



Tusla- Child and Family Agency Children's Services Regulation Annual Report 2018

Early Years Inspectorate

Alternative Care Inspection and Monitoring Service

Alternative Education Registration and Assessment

Child Safeguarding Statement Compliance Unit

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Foreword

It gives me great pleasure to present the first annual report for Tusla Children's Services Regulation and to provide an overview and update on the regulatory activities undertaken in 2018. My appointment as National Service Director of Children's Services Regulation in June 2018 marked a significant milestone in strengthening the governance of Tusla by the integration of all areas of children's regulation.

The four regulatory functions that comprise the Children's Services Regulation Directorate are the Early Years Inspectorate, Alternative Care Inspection and Monitoring Service, Alternative Education Registration and Assessment, and Child Safeguarding Statement Compliance Unit. Bringing together these functions affords us an opportunity to reflect on our regulatory services in a strategic way and build towards the best quality services we can provide for children within the mission and core values of Tusla.

Each regulatory function operates under a legislative and policy framework and this report provides evidence of the key achievements and performance within each area. In 2018, the Early Years Inspectorate published the Quality and Regulatory Framework (QRF), which included extensive information and guidance for providers of early years services to support them in achieving regulatory compliance, and through this enhance the safety and care of children. This development was underpinned by a comprehensive, systematic and participative approach that involved wide ranging consultations with key stakeholders including parents. In 2018, 4,435 early years services registered with Tusla and more than 2,500 inspections took place, a 20% increase over the number of inspections in 2017.

The Alternative Care Inspection and Monitoring Service had responsibility for the 120 non-statutory residential children's centres registered with Tusla and published 94 inspection reports online over the course of the year. The Alternative Education Registration and Assessment unit carried out preliminary, comprehensive and review assessments of educational provision for children who avail of home education or who attend an independent school. In 2018, there were 1,410 children registered on the home education register and of these 17.5% were children with special educational needs. The Child Safeguarding Statement Compliance Unit commenced operation in March 2018. Child Safeguarding Statements required by 'relevant services' in accordance with the Children First Act 2015 (No 36 of 2015) were submitted to Tusla by 67 services and these were assessed for compliance.

Through our work in children's services regulation we play an important role in promoting and safeguarding the quality of services for children. We provide parents and the public with assurances that these services are registered, inspected and monitored in accordance with the relevant legislative and regulatory requirements.

Finally, I would like to thank each and every staff member working in the children's services regulation directorate for their dedication, commitment, collaboration and engagement in the integrative process over 2018 and I look forward to ongoing developments in this area in 2019.

Fiona McDonnell

National Service Director of Children's Services Regulation

Introduction

Tusla - Child and Family Agency, is Ireland's dedicated state agency responsible for improving well-being and outcomes for children. The operation of Tusla is governed by the Child and Family Agency Act, 2013, which clearly states that the function of the Agency is to support and promote the development, welfare and protection of children, and the effective functioning of families. Tusla's work is also informed by 'Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014-2020' (BOBF). Published by the Department of Children and Youth Affairs in 2014, this sets out a national strategic priority for a whole-of-government, multi-agency approach to improving outcomes for children and young people. The launch in November 2018 of 'First 5 A Whole-of-Government Strategy for Babies, Young Children and their Families', further influences the work of Tusla - Child and Family Agency.

Tusla is governed by a Board, which is responsible for establishing the Agency's overall strategic direction, and ensuring the implementation of the appropriate financial controls, operational and compliance controls, and risk management procedures. Tusla has responsibilities for a range of services, including:

- Child protection and welfare services, including family support services.
- Family Resource Centres (FRCs) and associated national programmes.
- Educational welfare including the School Completion Programme and Home School Community Liaison Scheme.
- Domestic, Sexual and Gender Based Violence (DSGBV) services.
- Services related to the psychological welfare of children.
- Children's Services Regulation (CSR).

Quality assurance

Ensuring good governance is critical to the effective operation of Tusla in the delivery of high-quality services to families and children. As such, the Agency is committed to adopting a robust and systematic approach to quality assurance, information management and risk management that supports robust oversight and internal governance measures across the organisation. This is achieved through the work of the Quality Assurance Directorate, which is responsible for promoting continuous improvement and effective risk management in services for children and families by:

- Objectively assessing, monitoring and reporting on the quality and safety of services.
- Tracking and driving the reduction of identified risks.
- Providing systems, information and tools that support service improvement.

