

Acceptance criteria
for
private suppliers of
public day-care
facilities



Acceptance criteria for private suppliers of public day-care facilities according to part 3, section 19(5) of the Danish Act on Daycare Facilities

All private suppliers that want to start a private institution, must send an application by e-mail to: infoteam@kk.dk In the application, the private supplier must document how the institution will meet the requirements below.

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1. Application period

Deposit

On the application for acceptance of the establishment of a private institution, the applicant must provide a deposit of DKK 30,000 which is repaid when the municipality has determined on the establishment of the institution.

Performance guarantee

To obtain security of supply, the City of Copenhagen requires provision of security on demand terms. The private supplier must provide a guarantee corresponding to one month's operation of an average institution of the same size as the private institution. The guarantee provided must at any time, as a minimum, correspond to the size of the institution in relation to the number of children and their ages. The amount is calculated and determined by the City of Copenhagen.

By-laws

By-laws must be prepared for the private institution before it can be accepted. The by-laws must contain i.e. admission criteria, notice of termination, supervisory board structure, opening hours, number of children, the objects of the private institution and any priority rights. A responsible leader for the private institution must be appointed.

Before the final acceptance of the institution can be given, a business registration certificate from the Danish Business Authority (CVR number) and an operating permit must be available.

2. The physical framework

It is a precondition for payment of the grant that the private institution always has a valid operating permit for the premises in which the care takes place and for at least the number of children that have been admitted to the private institution.

The premises must primarily be designed for everyday use by children. There must be a free floor area of 3 m² per day nursery child and 2 m² per kindergarten child.

No grants are given to care schemes comparable to family day-care schemes, i.e. care for a small number of children in home-like surroundings.

It is a requirement that the institution has at its disposal an outdoor space/a playground corresponding to at least the floorage of the building, alternatively 10 m² per child.

For a further description of the acceptance criteria relating to the physical framework, see:

- "Etablering af private pasninger (Establishment of private child-care)", the Children and Youth Administration.
- "Vejledning om Hygiejne i Daginstitutioner – om sundhed, forebyggelse, sikkerhed og miljø" (Guidelines on hygiene in day-care centres – on health, prevention, safety and environment), Danish Health Authority.

3. The educational framework

The purpose of public day-care facilities and educational teaching plans

The private supplier must meet defined objects and the provision on educational teaching plans (see part 2 of the Danish Act on Daycare Facilities).

Public day-care facilities must contribute to and support children's understanding of democracy, integration in and cohesion with the Danish society. The institution must be open to all families with children irrespective of race, gender, religion and political views. Influence that aims at regimentation must not take place. The educational work in the institution must further tolerance and humanity. The principal language in the institution must be Danish, and the institution must support Danish sets of value.

Private institutions must prepare teaching plans that deal with six mandatory themes for the learning of children: Body and movement, language, social competences, nature and natural phenomena, cultural forms of expression and values and personal competences.

The educational teaching plan must:

- describe the educational principles and learning understanding of the public day-care facility
- describe the aim of the public day-care facility for the children's learning within the six teaching plan subjects
- describe which educational methods and activities are used to obtain the learning targets

- describe how work is done to include children with special needs in the group in relation to methods and activities
- evaluated every second year

The child environment must be assessed from a child's perspective, and children's experiences of the child environment must be involved, taking into consideration the age and maturity of the children.

It is the leader of the private institution who is responsible for preparing and publishing the educational teaching plan. It is also the leader who is responsible that the teaching plan is evaluated at least every second year. The leader is responsible for involving the parental committee in the preparation, evaluation and follow-up on the educational teaching plan.

Inspiration and guidelines for the preparation of an educational teaching plan can be found at the website of the Danish Ministry of Education: www.uvm.dk

The educational quality requirements of the municipality

The work in all public day-care facilities in the City of Copenhagen must take as its basis the municipal fundamental values (respect, equality, dialogue, trust) and upbringing values (self-respect, consideration for others, independence, tolerance). The private supplier is obliged to comply with the political decisions and the municipality's policies in the area applicable from time to time.

