

MPM

Protecting Our People

Managing Risk in Daycare Centers

More and more children have working parents. As a result, *the need for quality child daycare centers is on the rise*. In response to these needs, many churches have established child daycare centers as part of their call to ministry. The centers become vital and necessary components of their service to the local community.

Whether a child daycare center is operated directly by a local church, a subcontractor of the church, or a separately incorporated entity using the church to provide space for its operation, it is in the interest of everyone involved to see to it that the center is operated properly. The health, safety, and welfare of the children must be ensured.

The Risks

Child daycare centers increase the risk of liability to local churches. Any time an entity invites members of the public onto its premises, it has increased responsibility for the protection of those invited. The responsibilities are even greater where children are involved.

Physical injuries to children attending child daycare centers could range from minor cuts and bruises to more serious injuries, such as broken bones and concussions. Falls, electric shock, food poisoning, or the spread of communicable diseases could be seen as attributable to a poorly supervised operation, an unsatisfactory environment or a combination of those factors.

Abuse, whether sexual or otherwise, is a problem. We continue to hear publicity about cases of child abuse by daycare workers, including charges that some of

these workers were not adequately supervised or screened prior to hiring.

The Legal Requirements

Local churches contemplating child daycare, either directly or through a third-party contractor, should become aware of state and local laws and regulations. The centers may need to be licensed, certified, registered or approved according to individual state laws. City and county laws, ordinances and regulations may also apply. Competent legal counsel should be engaged to draw up the necessary documents ensuring that the child daycare center will operate in accordance with those laws and regulations.

Where local churches are contracting out the operation of child daycare centers, they should be certain that the operator has complied with the relevant laws and statutes. Written certification of their compliance should be required. The operators should maintain adequate insurance coverage to protect the local church and themselves in the event of claims arising out of the center's operation, and supply evidence of this insurance to the church.

The contract between local churches and the child daycare center operator should clarify that the contractor is responsible for all hiring, supervision of staff, supervision of children, and other aspects of the child daycare center operation.

The local church should ask its legal counsel about the advisability of a hold harmless clause in the contract.

Ministry Protection Memo

"MPM" is a series on various topics relative to Church and safety. Send your comments and interests to PACT's Director of Ministry Protection, at umcpact@ajg.com.

PACT Service Center

Hours of Operation
8 a.m. to 5 p.m. CST

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"The health, safety, and welfare of the children must be ensured."



CHILDREN'S SAFETY CAN BE ENHANCED BY EVALUATING SEVERAL CONCERNS:



Health and Safety of the Children

Proper and careful attention to the health and safety of children attending child daycare centers will go far toward minimizing potential liability exposure for any physical or medical problems that may arise. To assist in this:

Every child applicant should be required to have a complete annual physical, including immunizations, eye and hearing tests before being accepted by the center.

Staff members should include a trained nurse or at least have first-aid training. First-aid supplies should be available.

A procedure for emergency medical care should be established and understood by staff and parents.

The center should maintain on file the parents' work phone numbers, written authorization from parents for emergency medical care, copies of children's medical records (noting any allergies) and the names and phone numbers of family physicians and dentists.

The child daycare center should ensure that:

- ★ All daycare toys and furnishings are in proper repair.
- ★ The toys and equipment are age appropriate.
- ★ Toys, furniture, and equipment are stacked so that they will not become unstable and fall on children.

The child daycare center should be properly sanitized.

- ★ Clean the toys and furnishings, and have the washroom facilities disinfected regularly.
- ★ Have proper disposal facilities available and safe-handling procedures in place for soiled diapers.
- ★ Have first-aid supplies readily available for emergency use.
- ★ Have procedures in place to avoid disease transmittal from treating wounds.
- ★ Take great care in proper and safe storing of cleaning supplies, insecticides, matches, power tools, and any other hazardous materials. Such materials should be stored in child resistant, locked enclosures, away from play area.

- ★ Use extra care in proper and safe storage of supplies utilized by the children, such as paints, crayons and the like. Such items must be nontoxic.
- ★ Select toys and other play materials with sufficient attention to safety factors, including the degree of supervision required when children are using the toys and play materials.
- ★ Prepare nutritionally sound meals and snacks; make adequate provision for proper storage/refrigeration and for the maintenance of sanitary kitchen facilities, utensils, and food storage areas.

Security During Hours of Operation

- ★ **Access to the building and grounds where child daycare center activities take place should be restricted to authorized personnel.** Great care should be taken to prevent children from wandering away from the activity areas.