In 2018, the QA Directorate made progress in developing and enhancing the Agency's quality and risk systems as follows:

- Performance Reporting and Information – The Performance Reporting and Information Team is responsible for the collation, analysis and reporting of data and information that is required to support accountability and transparency, inform policy development and legislative reform, demonstrate where standards and targets are being met, identify risk and support decision making across the Agency. In 2018, the Performance Reporting and Information Team produced 12 monthly National Performance and Activity Dashboards (and accompanying datasets) and four quarterly Service Performance and Activity Reports.

- **Quality Assurance and Monitoring** – The aim of the Quality Assurance and Monitoring Team is to provide assurance to Tusla that the services it provides meet statutory obligations and are delivered in accordance with best practice. Using an integrated approach, the team is responsible for ensuring that services are delivered in line with the requisite standards, regulations and legislative requirements, and that service improvements are achieved in accordance with the recommendations from the Agency’s oversight bodies.

Children’s Services Regulation (CSR)

Within the Quality Assurance Directorate, Tusla established an integrated governance structure for children’s services regulation in 2018. This governance structure has overall responsibility for the effective operational and performance management of the Agency’s regulatory programmes. This includes the effective planning, design, implementation and delivery of the Agency’s regulatory function to support safe, high-quality provision and experiences for children accessing Tusla registered services.

Tusla’s Children’s Services Regulation has responsibility for the regulation, supervision and quality assurance across four broad areas and these are set out in Figure 1.

Figure 1: Areas under the responsibility of the regulatory directorate of Tusla

Early Years Inspectorate

- The Child and Family Agency is responsible for the registration and inspection of pre-schools, play groups, day nursery, crèches, daycare and similar services which cater for children aged 0-6 years. The revised regulations published in 2016 by the Minister for Children and Youth Affairs are as set out in the Child Care Act 1991 (Early Years Services) Regulations 2016 and the Child Care Act 1991 (Early Years Services) (Amendment) Regulations 2016.

Alternative Care Inspection and Monitoring Service

- The Child and Family Agency Alternative Care Inspection and Monitoring Service is a national service with responsibility to inspect and register non-statutory children’s residential centres which are managed by voluntary organisations or by private providers. It also has responsibility for the monitoring of six non statutory foster care agencies.

Alternative Education Registration and Assessment

- The Child and Family Agency Alternative Education Registration and Assessment Service function is responsible for the regulation of provision for education in places other than recognised schools.

Child Safeguarding Statement Compliance Unit

- The Tusla Child Safeguarding Statement Compliance Unit (CSSCU), set up in 2017, became operational in March 2018. This is a dedicated unit set up to manage the legal requirement for providers to have a Child Safeguarding Statement in place. The unit is responsible to operate and maintain the required register of non-compliance under Articles 12 & 13 of the Children First Act 2015.

Operating within their own respective statutory frameworks, each of these functions ensures regulatory oversight across a number of disparate areas. The role of CSR is to centrally co-ordinate the delivery of a targeted, consistent, transparent and proportionate approach to regulation and inspection across these areas, serving as an important quality assurance mechanism to the general public.

Role of the Children's Services Regulation Directorate

The role of the Children's Services Regulation Directorate within Tusla is to provide public assurance and confidence that Tusla's regulatory programmes operate to the highest standards, within evidence-based practice in accordance with legislation (Tusla, 2019). A Director of Children's Services Regulation was appointed in June 2018 with responsibility for leading the Tusla regulatory function in respect of the named functions. A small number of new staff appointments were made to support this and to facilitate the implementation of the CSR Directorate strategic vision, to assist in integrating the governance structures of Children's Services Regulation and to ensure the continuance of assessment, registration, inspection and monitoring of services.

Within the Early Years Inspectorate, staff were appointed to support the increased workload of the Early Years Inspectorate Registration team, this included Registration Support Officers, staff with specific responsibility to deal with increasing numbers of Change in Circumstances and staff to support the work of the Unsolicited Information Office.

A recruitment campaign for nine additional Early Years Inspectors was carried out in November 2018. Previously, inspectors were required to be registered public health nurses, with a Master's level qualification. Changes to the Early Years Care and Education sector in recent years, including the increasing professionalisation of that workforce, led to a broadening of the eligibility criteria to include, for the first time, graduates with a degree in Early Years Care and Education, as well as candidates with suitable qualifications in social care, social work, psychology and education.

