

Contracts & The Law



What is a Contract?

As a Childminder, when you enter into negotiations and agree terms with a parent, you are entering into a contract, and this has legal implications and responsibilities for both you and the parent.

A contract is an agreement between two or more people that is enforceable by law. Contracts may be written or oral and are made up of terms; some of which can be implied terms. Contracts may differ in many ways and there are no hard and fast rules governing what terms should be in a consumer contract.

Terms in consumer contracts, however, must always be fair and clear to the consumer (the parent). Anyone involved in the contract should be clear about what their obligations are under the terms of the contract.

Consumer contracts are protected by the Sale of Goods and Supply of Services Act 1980.

Both Childminder and parent are bound by the terms of the contract, which can only be changed with agreement of both parties.

What should the contract cover?

Childminding Ireland strongly recommend that you have a written contract in place, and a sample contract is included in all membership packs.

Our sample contract includes contact details, details of hours to be worked, whether there will be collection/delivery to pre/school, whether food, nappies and toiletries are to be provided, and what meals will be provided, collection

terms, amount and frequency of payment, amount of paid holidays, annual leave, whether Bank Holidays and sick days are to be paid, fees for minding children outside contracted hours, notice period etc. The contract can be amended to suit individual circumstances.

When things go wrong

It is unavoidable that there will be times when relationships break down, and conflict arises. It is essential to keep lines of communication open. It is important at all times to remember that the child is at the centre of your service, and a professional Childminder will not let personality issues interfere with offering a quality child-centred service.

Termination of Contract

Childminding Ireland's sample contract allows for a notice period, we recommend a notice period of at least 4 weeks (or payment in lieu), this will allow the Childminder time to fill the vacancy, and allow the parent sufficient time to find alternative childcare. We also recommend a probationary period, whereby either party can opt out of the contract within 2 weeks of commencement without notice or payment in lieu.

Recourse for Breach of Contract

Childminders can seek recourse through the District Court for sums amounting to less than €6,350.

Members of our Group Insurance Scheme can avail of the free Legal Information Line on 1850 670 747.