

## **REGULATIONS FOR MUNICIPAL DAY-CARE CENTRES IN ÅS**

**Authorization:** Laid down by the executive committee for Adolescence and culture October 14<sup>th</sup> 2009, on the basis of the law of June 17<sup>th</sup> 2005 nr.64 of day-care centres (The day-care centre law) § 7, part four. Effectuation January 01<sup>st</sup> 2010

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### **§ 1. Scope/ownership**

The regulation applies to all day-care centres owned and operated by Ås municipality.

The day-care centres are operated in accordance to:

- a) Law of day-care centres with regulations, including direction of the framework plan for day-care centres.
- b) The directions and guidelines set by the department at any time.
- c) Municipal resolutions and plans.
- d) Process description for the department of Adolescence and culture.

The administrative authority for the day-care centre is the department of Adolescence- and culture.

### **§ 2 Purpose**

#### ***(The law of day-care centre § 1. Purpose, valid until the new objects clause come into force)***

The day-care centre shall give children under the mandatory age for school good development and activity possibilities in near understanding and co-operation with the children's home.

The day-care centres shall help giving the children an upbringing corresponding to Christian base values.

#### ***(New objects clause in the law of day-care centre approved December 19<sup>th</sup> 2009, will come into force in 2010)***

The day-care centre shall in co-operation and understanding with the home look after the children's need for care and play, to promote learning and make a foundation for a versatile development. The day-care centre must build on base values in Christian and humanistic heritage and tradition, such as respect for human dignity and nature, intellectual freedom, charity, forgiveness, equivalence and solidarity, values that come to expression in different religions and philosophies deeply rooted in the human rights.

The children shall be given the chance to develop creativeness and wondering. They shall learn to take care of themselves, one another and the nature. The children shall develop basic know-how and skills. They shall have the right to participation adapted to their age and qualifications.

The day-care centre shall meet the children with reliance and respect, and acknowledge the value of childhood itself. They shall contribute to well-being and joy in play and learning, and be a challenging and safe place for fellowship and friendship. The day-care centre must promote democracy and equality and counteract on all forms of discrimination. (*The law of day-care centre § 1. Purpose*)

### **§ 3. Parental council and liaison committee**

Each day-care centre shall have a liaison committee and a parental council.

The liaison committee consists of parents and staff in the day-care centre in such a way that each group is equally represented. The Parental council consists of parents to all the children in the day-care centre.

### **§ 4. Intake Authorities**

The chief of Adolescence and culture are the intake authority in accordance to delegated authority.

### **§ 5. Intake of children**

Intake of children is made by the intake authority through coordinated intake in Ås municipality. The intake is to be done in accordance to the directions of the rules and procedures for intake in day-care centres. (*The law of day-care centre § 12*).

The main intake is carried out after announcement in the internet pages to the municipality and advertisement in the local press. The main intake is carried out between the 1<sup>st</sup> of March and the 31<sup>st</sup> of May and will be for the day-care places that becomes vacant by the beginning of a new "day-care centre year".

By desire of changing time of stay or exchange of day-care centre a new application has to be dispatched.

An application about day-care places is done through an electronic application form on the internet pages to the municipality.

Closing date for applications to the main intake is the 1<sup>st</sup> of March. For supplemental intake one can apply throughout the entire year.

The intake district is the entire Ås municipality.

Children that become one year at the latest within the end of August the same year it is applied for and has applied to the main intake have by application right to get a place in a day-care centre from august. (*The law of day-care centre § 12*).

The wishes and needs to the users are to be attached great importance at the intake, with reference to the law of day-care centre § 12 part one. If no places are available in the day-care centre applied to, the municipality may offer a place in another day-care centre.

Place in day-care centre is assigned by priority.

Municipal day-care places are assigned to children having their resident in Ås municipality.

If the child is not resident in the municipality when applying for a day-care place, it must be documented that the child is settled in Ås from and including the month the place is being used.