The Quality team was also expanded which included the appointment of an Early Years Specialist. The structures of the Early Years Inspectorate Operations team were reviewed and a Lead Inspection and Registration Manager role and four additional Inspection and Registration Manager roles were established with corresponding administrative support to progress the work of the newly established Children's Services Regulation governance structure. Two staff were also recruited in 2018 to manage and support the work of the Child Safeguarding Statement Compliance Unit (CSSU).

Children's Services Regulation: 2018 at a Glance

- Nationally integrated governance established in **June 2018**
- **Director of CSR** appointed
- Integration of **4** regulatory functions

Early Years Inspectorate



Alternative Education Registration and Assessment

- 1 Establishment of a national registration panel to streamline registration processes
- 2 **605** applications received for alternative education
- 3 **281** preliminary assessments carried out
- 4 **11** comprehensive assessments carried out
- 5 **68** review assessments carried out

Child Safeguarding Statement Compliance Unit

- 1 The unit commenced operations in **March 2018**
- 2 Carried out assessment of child safeguarding statements in **67** services
- 3 Published detailed guidance on developing child safeguarding statements for service providers

Alternative Care Inspection and Monitoring Service

- 1 Commencement of a new monitoring programme which includes self-audit for private foster care agencies and residential services
- 2 Publication of **94** inspection reports on the Tusla website
- 3 Successful Health Information and Quality Authority (**HIQA**) registration of Tusla's Special Care Units
- 4 **120** non-statutory residential centers in December 2018
- 5 **134** inspections carried out in 2018

Priorities 2019

1. Ensure registration and inspection systems under the Child Care Act 1991 (Early Years Services) Regulations 2016 and other relevant legislation supporting re-registration within required timelines including:
 - a. Complete a review of standard operating procedures of regulatory functions
 - b. Development and implementation of a robust and clearly defined process, structure and system to facilitate the registration of all relevant services in accordance with the new School Age Services Regulations
 - c. Continue implementation of the Quality & Regulatory Framework (QRF) across the early years sector establishing a clearly defined structure for inspection and ensuring widespread understanding of the Framework and related requirements
 - d. Development and implementation of a robust and clearly defined process and ICT system, structure and system to facilitate the re-registration of all relevant services in accordance with the Early Years Regulations.
 - e. Develop a communications protocol with Department of Children and Youth Affairs (DCYA) in relation to services or persons that are proposed to be removed from the relevant register
 - f. Develop a regulatory strategy to ensure integration and alignment across all regulatory functions to drive ongoing service improvement and performance management
2. Implement a non-inspection based registration programme and commence the development of a full inspection and registration programme for school age childcare services in accordance with the law.
 - a. Development and implementation of a robust and clearly defined process, structure and system to facilitate the registration of all relevant services in accordance with the new School Aged Services Regulations
3. Conduct research on the regulation of childminders in other jurisdictions to inform future direction in regulating childminders.
4. Strengthen the governance and systems underpinning the Alternative Education team by developing an inspection support framework under Section 14 of the Education (Welfare) Act 2000 to assist in the assessment of the minimum education guidance.
 - a. Strengthen the registration process for the independent schools sector in line with existing legislative provisions
 - b. Recruit Alternative Education Assessment Officers and expand the external assessment panel
5. Alternative Care Inspection and Monitoring team will develop an inspection model to reflect the [National Standards for Children's Residential Centres](#) published by Health Information and Quality Authority (HIQA) in 2018 and carry out audits of the six non-statutory private foster care agencies.
6. Develop and commence implementation of a five year plan for the Children First Register of Non-Compliance, as prescribed by Part 2 of the Children First Act 2015. Implement initiatives to support and drive compliance with the Child Safeguarding Statement requirements.