- ★ **A Release Procedure should be established to provide for pickup of children by authorized persons only.** Parents should be required to fill out forms and indicate who is authorized to pick up a child when a parent is unable to do so. *The center should never allow children to be released to anyone except parents or guardians, or authorized persons, without prior written authorization.* Most centers also establish strict rules regarding the time by which all children must be picked up.

Child Daycare Center Staff

Staff Selection. The first line of defense against potential legal liability from child daycare center operation is proper staff selection. **Staff members (whether employees or volunteers) should be carefully screened prior to hiring.** References, background, and prior employment history should be obtained, examined and verified prior to engaging a staff member. Pre-employment and annual physicals should be required. This ensures that the staff members are physically able to undertake the strenuous job of adequately supervising children and reduces the potential spread of a communicable disease.

Educational and Professional Requirements

Careful attention should be given to the educational and professional requirements for staff members. The professional staff of the child daycare center generally consists of a program director, teachers and assistant teachers. **Many centers engage additional professional consultants who are available part time.** This additional support may include access to physicians, nurses, social workers and psychologists. Churches using third-party daycare providers should satisfy themselves beyond any doubt that the professionals operating such centers are qualified.

Previous experience, professional qualifications and licensing history should be examined carefully. Knowledge of past violations of laws by a prospective daycare provider should be brought to the attention of all responsible parties. Assurances should be obtained that such violations will not take place in the

future. If the local church is not satisfied with the assurances given, another provider should definitely be sought.

Volunteers and Auxiliary Help

Many child daycare centers use unpaid volunteers and other auxiliary help. Application screening should be the same as for full-time professional staff.

Where the use of volunteers is appropriate they should be carefully trained and properly supervised.

Additional information on volunteer and employee background checks can be obtained in Ministry Protection Memo – Screening Volunteers and Paid Staff Workers with Children and Youth.

Staff Administration

Checklist for Administrators

- Evaluate screening and hiring practices, including volunteers.
- Review staff training procedures.
- Implement thorough staff supervision procedures.
- Evaluate supervision of activities at and away from the church-sponsored entity.
- Routinely document all personnel processes.
 - Hiring
 - Incidents
 - Probations
 - Dismissals
- Develop procedures with the help of local church and conference committees.
- Ensure that actual practice reflects written policies and procedures.

Checklist for Local Church, District, and Conference Groups

- Learn to identify potential problems in advance.
- Ask the District Superintendent to help develop procedures to: a) handle allegations; b) handle known incidents; and c) handle offenders.
- Prepare to work with parents and children in the event of an incident.

Use a Staff-Child Ratio

The use of a staff child ratio is important. The ratio of staff to child should be carefully controlled, especially when very young children are involved. In the past, The National Safety Council (NSC) recommended the staff child ratio and maximum group size outlined in the table below. As the NSC no longer does this, the following listing is therefore only a guide. Check with local authorities for current standards in your area. You may find that your state standards are stricter.

Age of Children	Minimum Ratio Professional Staff to Children	Maximum Number of Children in Group
0 – 2 years	1 : 4	8
2 – 2 ½ years	1 : 6	12
2 ½ - 3 years	1 : 8	16
3 – 4 years	1 : 13	20
4 – 5 years	1 : 17	24
5 – 6 years	1 : 17	32
6 years / over	1 : 18	32

★ **Building and room inspections should be undertaken at regular intervals** to check on the condition of ceilings, walls, floors, floor coverings, lighting, and general housekeeping. Any stairs in the center areas should have anti-slip treads and child-high handrails. Electrical wiring, switches, and outlets should be covered with safety caps when not in use.

★ **Gates should be installed on stairwells and on windows that are accessible to children.** Exterior grounds, walkways, and stairs should be free from recognized trip and fall hazards.

★ **Outside playgrounds should be provided with fences. These fences should not be climbable.**

★ **Playground equipment and toys should be kept in good condition** and free from projections and sharp edges.

Transporting Children

Where daycare centers are involved in transporting children, churches should monitor vehicle and driver condition and performance.



Specific written permission for children to travel on field trips should be obtained from parents or guardians. Information about each trip should be provided in order to give parents or guardians a full understanding of the trip.

Proper attention should be paid to state requirements for child safety seats when transporting children.

Drivers should be properly licensed, qualified and trained in rules of child behavior and in emergency procedures.

The operators should maintain adequate insurance coverage to protect the local church and themselves in the event of claims arising out of the center's operation.



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