The City of Copenhagen has developed six indicators of educational quality in public day-care facilities:

- Social relations
- Inclusion and community
- Language effort
- Parental cooperation
- Coherence
- Requirements for reflection and methodical systematics in the educational practice

The purpose of these indicators is that each institution relates to how it will locally formulate and practice its education. The indicators describe a common direction for the plurality of theories of education, methods and strategies existing and being developed in the institutions in the City of Copenhagen.

Composition of staff

The person responsible for the private institution is responsible that the composition of staff ensures that the institution can comply with the targets in the Danish Act on Daycare Facilities and the quality requirements of the City of Copenhagen and provide for the needs of the children. The childcare provision must be adequate. The size of groups must be so that the staff can fulfil the needs of the children in relation to security and supervision. At least two staff members must always be present during the opening hours of the institution.

An extended certificate of criminal record and a statement of no previous convictions in respect of children must be obtained for all that are wanted to be hired in the institution before the employment can be entered.

There is a requirement that the leader and the substitute must be trained social educators or have another relevant educational education. The City of Copenhagen can grant an exemption from the requirement about a social education in the same way as an exemption can be granted for the training requirement when employing staff in municipal and self-governing day-care centers. A social clause is also imposed on the private supplier in relation to hiring trainees, students and persons who may otherwise find it hard to gain a foothold in the labour market and a labour clause that ensures proper wage and working conditions.

The private institution must arrange for temp cover for holidays and illness.

Support measures

Private institutions must be open to children who require special efforts, and they must cooperate with relevant municipal bodies and the educational supervision on the necessary measures vis-a-vis these children. It is the municipality that makes decisions about the need for special support following an actual assessment. The private supplier has a duty to cooperate and take initiatives.

Costs for a learning support teacher are not included in the operational grant but are granted by the municipality following an actual decision to the individual institution. In case of the grant of support resources to a private institution in a municipality other than the district of residence, it is the district of residence that makes decisions on the need for support and the district of residence that pays the costs for a learning support teacher etc.

Language stimulation

Private institutions must meet the rules on language stimulation under section 11 of the Danish Act on Daycare Facilities, and they must follow the guidelines of the City of Copenhagen in connection with language stimulation of bilingual children. For a further description of the acceptance criteria for language stimulation of small children, see www.kl.dk

4. Pay and employment conditions

On 17 March 2016, the Municipal Council of Copenhagen decided that the use of labour clauses should be applicable in all areas, where a municipal economic grant is paid out to a private supplier. This means that by being accepted as private supplier of public day-care facilities in the City of Copenhagen, you can be asked to sign a labour clause, which imposes on you as an employer an obligation to ensure proper pay and employment conditions for your employees. See further appendixes on pages 15-17

5. Financing

Financial integrity

The private supplier must fulfil the basic requirements concerning financial and professional integrity, i.e. that the private supplier must for example comply with its obligations in relation to payment of taxes etc. and use the grants from the City of Copenhagen for the objects.

Grants

The municipality provides a grant to the private institution per child admitted to the institution. The grant is annually at DKK 132,863 per child in the age group 6 months to 3 years, at DKK 69,881 per child in the age group 3-6 years and 2-3 years (2019). The grant comprises three elements: operational grant, administration contribution and building grant, and the amount of the grant is distributed monthly as follows:

2019

Rates for 2019 (in case of minimum 48 hours of opening hours per week and maximum 9 closing days):

	2019
	0-2 years
Operational grant	110,805
Building grant	18,798
Administration contribution	3,257
Total	132,863
	3-5 years
Operational grant	58,021
Building grant	10,158
Administration contribution	1,702
Total	69,881

- *The operational grant* per child corresponds to the average budgeted net operating expenses per child in an age-appropriate public day-care facility in the municipality (eg. expenses for a learning support teacher), see section 36 of the Danish Act on Daycare Facilities.
- *The Administration contribution* per child corresponds to the average administration contribution per child granted by the municipality to self-governing institutions. The administration contribution lapses if the private institution does not want to handle the administration, see section 38 of the Danish Act on Daycare Facilities.
- *The building grant* per child corresponds to the average building grant per child in the same age group in the self-governing day-care centres in the municipality, see section 37 of the Danish Act on Daycare Facilities.