Early Years Inspectorate



Overview of Early Years Inspectorate

Tusla, through the Early Years Inspectorate, is the independent statutory regulator of early years services in Ireland and has a responsibility for inspecting pre-schools, playgroups, nurseries, crèches, daycare and similar services which cater for children aged up to six years. The Early Years Inspection service was introduced in 1997, under Part VII of the Child Care Act 1991, which gave effect to the Child Care (Pre-School Services) Regulations 1996. The regulations were subsequently revised in 2006 and placed greater emphasis on the health, welfare and development of the child. The Minister for Children and Youth Affairs published the Child Care Act 1991 (Early Years Services) Regulations 2016 and the Child Care Act 1991 (Early Years Services) (Amendment) Regulations on 4th July and 30th December 2016 respectively. These revised regulations build on Part 12 of the Child and Family Agency Act 2013, provide for the inclusion of school-aged services within the definition of Early Years, and also enhance the enforcement powers of the Inspectorate. This legislation and these regulations provide the basis for inspections carried out by the Tusla Early Years Inspectorate.

The role of the Inspectorate is to:

Promote and monitor the safety and quality of care and support of the child in Early Years provision in accordance with the regulations. The Inspectorate implements its role by assessing applications for registration and by inspecting registered services.

Many positive benefits of regulation in early years services have been identified. These are highlighted in the Report of the Expert Advisory Group in the Early Years Strategy,¹ as follows:

- Safeguarding children against harmful practices
- Ensuring that minimum standards are met
- Supporting the translation of quality standards into practice
- Providing parents and the public with an assurance that services are of a consistent quality
- Setting benchmarks against which service providers can develop, enhance and maintain services for children

Overview of registered early years services in 2018

The 2016 Regulations define the meaning of an early years service and the requirements for registration. A proposed early years service must make application to Tusla to be placed on the register of services approved to operate. Regulation 6 describes the application process. As a result of these regulations, all new services seeking registration must:

- a. Provide at least three months' notice prior to the proposed commencement of the service except in the case of temporary pre-school services that must provide at least 21 days' notice.
- b. Make an application to Tusla to be placed on the register of approved pre-school services using the forms set out in schedule 2 or schedule 3 of the 2016 Regulations.
- c. The application must be accompanied by the relevant documentation and fee.
- d. On receipt of application, Tusla assesses the information provided by the applicant and new services are visited to ascertain whether the service is "Fit for Purpose" (FFP) i.e. suitable to operate as an early years service. This inspection visit will be undertaken prior to the service commencing operation.
- e. Tusla then determines whether the service will be registered or refused registration.
- f. Where a provider is deemed to be registered a further inspection of the service will take place within three months of commencement of operation.

This section presents information on early years services, including the number, types and geographic spread of services, as well as closures that took place.

Number of services

In 2018, there were 4,435 early years services registered with Tusla. The lowest number of services are based in the Dublin North East area (n = 986; 22%) and the highest number in the Dublin mid-Leinster area (1,246; 28%). There are 1,140 services from the West region registered and 1,063 from the South (Table 1).

¹ Department of Children and Youth Affairs (2013). *Report of the Expert Advisory Group in the Early Years Strategy*. Dublin: Department of Children and Youth Affairs.

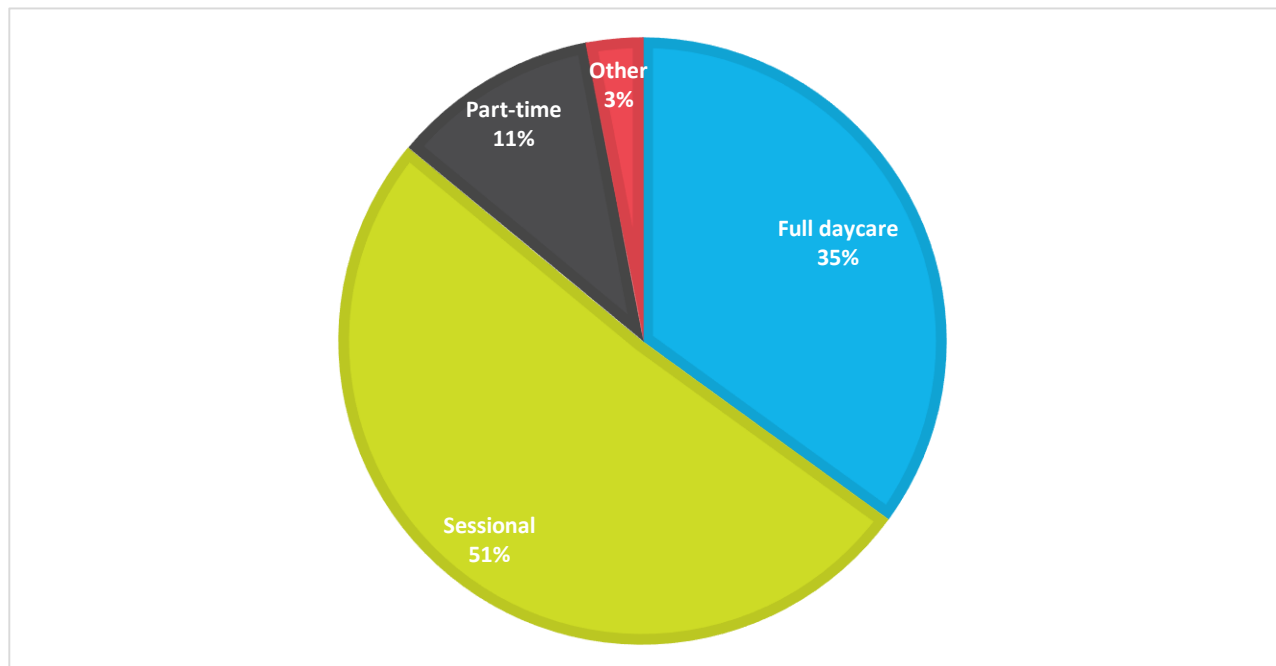
Table 1: Number of early years services on the national register in December 2018