### **§ 6. Intake criteria**

#### **1. Functional disability/child welfare**

An intake priority is, in accordance to the law of *day-care centre* § 13, given to children with functional disability and children that it is made a decision on in accordance to the law of child welfare services §§ 4-12 and 4-4 second and fourth part. It is no lower age limit for priority in accordance to § 13.

#### *Documentation:*

The functional disability must be confirm and documented from competent expertise. Counted as functional disability are different physical disabilities, underdevelopment, language- and speech defects, behaviour problems and mental suffering.

Not any kind of functional disabilities gives the right to priorities at intake. A competent expertise must evaluate whether the functional disability and its consequences for the child creates a greater need for a day-care place than other preschool children. By competent expertise it means the professional expertise and people who have brought up the child from it was born or from the time the functional disability was discovered or diagnosed. It may be a doctor, psychologist, psychiatrist and pedagogic

psychological service (PPT). In cases of doubt the municipal doctor will determine if the documentation is to be accepted or if supplemental documentation is required. By rejection of an application for priority, the municipal doctor must have given his/her assessment. The evaluation shall follow the rejection.

If the application is a child welfare initiative, the decision from the county committee, the Court of Justice or child welfare services shall be attached to the application.

There is no internal priority ranking between the two main groups given intake priority. This means that an individual approximate assessment of which child should be given precedence has to be done if there is a conflict of interest. The preferentiality implies that the child is given priority before other applicants, but gives no right to a day-care place.

*The documentation must not be older than 3 months when the application is sent to the municipality.*

## **2. Difficulties at the home**

Children from families with large difficulties because of sickness or functional disabilities from parents, brothers, sisters or other family members;

*Documentation:* A medical certificate documenting that the illness or disability is serious and lasting. The documentation must confirm that the parents, brother(s) or sister(s) illness/disability is of such a nature to where it make them dependant of daily relief for the child it is applied for.

If the intake authorities are in doubt, the municipal doctor may decide if the documentation is to be accepted or if supplemental documentation is required. By denial of an application of priority the municipal doctor must have given his/her assessment. The evaluation must follow the rejection.

*The documentation must not be older than 3 months when the application is sent to the municipality.*

## **3. Parents who shall follow an introduction program for refugees.**

Children of refugees who are going to be settled in Ås municipality and parents must follow the introduction program for newly arrived refugees.

*Documentation:*

Confirmation of that the parents will follow the introduction program for newly arrived refugees from the liable for refugee service in Ås municipality.

## **4. Transfer**

Children that earlier have accepted a municipal or private day-care place that is not the primary wish, is given the right to priority for transfer to the desired day-care place.

*The priority applies only for municipal day-care places.*

## **5. Brothers and sisters**

A child with brothers or sisters having a place in the desired municipal day-care place at the child's starting date.

## **6. Recruitment**

Children of municipal employee may be given priority at intake to recruit or keep staff in cases where it is particularly difficult to get qualified staff.

*Documentation:* Recommendation from the department manager where the employee is working.

*The following apply for assignment to a recruitment place:*

Employees in Ås municipality who are assigned a day-care place by these intake criteria may not without a new assessment by the intake authorities keep the day-care place when transferring to a new position in the municipality.

- Recruitment places can also be assigned to children registered and residing in other municipalities.
- If an employment in the municipality come to an end the place assigned as a recruitment place will terminate.
- Employees assigned a recruitment place may by application and in some cases keep the day-care place throughout the "day-care centre year".

## **7. Single provider**

Children of single providers that can prove by documentation that they are actively searching for a job or an education.

*Documentation:*

Documentation of that the provider is working, or actively searching for a job or an education. Verification of that the provider is single in accordance to the guidelines from the social security department. A valid proof of residence may be required. Before the place offered can be used, documentation of employment or student place must be submitted.

