There are countless challenges, regulations, parental and legal expectations, and risk exposures found in operating a childcare center, but little, if anything, can outweigh the rewards. This presentation focuses on ways to reduce exposures and enhance safety in early childhood education facilities.
Once upon a time, not so very long ago during a loss control survey, we entered a childcare center through an unsecured, open hallway door. Fortunately an alert teacher did not allow us to wander far. But we also know how fast a child can wander out of site, and off he or she goes.

Before long we were on the playground where we found a double gate unchained and open. It was left open to provide easy access by a landscaping crew who mowed the grass every Thursday. Would not easy access for one provide easy access for anyone and a good way for a child to slip away? In fact even when closed, the gates needed adjustment to reduce the gap between the two uprights to ensure a child could not squeeze between. But that was not the last security issue...

The rear fence which ran along a slope had suffered significant erosion, leaving room for a mass exodus of children if they so desired. There is a frightening thought.

Other safety issues presented themselves as we walked around. More on those later.
Parents have a right to expect the center will provide proper care for their children.

They expect their children will receive good supervision whether at the center or on field trips, and they expect their children to be transported to and from locations safely.

And parents expect their children to be free of abuse and not suffer from some form of neglect.

As we all know, meeting those expectations requires constant vigilance on everyone’s part. A glance at some recent headlines shows what happens when rules are violated or we drop our guard for just a moment.
There is no shortage of headlines dealing with losses at daycare centers. A query of internet sources for random types of losses turned up multiple headlines, many which were tragic.

We will expand on some of these headlines during this presentation, and while they are from non-Adventist childcare centers, we have had more than our share of incidents. Some here today may have experienced similar occurrences.
In the News…

California Preschool To Close After Students Allegedly Engaged In Sex Acts With Each Other
February 14, 2013

Heat Caused Death Of Child Left In Daycare Van
Dallas, July 23, 2012

11 Children Evacuated After Daycare Electrical Fire
MCKES ROCKS, PA, October 8, 2012

3 children killed in fire at Texas HOME day care center
HOUSTON, TX, FEBRUARY 24, 2011

Daycare accidentally serves bleach-water cleaner to children
GONZALEZ, TX, FEBRUARY 17, 2012
Before we go further, we must note the importance of Risk Management as a crucial component of the childcare program. Without it, we expose children and staff to harm, increase the potential for property losses, put the Center’s finances at risk, and could lose credibility with the community.

A good risk management program seeks to prevent losses, and if a loss does occur is beneficial to the recovery process.
For this presentation’s purposes, the primary focus is on risk identification and control of some of those risks; however, any regulatory and operational standard discussed in this presentation and others not covered here are risk exposures. Failure to integrate any standards will increase risks and the potential for injuries and property or other losses.

Fines may also be levied for violations, and in severe losses (i.e., a child’s death) lawsuits will result, and prosecutors may file charges. In some cases a child care center might even lose its license. In one of the articles the driver of a daycare van was actually taken into custody by police.

Establishing and following regulatory standards and good operating procedures therefore decreases the center’s potential for loss.
Ensure that your program and facilities also fully comply with state, and local agencies like Fire, Building and Planning, Health Departments and others, as applicable.
A large number of program elements must be met that stretch far beyond what there is time to cover here.

State law mandates staff/child supervision ratios for age groups and with “mixed” groups, often establishes staffing based on the youngest child in the group. Risk management and safety principles will also emphasize the need for no less than two supervisors at any time for any activity.

There are generally a number of special considerations for infants that include sleeping arrangements and the prevention of SIDS (sudden infant death syndrome). Special nutritional needs must be met and breast milk and formulas stored per regulations.
In staffing, quality and quantity must be highlighted. Staff must be skilled to properly meet the needs of the childcare center and its children. Many will come with skills learned in colleges, and some will have “hands-on” experience gleaned from other child-care center work experience.

Additional skills will be learned in orientation and on-the-job education and conferences, etc. State law dictates many educational requirements.

Background checks are also required, but pedophiles do not always have criminal records. They must be caught and convicted first. Observation of employees and maintaining ample staff to child ratios helps significantly. Keeping a minimum of two staff members and eliminating any “one-on-one” supervision also reduces these exposures.
A recent horrendous story tracks with an increasing trend we are seeing: child on child abuse. The incidents that led to the closing of a church operated California preschool are unfathomable, yet more and more similar occurrences are occurring at various facilities from daycare, to summer camps, to schools. In this recent case, students were having oral sex in an outside bathroom, in the tunnel slide on the playground and even during “nap time.” It is alleged that aides who were allowed to supervise for hours at a time were sleeping themselves during nap times when children were molesting each other. Other children lying there reportedly watched the acts take place.