Region	Geographic distribution	Number of services in December 2018
West	Cavan, Clare, Donegal, Galway, Leitrim, Limerick, Mayo, Roscommon, Sligo, Tipperary	1,140 (26%)
South	Carlow, Cork, Kerry, Kilkenny, Tipperary, Waterford, Wexford	1,063 (24%)
Dublin North East (DNE)	Cavan, Dublin, Louth, Meath, Monaghan	986 (22%)
Dublin Mid-Leinster (DML)	Dublin, Kildare, Laois, Longford, Offaly, Westmeath, Wicklow	1,246 (28%)
Total		4,435

Type of service

About 13% (n = 583) early years providers deliver more than one type of service. The data presented here refers only to the main type of service provided. The data shows that just over half of all services are provided on a sessional basis, which is up to 3.5 hours daily (n = 2,269; 51%) and this is followed by services provided on a full daycare basis which account for about one third (n = 1,554; 35%) of all services. Part-time services account for only 11% of all registered services (n = 484; 11%) and childminding services accounts for about 2% (n = 81). In total only 35 services registered as 'drop-in' accounting for less than 1% of all services registered (Figure 2).

Figure 2: Types of services



Age profile of children accommodated at services

Services are mainly provided for children across three age ranges from under one year to six years and these are presented in Table 2. About one third of services (n = 1,278; 34%) cater for children aged 0-6 years and a further 43% of services cater for children aged two or older. About one in five services cater only for children aged 3-6 years. Just over one third of providers deliver after-school services.