A social clause and a labour clause must be completed as a condition for receiving grants.

Labour clauses are conditions imposed on suppliers in relation to ensuring proper wage and working conditions. Social clauses are conditions imposed on the supplier in relation to hiring trainees, students and persons who otherwise find it difficult to gain a foothold in the labour market.

The grants are paid by the child's district of residence from the time when the parents have received a promise for a grant for the purpose of public day-care facilities, and the child has been admitted to the private institution, see section 39 of the Danish Act on Daycare Facilities.

Any surplus can be withdrawn as profit to the operator. This profit must be used for lawful purposes. The municipality is not liable for any loss of a private institution.

Opening hours and closing days

To obtain full grants, the institution must have opening hours of at least 48 hours a week and be open on all working days. In case of fewer opening hours, the grant is reduced correspondingly. The private institution is obliged to inform both the municipality and parents in advance of closing days in the said year. The private institution must provide alternative care when they have closing days. The municipality has the possibility of adjusting the grant in relation to the number of closing days of the institution.

6. Admission

The institution itself determines the admission of children to the institution. The rules on admission of children must appear from the by-laws of the institution, which must be publicly accessible, e.g. through the website of the public day-care facility. The admission criteria determined by the institution may not be contrary to usual legal doctrines, and the institution must be open to all children irrespective of race, gender, religion and political views. The institution must also be open to children who require a special effort. Priority rights can be given to a certain group of children if the institution has been established for a specific purpose and if the priority right is clearly defined in the bylaws.

The private institution must keep a waiting list of children wanting to be admitted to the private institution. The waiting list must be open to all and accessible to the municipality, so that the municipality can get insight in the waiting list. The institution can only refuse children if there is no idle capacity. If the institution refuses a child, this must be reported to the municipality with a reason for the refusal.

The private institution must inform the Placement Service which children will be admitted to and taken out of the institution. Once a month, lists of all children admitted must be submitted. The lists must be sent by [secure mail](#) to the Placement Service. In the subject line, it should be stated which institution is submitting. Log on with the institution business' NemID or the leader's NemID.

If the principal language is English, German or French

The term principal language means the language which is generally used in the dialogue between children and educational staff in the private institution.

The principal language in private institutions must basically be Danish in accordance with the Danish Act on Daycare Facilities. However, the municipality may decide that the principal language in a private institution can be English, German or French if an actual assessment estimates that no integration problems will result.

In case of acceptance as a private institution with a principal language other than Danish, the private institution undertakes to ensure, when admitting children, that the rules in section 22a of the Danish Act on Daycare Facilities and municipally adopted guidelines are complied with.

It actually means that when admitting a child, the private institution must make an assessment of whether it has integration consequences to the actual child to be admitted to the institution.

In connection with admission, the private institution must prepare a written memo from which it appears that the assessment has taken place. The private institution must ask the parents to send documentation that they stay in Denmark for a brief period.

This documentation consists of either:

- a residence permit based on employment
- a letter of engagement with a final date
- documentation that the parents have been posted abroad, are going to be posted abroad or that posting is an expected part of the employment.

Written memos on the admission of new children must be sent to the Placement Service in connection with the submission of the monthly overview of admitted children.

The private institution also undertakes to provide information about the above rules on its website and through other guidance so that the target group is clear to applicants.

It is possible to apply that both the entire institution and departments of the private institution have a principal language other than Danish.

For private institutions, the decision on the principal language is made as part of the acceptance of the institution.

7. Parental influence

In private institutions, parental committees must be established corresponding to self-governing institutions (see section 14(3) of the Danish Act on Daycare Facilities). As a minimum, parental committees must have influence on the principles of the work of the day-care centre, the principles of using a budget frame and a right to make recommendations to the supervisory board of the institution in connection with the hiring of permanent staff in the day-care centre.

Every second year, the parental committee must determine if the private institution should offer a daily meal to the children.

For further inspiration, see:

- ”Velkommen til forældrebestyrelsen /bestyrelsen i Københavns kommune” (Welcome to the parental committee/the supervisory board in the City of Copenhagen).