*The documentation must not be older than 3 months when the application is sent to the municipality.*

### **8. Linguistic and cultural minorities**

Children belonging to linguistic and/or cultural minorities. This only regards the latest two years before the child is starting at school.

Defined as linguistic/cultural minorities are a child with a different language and culture-background than Norwegian, with exception of children having Sami, Swedish, Danish or English as mother tongue. Both parents must have other mother tongue than Sami, Swedish, Danish or English.

*Documentation:*

Documentation from maternal and child health centre. The maternal and child health centre will make an overall evaluation from the linguistic skills to the child and the family situation.

*The documentation must not be older than 3 months when the application is sent to the municipality.*

### **9. Age**

For the group that is not in the preferential intake criteria 1-8 the following selection method for assigning of day-care place will be:

*Listings by the age of the children:*

- a) priority of the oldest kids over 3 years.
- b) priority of the oldest kids under 3 years.

*Variance from the priority order:*

The intake authorities can deviate from the priority order by the account of the age and sex composition from the group of children.

The day-care centre should aim to have an even dispersion of age groups.

Admittance to deviate does not apply in relation to applicants with priority by intake criteria 1.

### **§ 7. Intake period**

Municipal day-care places are supplied for children to the age of when they start at school if other is not separately brought forward through the offer in the letter of intake.

Assignment date is brought forward through the offer in the letter of intake. Starting date is to be agreed on with the day-care centre.

The right to the day-care place will terminate with effect from the 1<sup>st</sup> of the subsequent month when moving out of the municipality.

Normal period of notice apply, in the way that it must be paid for the place in the period of notice when moving out of the municipality.

### **§ 8. Leave of absence**

Leave of absence may be granted after application for a whole "day-care centre year" and a minimum of six months provided that it is ended within the 31<sup>st</sup> of July. The total situation for the family must be stated as the reason for the application. Economy alone will not be sufficient as a reason to the application.

The child must have been using the place before one can apply for leave of absence.

### **§ 9. Notice**

Period of notice is one month with effect from the first in the subsequent month.

Even if the place is not utilized the place must be paid for during the period of notice.

Missing payment after two reminders will cause an immediate termination of the place, provided no other distinct written agreement is entered.

If closing hour in the day-care centre is repeatedly disregarded, it may lead to termination. If the child is picked up after closing hour, or after the time one has paid for, a fixed charge will be claimed.

### **§ 10. Payment for day-care place**

#### Establishment of the fee:

The local council establishes the rate of payment for day-care centre places in accordance to the law of day-care centre § 15 a.

The payment will start from the 1<sup>st</sup> or the 15<sup>th</sup> of the month dependent on the date the child is assigned the place.

The payment shall be in advance.

Payment is due also for an unused place unless a written termination is given with 1 month's notice.

You pay for 11 months per year. The month of July is free.

In addition to the ordinary payment one has to pay housekeeping money for lunch, milk and/or fruit.

The local council establishes the rate of the housekeeping money.

The payment for stay is established on the basis of the parent's taxable gross income per year.

The basis for the calculation is the total income for the household, according to the law of taxes chapter 12.

As a household is considered married couples, registered partners and cohabiting.

As cohabiting is considered 2 unmarried people over 18 years living together, and has been living as married in at least one year or having a child together.

The basis for the calculation is the income for only one of them if the parents are separated or divorced, and living alone.

In cases where the child lives with both parents, as an example 1 week with each, the payment for stay will be calculated based on the income to the parent having the same address in the registration office as the child.

#### Documentation and change of rate:

By assignment of place the parents have to use the established form and deliver a copy of a recent tax settlement, pay statement or national insurance benefit or confirmation from an accountant, confirmation on being a student, single parent or else, within the set date. By insufficient documentation, or if it is not delivered in time, the highest rate of charge will be set.

If the documentation is delivered after the set date, it will not have any lowering effect for already due payments.

The parents have to report any change in income that may have relevance to the charge of stay.

The intake authority may at any time request necessary documentation from parents to determine the basis for the calculation of fee.