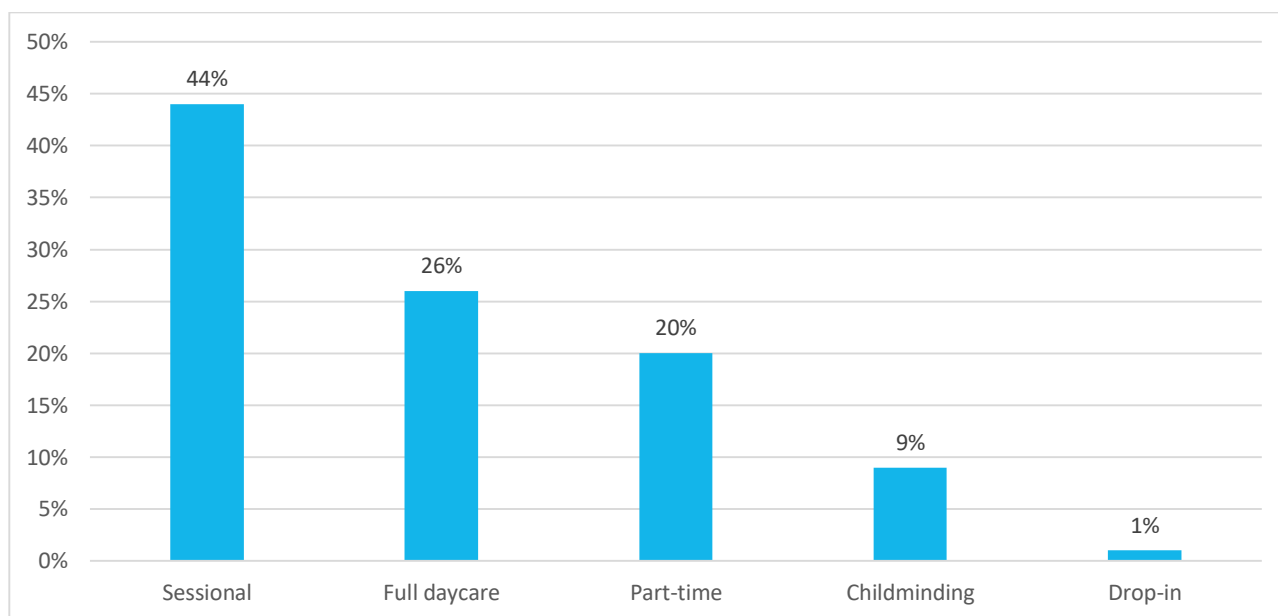
Table 2: Age profile of children

	Number of services	Percentage of services
Age 0-6 years	1,278	29%
Age 1-6 years	220	5%
Age 2-6 years	1,909	43%
Age 3-6 years	992	22%
Other (inc. unknown)	36	1%
After-school services	1636	37%
Total	4435	100%

New registration applications

There were 91 new services added to the National Register in 2018. The highest number of new services registered were in the Western region (n = 35; 38%) followed by the Dublin Mid-Leinster region (n = 27; 30%). The lowest number in Dublin North East (n = 13; 14%) followed by the South (n = 16; 18%). Almost half (n = 40; 44%) of these services were sessional services, 26% were full daycare and 20% part-time services (Figure 3).

Figure 3: Types of new services registered in 2018



Services notifying intention to close

In total, 138 services notified their intention to close in 2018. The highest number of notifications were in the Dublin North East area (n=39; 28%). Each of the remaining three regions reported having 30-33 service notifications of closures.

Table 3: Closures by region

	Number	Percentage
DML	30	22%
DNE	39	28%
South	33	24%
West	31	22%

Almost 80% (n = 109) of services that notified an intention to close were for profit and 18% not for profit. Information is unavailable on 3% (n = 4) of services.

Types of services that closed

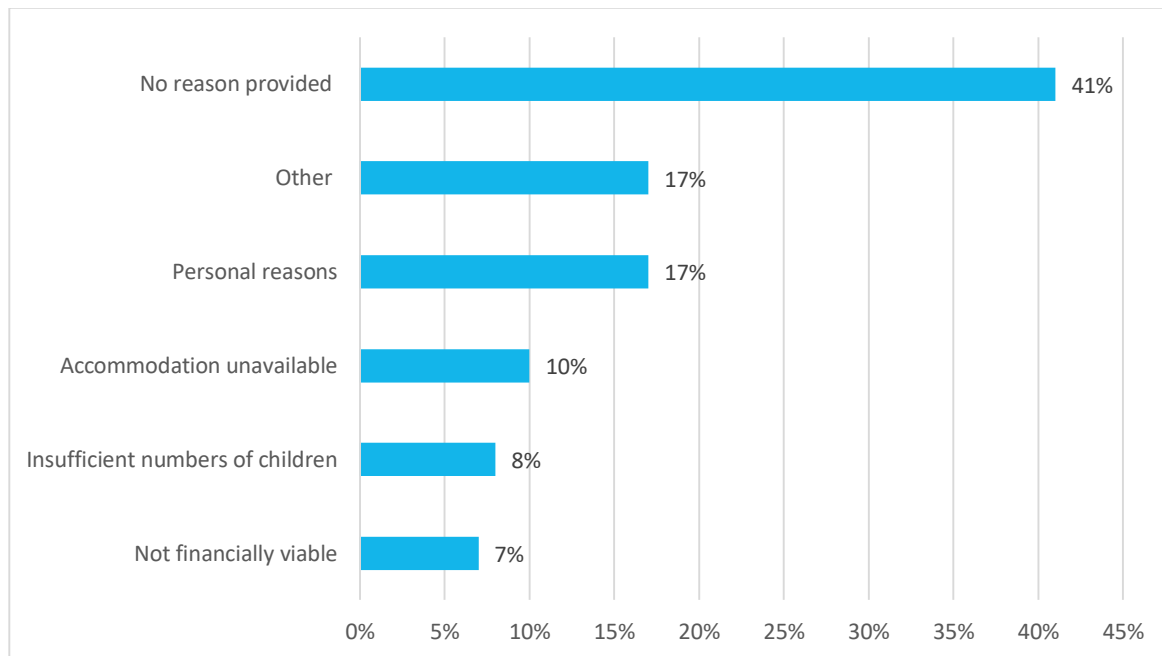
About 12% of all services that notified an intention to close provided more than one type of service. Only the main service recorded is reported on in this section.