Ample supervision at appropriate ratios or better, reduce the potential for abuse, and helps to prevent other injuries as more eyes observe activities and conditions indoors, on the playground, and during field trips.

All of the new distractions must also be avoided. Cell phones, texting and other distractions are becoming a way of life. They are an important tool, but like anything can be abused and divert a supervisor’s attention from the tasks and responsibilities at hand.
Regulatory standards require written emergency plans. This is not a document that is written and then put away. In fact, later in the posting section there is emphasis on the need to actually post the plan.

The plan needs to cover all potential disasters and the necessary response for each. Employees then need to understand their roles during an emergency, which will be practiced during drills.

Drills are to then be evaluated and rewritten as needed.
As we pulled up to the child care center, the fire alarm was blaring and the center was evacuating. Teachers led small children down the sidewalk and a crib with four toddlers was rolled along the sidewalk and down a blacktop ramp. Then the center’s staff and children settled in for the wait, which it was expected would not be long.

Sometimes, however, the local fire department is away fighting a fire elsewhere, and it takes awhile before they show up, as was the case of this alarm. Not only must staff be prepared to wait, but they must also be ready to immediately provide first aid.

While the center had experienced its share of recent false alarms, probably due to old smoke detectors and equipment, the staff efficiently went through the evacuation paces as if the facility was on fire.

As we observed the return to the facility following the fire department’s authorization, we watched the staff struggle and push the wheeled crib up the rough blacktop ramp. It was then that the possible tipping of the crib became more apparent and raised concern. Ramps should be smooth and have lips to prevent wheelchairs or other wheeled objects from going off the edge. Recommendations followed.
The weakness of many plans is that they focus primarily on fire. In the childcare setting, we must also be concerned with responding to a child wandering off or an abduction, as can occur when an unauthorized estranged parent forcefully takes his or her child, or a kidnapping occurs. What would the response be if a storm is approaching, or a chemical spill occurs nearby? And there is always the possibility of a vehicle crash.

Staff must know their responsibilities with any occurrence.

Are there contingency plans dealing with power loss or loss of a portion or all of the facility due to fire, flood, or other cause? If use of even one room of the facility was lost for a period of time would you have to close? Are parent phone numbers readily available if you had to call them from a different location (like the parking lot)?
Regulations for the most part detail what records must be kept on file. Recordkeeping and posting requirements for California are listed at: http://www.dss.cahwnet.gov/cdssweb/entres/forms/English/LIC311A.pdf. Know the requirements of your local jurisdiction.

Children’s records will have completed enrollment forms signed by parents; contact information; injury and illness information; medications; parental consent for transportation on field trips, and other information, including immunizations and information on who is authorized to remove children from the child care center.

Attendance records must be maintained and used diligently and all records must be kept on file per regulations. It should be noted that recent data indicates that of all child abductions only 7% occur at schools and day care centers. 70 plus percent occur at home. Most are by family members in either case. Ensure that children are released only to parents or those authorized by parents.

Regulations will also generally state how long records must be kept on file after the child no longer attends the center.
The previous listed web link from California also provides the information in regard to posting of various records and materials in the center. What are the requirements for your jurisdiction?

Postings will often include the Center’s license, the Personal Rights form, menus, the Child restraint system poster, daily activity schedule and Emergency Disaster Plan and Earthquake Preparedness Checklist. Other postings include a Parent’s Rights Poster, Notice of Site Visit and certain licensing reports related to deficiencies and citations.
From a risk management perspective, records are important not only on a day-to-day basis, but also as a record of “due diligence” on the center’s behalf.

They serve as backup documentation concerning facility inspections and maintenance, and vehicle inspections and repairs.

If needed because of a lawsuit, good records may help in the defense of some charges of negligence.
Regulatory standards require a certain amount of square footage for various areas of the facility, which will ultimately define the number of children allowed. Certain areas like kitchens, mechanical and storage rooms, bathrooms and hallways, among others, are not included in determining useable square footage.

Some jurisdictions also have location requirements, like being on an environmentally safe site and in a location serviced by emergency fire, medical, and police during the hours the children are present.

These requirements can vary from location to location. If you transfer as an employee or childcare administrator to a different or “proposed” location, do not expect everything to be the same.
Safety at facilities can be strongly influenced by the importance placed on preventive maintenance and identifying hazards related to code violations.

