="checkbox"/>
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Policy on Administration of Medication.	<input type="checkbox"/>
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Policy on Infection Control.	<input type="checkbox"/>
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Policy on Safe Sleep.	<input type="checkbox"/>
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#### Safety

Fire Safety Certificate. <sup>1</sup> (See Guidance Above)	<input type="checkbox"/>
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#### Planning

Planning Permission. <sup>1</sup> (See Guidance Above)	<input type="checkbox"/>
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#### Plans

Floor plans (indoor and outdoor).	<input type="checkbox"/>
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#### Note:

<sup>1</sup>Where a fire safety certificate or a planning certificate has conditions attached you must also submit the attached conditions and a compliance certificate .

## Further information and support

### General information on re-registration

If you have a question about the re-registration process, and cannot find the answer in this document, you can contact Tusla's Early Years Inspectorate by:

- email: [re.registration@tusla.ie](mailto:re.registration@tusla.ie)
- phone: 061-461715

You can also find further information on the process on Tusla's website at [www.tusla.ie](http://www.tusla.ie) .

### Questions about the online portal

We have a support desk system to assist you with any technical queries you may have.

Please email [portalsupport@tusla.ie](mailto:portalsupport@tusla.ie) for assistance and a member of the team will contact you to resolve your issue.

### Additional advice and support

Support with the completion of your re-registration application is also available to you from the following:

- City and County Childcare Committees contact details can be found on [www.myccc.ie](http://www.myccc.ie).
- Early Childhood Ireland (members and non-members)

Early Years Employer Service (EYES)

Telephone 01 4057103 Email: [eyes@earlychildhoodireland.ie](mailto:eyes@earlychildhoodireland.ie)

- Barnardos Information Service

Telephone 01 4549699 Email: [resources@barnardos.ie](mailto:resources@barnardos.ie)

- Childminding Ireland

Telephone 01 287 8466 Email: [support@childminding.ie](mailto:support@childminding.ie)

### Further information

You can get more information on technical standards and codes and published amendments on fire and planning requirements from the Department of Housing, Planning and Local

Government website. It contains all the relevant information and can be accessed at <https://www.housing.gov.ie/search/archived/current> .

## **Portal access – your questions answered**

### **How do I access the portal to upload the documents?**

The Portal will be open for the upload of the outstanding re-registration documents from Thursday the 2<sup>nd</sup> of April.

To access the portal following the 2<sup>nd</sup> April, please go to the following web link and enter in your login details - <https://portal.tusla.ie/>

If you do not receive an email from Tusla please check the spam or junk folders in your email account to ensure the email has not gone to these folders.

### **I am having problems logging onto the Tusla portal, where can I get help?**

Please email ICT portal support at [portalsupport@tusla.ie](mailto:portalsupport@tusla.ie). We will help you to log back into the portal.

### **I have forgotten my password, where can I get help logging back into the portal?**

Click the 'Forgot Password' option on the portal login page and follow the on-screen instructions. Did you register your mobile phone when you created your user account on the portal? If you did, the on-screen instructions will show you how to reset your password using a verification code sent to your phone. If you have any difficulties, please emails us for help at [portalsupport@tusla.ie](mailto:portalsupport@tusla.ie).

### **Must I name each individual document before I upload it on the portal?**

Yes, you **must** name each individual document so that we can process your application efficiently.

**How can I check what documents I have already submitted?**

You can view your application by logging on to the portal and using your 5-digit application I.D number. The documents you previously uploaded are on your portal application. Please refer to the list of documents on page 12 of this document to confirm your requirements completing the re-registration process.

**I am having difficulties uploading the documents on the portal, what can I do?**

You should scan the documents you are submitting. Use either a scanner or an appropriate mobile-phone scanning application. Please do not take photographs of the documents as these take up considerable memory and are unstable during the upload process.

**Can I upload all the required documents at the same time?**

Yes, this is the best option. If you submit only some of the documents and you later wish to upload the rest, you will have to ask for portal support to return the application to you.

**I have created an account on the portal. I am now having difficulty uploading my documents as they are too big. How can I manage this?**

The maximum size file you can upload is 28 megabytes. Generally, this is the same as about 15 to 50 pages of scanned documents. However, this depends on the scanning resolution you have set.

If your document is bigger than the 28 megabytes limit, on-screen instructions will tell you this when you try to upload. If this occurs, the easiest approach is to rescan your document at a lower resolution. Otherwise, simply split the file into two separate parts. If you have any difficulties with uploading documents, you can email us for help at [portalsupport@tusla.ie](mailto:portalsupport@tusla.ie).