8. Supervision

The educational supervision must ensure that the private institution meets the objects clause, section 1 of the Danish Act on Daycare Facilities.

Guidelines and provisions on private suppliers are found in chapter 32 of the Guidelines on public day-care facilities (Vejledningen om dagtilbud). It is pointed out that the private institution itself is responsible for seeking information to that effect and to comply with the provisions of the Danish Act on Daycare Facilities.

The educational supervision consists of the leader team and a team of supervisors who attend to the supervision of the private care in all of Copenhagen. There are three supervision visits a year, of which one is announced, one is an unannounced visit and one visit with a detailed annual report is prepared, which also includes a self-register list of rules, framework and safety.

Contents of the supervision:

- The private institution’s overall educational profile
- The educational teaching plan and follow-up on focus points with action plans and evaluation
- The educational everyday trend – is the daily practice in compliance with goals from

the educational training plan

- The private institution's efforts for the linguistic development of children
- The private institution's approach to children and their development potential
- The dialogue in the parental cooperation
- The staff situation, including work schedules

At each supervision visit, the administration's lists of children are compared with the internal lists of the institution to ensure that all children for which grants are provided have been registered.

9. Other provisions

The private supplier must always meet the applicable acceptance criteria as adopted by the City of Copenhagen.

The private supplier must always meet the applicable legislation in the area, including all statutory provisions aimed at public day-care facilities, and the goals and framework relating to children in public day-care facilities, applicable from time to time in the City of Copenhagen. Including the politically adopted decisions in the daycare area.

The City of Copenhagen's acceptance to operate a private institution cannot be passed on to another natural or legal person.

Private institutions are subject to the same rules about a duty of confidentiality and duty of notification as the municipal and self-governing day-care centres (section 43 of the Consolidation Act on Legal Protection and Administration in Social Matters and in part 27 of the Consolidation Act on Social Services.)

Private institutions must meet the rules governing APV (workplace assessment) (see the Danish Working Environment Act).

The institution is obliged to take out insurance policies as with the self-governing day-care centres, such as building and fire insurance, contents insurance and accident insurance for the children.

The institution is smoke-free, which means that smoking is forbidden indoors in connection with the work with children or during the work with children in the open. Employees who work with

children function as role models, and in being together with children smoking is therefore not permitted. It is a managerial responsibility that applicable rules on smoking are observed. The leader therefore has an obligation to take action vis-a-vis employees who fail to observe these rules.

The city council's requirements on the installation of particle filters on diesel vehicles and working machines must be followed. The City of Copenhagen's guidelines concerning financing through advertisements of buses and cars must also be followed.

The institution is obliged to have a phone, a computer with an internet connection that always meets the applicable standards, and a website.

The private institution must comply with all applicable provisions on hygiene, safety etc. and follow the general policies in the areas food, exercise and hygiene.

For a further description of the acceptance criteria, see:

- "Vejledning om Hygiejne i Daginstitutioner – om sundhed, forebyggelse, sikkerhed og miljø" (Guidelines on hygiene in day-care centres – on health, prevention, safety and environment), Danish Health Authority.

If, after acceptance of the institution, the City of Copenhagen assesses that the private supplier breaches or no longer meets the said requirements and obligations, the municipality can stop payment of the grant without notice. The City of Copenhagen reserves the right to make a claim on liability in damages in the event of improper use.

The municipality's decision on acceptance of private suppliers cannot be brought before other administrative authority. A complaint about the determination of the municipality's requirements can be directed to:

Statsforvaltningen (the State Administration)

Det kommunale tilsyn (municipal supervision)

Store Torv 10

6200 Aabenraa

tilsynet@statsforvaltningen.dk

The INFO centre of the State Administration, tel.: 72 56 70 00

Appendix:

Pay and working conditions

1. The Obligation

The beneficiary of the grant must ensure that all his/her employees are guaranteed pay (including special benefits), working hours and other working conditions, which are by no means less favourable than those, which applies to work of the same kind. This is in accordance with a collective agreement made by the most representative parts of the Danish labour market from the professional area in question, and which applies to all of the Danish territory.