Repairs to sidewalks, steps, carpets and tile and handrails can go a long way in reducing slip, trip and fall accidents. Potholes and other damaged areas in parking lots also cause frequent injuries.
Identify electrical outlets that are damaged or not protected and eliminate cords across floors and damaged electrical wiring that can cause injuries or fires. Multi-plug outlets are fire code violations and need to be removed. If necessary, a power strip with overload protection is acceptable, but the best method is to provide additional permanent power to the area that needs it.

When power strips are used do not piggyback one power strip to another.

It is important to note that the National Electrical Code in the 2011 edition has found the open outlet issue important enough to require in section 406.14, Tamper-Resistant Receptacles in Child Care Facilities, “In all child care facilities, all non-locking-type, 125-volt, 15- and 20- ampere receptacles shall be listed tamper-resistant receptacles.”

Section 406.4 (D) (5), Tamper-Resistant Replacement Receptacles, goes on to state that “When a receptacle is replaced in child care facilities, guest rooms, guest suites, and specified areas of dwelling units, it must be Tamper-Resistant.”
Self inspections also look for areas where chemicals may be accessible to children. All potentially hazardous chemical containers need to be properly labeled and locked up out of the reach of children. There should also be material safety data sheets available for each hazardous chemical.

There is no excuse for a daycare center that accidentally serves bleach-water cleaner to children.
Inspections also look for heavy objects like televisions that are on narrow-based unstable carts and/or are not strapped down to carts.

And what are storage practices like? Are items stacked hazardously or leaning against walls where they can fall on a child or staff member? Are flammable or combustible materials stored near water heaters, furnaces or other ignition sources?
Vision panels help prevent misconduct or allegations of misconduct. Covering vision panels creates an atmosphere where misconduct could occur unnoticed. It can also raise suspicions. Remove coverings and open shades, if present.

Aisles must be kept free of storage to prevent tripping hazards and allow rapid egress in the event of an emergency.
Organizations look to the Consumer Product Safety Commission’s “Public Playground Safety Handbook” for the most current information on playground safety. (www.cpsc.gov) The handbook is available in both English and Spanish.

Previous inspections by Adventist Risk Management have revealed playground equipment that was actually placed on concrete and other hard surfaces. When there are resilient surfaces, they are frequently not maintained and hard ground remains directly below potential “fall” zones.

Occasionally the equipment is not appropriate for the age of the children using it, or is not well-maintained and has worn or broken parts and projections like the seat and chain in these illustrations. The amount of wear on the chain pictured on this page would support little weight before breaking.

Self-inspections are necessary to reduce the potential for falls and serious playground injuries.
Outdoor play areas must also have a certain amount of square footage per child with size based on the number of children using the playground at one time. Certain age groups are also separated and have different play equipment.

Playground equipment must be designed, constructed, arranged and maintained in a manner that will prevent injuries to children. One border illustrated here is too close to the play apparatus. A child falling from the apparatus could easily strike the hard-edged border or the sidewalk. The CPSC handbook addresses how to determine the appropriate clearances.

The full story from Tucson reflects on how two children actually slipped out of the playground and into the alley. The article states that the center was not aware the children were even missing until police who had called a boy’s mother arrived. The article does not mention how the children got out of the playground or where supervision failed.

Regulations also specify fencing requirements for outside play areas. The best means of control and protection is to have private entrances from the building. If not possible, the next alternative is a protected approach to the playground.

Fences should be constructed in a manner that is difficult for children to climb and must be maintained to ensure there are no means for children to slip out.
Newer play equipment has smooth, more forgiving surfaces. If a child strikes it, injuries are less severe. The “old” playground equipment in two photos are constructed of hard “unforgiving” steel. In direct sun it would also be hotter than current play equipment. These kinds of play equipment should be phased out and replaced with newer, safer playground apparatus.

The rubber grips on tricycle handle bars provide more than a surface to grab while riding. They also provide a softer, smoother surface if struck against by a child. When equipment is missing parts, it needs to be removed from service and repaired or replaced.

In this image of a swing, seat and chain, the chain is attached to the seat with a carabiner type connector. As seen here, this device can come open, allowing the seat to disconnect from the swing while being used. One child suffered serious knee injuries when the swing she was on came loose from the chain and she flew from the swing and landed on her knee. When making connections to seats and overhead swivels, the connections need to use “S” hooks, and the hooks need to be crimped closed so the chain will not come loose.
These images reflect exposed mounts and edge materials that are too close and can cause injuries.