If changes in the basis for the calculation results in a higher fee, the higher rate will apply the same month as the change took place.

If the change leads to lower rate, the change will take place from the month after the documentation was presented.

#### Delayed payment and non-payment:

By late payment accrued interest will apply pursuant to law of interest for late payment of December 17<sup>th</sup> 1976 no. 100. For reminders sent not later than 14 days after due payment a reminder fee may be added.

Children of families with reminding payments from a municipal day-care centre or After-school leisure activities arrangement, will not be assigned new places in day-care centres or After-school leisure activities arrangement before the reminding payments are settled.

### **§ 11. Area utilization**

The basic instructive for net play and stay area in a municipal day-care centre are:

Full day day-care centre: 0-3 years: 5.2 m<sup>2</sup> and 3-6 years: 4,0 m<sup>2</sup>

The outdoor area should be about 6 times larger than net play and stay area.

### **§ 12. Opening hour/vacation and planning days.**

#### *Opening hour*

- a) The day-care centres are open on weekdays from 0715 to 1645.
- b) The day-care centres are closed on Christmas Eve and New Year's Eve  
When needed the day-care centres may join together on days between Christmas and New Year as well as in the days before Easter.
- c) The day-care centres close at 1200 on the Wednesday before Maundy Thursday.
- d) The day-care centres are closed in the weeks 28, 29 and 30.  
Parents who do not have the possibility of taking a vacation in week 28, 29 and 30 may apply to keep the child in the day-care centre within the 1<sup>st</sup> of April. It must be documented from employer that none of the parents can have vacation at the time in question.  
The municipality will give an offer in one of the municipal or private day-care centres.
- e) All day-care centres will be closed for 5 days of planning per year. Planning days will be held preferably at the same date as the schools have planning days or other days that the schools are closed.  
*Vacation:*  
All children shall have at least 4 weeks holiday during a "day-care centre year". 3 of the weeks must be coherent.

### **§ 13. Complaint**

Single resolutions made in accordance to these regulations may be appealed.

The complaint must be in writing to the municipality and put forward through the committee of

Adolescence and culture, mentioning the resolution the complaint is about and the reasons for it.

The period of entering a complaint is 3 weeks after the resolution is made known (reference made to *the Public Administration Act § 28*).

If the complaint is not granted by the municipality, the municipality shall send it to the court of appeal in the municipality. The municipality's court of appeal is the executive committee of local council.

#### *The following decisions are appealable:*

- a) Resolution of refusal on application for day-care place at the main intake.
- b) Wishes for kindergarten no.1 and 2 not granted for the main intake.
- c) Refusal on application for day-care place at the supplemental intake for applicants with priority in accordance to the law of kindergartens §13.
- d) Resolution of refusal on wanted priority for the intake.
- e) Resolution of establishment of the fee for day-care place.
- f) Resolution of dismissal of day-care place.

### **§ 14. Internal control (audit)**

The municipality's day-care centres have an internal control system corresponding to the existing regulations and guidelines:

- a) Regulation on systematic health, environment and safety work in establishments.  
(The internal control directions) of January 01<sup>st</sup> 1997
- b) Directions on environmentally healthcare in day-care centre and schools etc. of January 10<sup>th</sup> 1996.
- c) The internal control system of the municipality.

### **§ 15. Professional secrecy and information duty.**

The law of day-care centre § 20 states that the rules of professional secrecy in The Public Administration Act §§ 13 to 13 f apply for employees in day-care centre.

The law of day-care centre §§ 21 and 22 are instructing personnel in day-care centre the duty of information in relation to the social services and child welfare services.

### **§ 16. Insurance**

Children in municipal day-care centre are insured against accidents while they are in the day-care centre, on their way to and from the day-care centre, and when they are on field trips under the leadership of the day-care centre.

### **§ 17. Change of regulations**

Change of the regulations is to be done by the executive committee for Adolescence and culture.