1.1 Demands concerning the employment conditions and identification of the employees

No later than 4 weeks after the beginning of the employment period, all employees must receive a proof of employment as well as be informed by the beneficiary about the applicable pay (including special benefits), working hours and other working conditions.

Furthermore, the beneficiary is responsible for ensuring that only employees with legal residence and work permit are employed.

Employees must be able to document their identity on request, by presenting photo identification.

1.2 Demands concerning the registration of foreign service providers

If the beneficiary is under obligation to notify the Register of Foreign Service Providers (RUT), then the beneficiary is liable to ensure the observance of this obligation.

On his/her own initiative, the beneficiary must send a receipt for all notifications concerning the beneficiary to the Municipality of Copenhagen immediately after the notification.

2. Documentation for the observance of the obligation

In the following, a distinction between the demands concerning the documentation and the demands concerning the statement is made.

2.1 Documentation

The burden of proof that the obligation, confer section 1., has been observed lies with the beneficiary, and the Municipality of Copenhagen can on request demand to see documentation for the observance of this obligation on behalf of the beneficiary.

The Municipality of Copenhagen can demand documentation directly from the employees of the beneficiary.

As a minimum, the relevant documentation should include payroll, electronic-income receipt, payroll accounts, residence and work permit and proof of employment, as well as the frame of reference that the beneficiary has applied when determining the pay and working conditions of the employees.

Furthermore, in specific cases the Municipality of Copenhagen can request that the beneficiary submit further relevant documentation.

2.2 Statement

If the Municipality of Copenhagen suspects a violation of the obligation, then by demand the beneficiary must submit an adequate statement about the matters in question to the Municipality of Copenhagen.

Furthermore, the parties are under obligation to personally inform each other in case of any suspicion of neglect concerning the observance of the labour clause.

2.3 Deadlines

The documentation should reach the Municipality of Copenhagen no later than 5 working days after the demand was issued.

The statement should reach the Municipality of Copenhagen no later than 10 working days after the demand was issued, unless other specifics are agreed upon.

However, the deadlines can only be extended to the maximum of 10 working days for the documentation and 20 working days for the statement.

2.4 Disclosure of documentation

After a specific assessment, the municipality can disclose information, which serves as documentation for the observance of the demands, confer section 2.1, to the Taxation Authorities (SKAT) or the Danish Working Environment Authority, if it is estimated that the disclosure is of significant importance to the operations of the authorities.

After a specific assessment, the municipality can disclose information, which serves as documentation for the observance of the demands, confer section 2.1, to the police, if there is any suspicion of criminal activities.

3. Sanction for neglecting the observance of the obligation

Significant violations of the obligation by the beneficiary should always justify that the Municipality of Copenhagen might revoke the acceptance of the private supplier of public day-care facilities, after a specific assessment.

If the beneficiary becomes liable to the sanctions below or other violations of power, this does not exempt him/her from the duty of fulfilling the other conditions that the grant also depends on.

3.1 Sanctions in case of the violation of section 1 on behalf of the beneficiary

The Municipality of Copenhagen is entitled to revoke grants in order to accommodate justified demands on behalf of the employees of the beneficiary.

If the conditions for revoking a grant is met, and if the revoked grant cannot be paid out to the employees in question due to missing documentation, then the beneficiary loses the right to have the concerned part of the grant paid out.

In case of violation of section 1, the beneficiary is liable to a fine. The fine per started workday amounts to 1/27 of the monthly grant, however, it must be a minimum of 5.000 DKK per day, until the violation is brought to an end.

The amount can be set off against any non-paid out grants for the period.

3.2. Sanctions in case of the violation of section 2 on behalf of the beneficiary:

In case of violation of section 2, the beneficiary is liable to a fine.

The fine per started workday corresponds to 1/54 of the monthly grant, however, it must be a minimum of 2.500 DKK per day, until the beneficiary has met the demands of the Municipality of Copenhagen.

The amount can be set off against any non-paid out grants for the period.

4. Inspections

During the period of the grant, the Municipality of Copenhagen or a third party representative will be able to make unannounced visits to the locations, where the beneficiary conducts his/her business.