Outside Play Areas

• Maintained for safety?
How well are your playgrounds maintained?
As mentioned previously, supervision is one of the most critical elements of the center and supervision on the playground is no exception.

We must ensure we have enough staff on duty to observe and assist children on the playground. Can all activities be adequately observed. If a child needs minor first aid, who will be watching those still playing as a child is taken away for treatment and a band aid.

Is equipment being used properly? While surveying one child care center, a child swung his legs up and hung upside down from the bars in the photo shown here. That is not what the bars were intended for and it was obvious he had done it numerous times; yet, if he fell, he could land on his head on the wood surface.

Supervising staff must be actively supervising. This is not a place for reading, sending text messages or engaging in some other distracting act that negates “responsible supervision.”

The tetherball incident involved a near strangulation when a three-year-old child was found hanging from a tetherball rope that was wrapped around her neck. There was no ball on the rope. A child alerted the teachers, who performed CPR and the child was medevac’d to a hospital. Does anyone see a supervision issue here? And why are strangulation hazards present on the playground?
Ensure that there are parental consent forms for each child going on field trips and that the forms are taken on each trip. Medical release forms should also be part of the packet, as should any other pertinent medical information.

Ample qualified supervision is a must, as well, and careful consideration must be given to all modes of transportation used.

One would think regulations would not need to specifically state “Children shall not be left in parked vehicles.” Still, how often have we seen the headlines: “Heat Caused Death of Child Left in Daycare Van”? Unbelievably, children are forgotten in vehicles.
Activities must be planned in advance to ensure all safety aspects have been considered. Field Trip Planning Forms are available on Adventist Risk Management’s website at www.adventistrisk.org. The form will help trigger thoughts for discussion as efforts are made to ensure safety elements are in place. The form can be used by staff to submit for approval by the applicable board or administration.

Supervision and transportation will be two of the most important elements to consider when implementing safety measures.

All desired field trips should be submitted for review and approval to the Director and other appropriate administrative officers.
Vehicles must be properly licensed and carry first aid kits and safety equipment (reflector triangles or other devices to alert drivers of an emergency, etc.). A method to call for help is also needed. Obviously vehicles must be in good repair.

State laws address seating requirements for children and what restraint systems must be used.

Drivers must be properly licensed for the vehicles driven and have good driving records.

As with any activity, the proper child to staff ratios must be maintained. Ratios will generally be based on the age of the youngest child in the vehicle, but in no instance should there be less than two adults.
Transportation risk are magnified by the fact that they have the potential for multiple injured parties: children, staff and volunteers, as well as anyone in other vehicles if it is a multiple vehicle crash.

Good vehicle maintenance is critical, which is something difficult to control if volunteers’ autos are used for transporting children. Good records on any vehicle maintenance must also be kept. Before each trip, a pre-trip inspection of the vehicle should be performed and signed off.

Vehicles must only be used as designed with no one transported in the back of pickups or trailers. If the vehicle has seatbelts for five people, no more than five people are allowed to be transported in that vehicle. All seatbelts and/or appropriate restraints for the size of the children being transported must be used, as well.

Drivers, per NAD working policy shall be 21 and have good driving records.

If non-owned vehicles are used, owners of those vehicles must be aware that their personal auto insurance police will be primary in the event of an accident.

It is also important that childcare centers refrain from the use of 15-passenger vans due to stability issues and accident potential.
Standards change frequently for various items, and recalls occur more often than the modification of safety standards. Stay in tune with recall notices and issues specific to your responsibilities. Much information is available from the Consumer Product Safety Commission at www.CPSC.gov. There is also a place on the site to sign up for recall notices.

Crib standards recently changed and are reflected on the site. Many cribs prior to this notice fail safety standards and need to be replaced. “Due diligence” would be to replace dangerous cribs immediately.
This has been a surface view of many concerns and standards related to child care centers. This is not meant to discourage, but to inform and encourage those who have centers to review all applicable standards and safety practices and ensure they are in place. Look for ways to make your program safer if you see weaknesses.

There are many rewards to having a childcare center. Done right you will reap many rewards as you nurture children in their formative years.
Questions?

Additional safety information is available at www.adventistrisk.org.

The information contained in this presentation is based on general risk management principles and does not constitute legal advice or an endorsement of any products, services, or course of action. Risk management planning will vary with each organization. It is the responsibility of the attendees to make their own decisions about the reliability and correctness of the information provided in this seminar.