The majority of services were sessional services accounting for 62% (n = 85) of all notification of intentions to close. This was followed by childminder services (n =20; 14.5%) and full daycare services (n = 16; 12%). The type of services that notified an intention to close is also reflected in the age group of the children attending those services and 96 (69.5%) were aged between two and six years. Just over one in five services (n = 30; 22%) that closed catered for children aged 0-6 years and a further 10 services (7%) catered for children aged 1-6 years.

Reasons provided in notifying an intention to close the service

While 41% of services did not provide any reason for closing, others gave more than one. Personal reasons were cited by 17% (n = 27) of services and was the most common reason given. This included issues such as going back to study, changing career and retiring. Accommodation not available was identified by 16 services as a reason for closure and 12 services identified insufficient numbers of children. Eleven services (7%) indicated that it was not financially viable for them to continue with their service (Figure 4).

Figure 4: Reasons for closing by percentage



Inspections

In 2018, some 2,513 inspections were carried out by the Early Years Inspectorate across 2,381 services. These inspections were carried out in services across the four regions and the highest number took place in the DML region (Table 4).

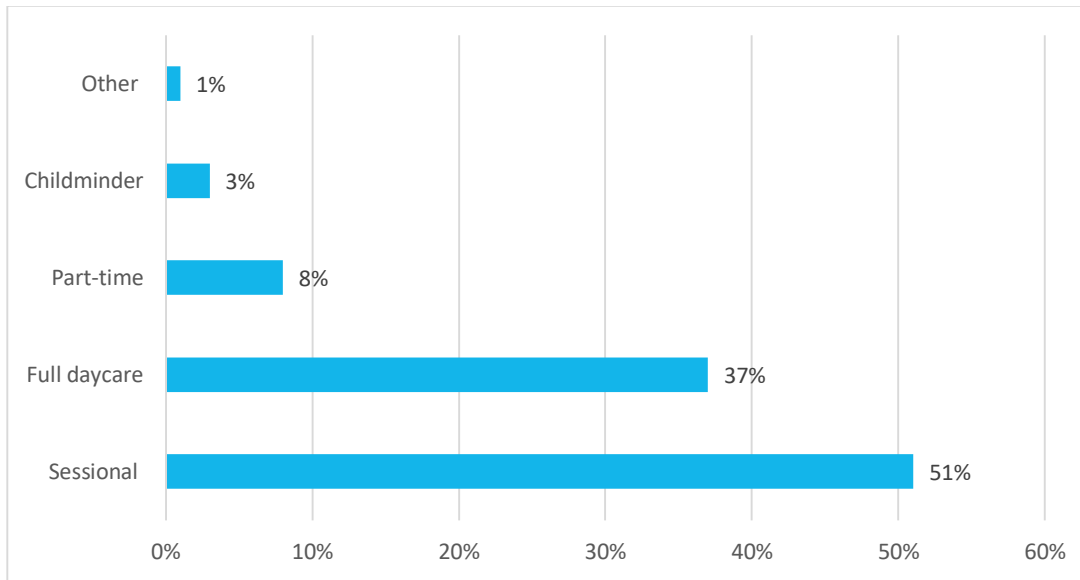
Table 4: Number and percentage of inspections carried out by region

Region	Number	%
DML	767	30.5%
DNE	492	19.5%
South	544	22%
West	710	28%

Inspections by type of service

Just over half (51%; 1,287) of all inspections took place in sessional services and over one third took place in full daycare services (927 inspections; 37%) (Figure 5).

Figure 5: Inspections by type of service



Other refers to temporary (1 inspection) and drop-in (14 inspections) services

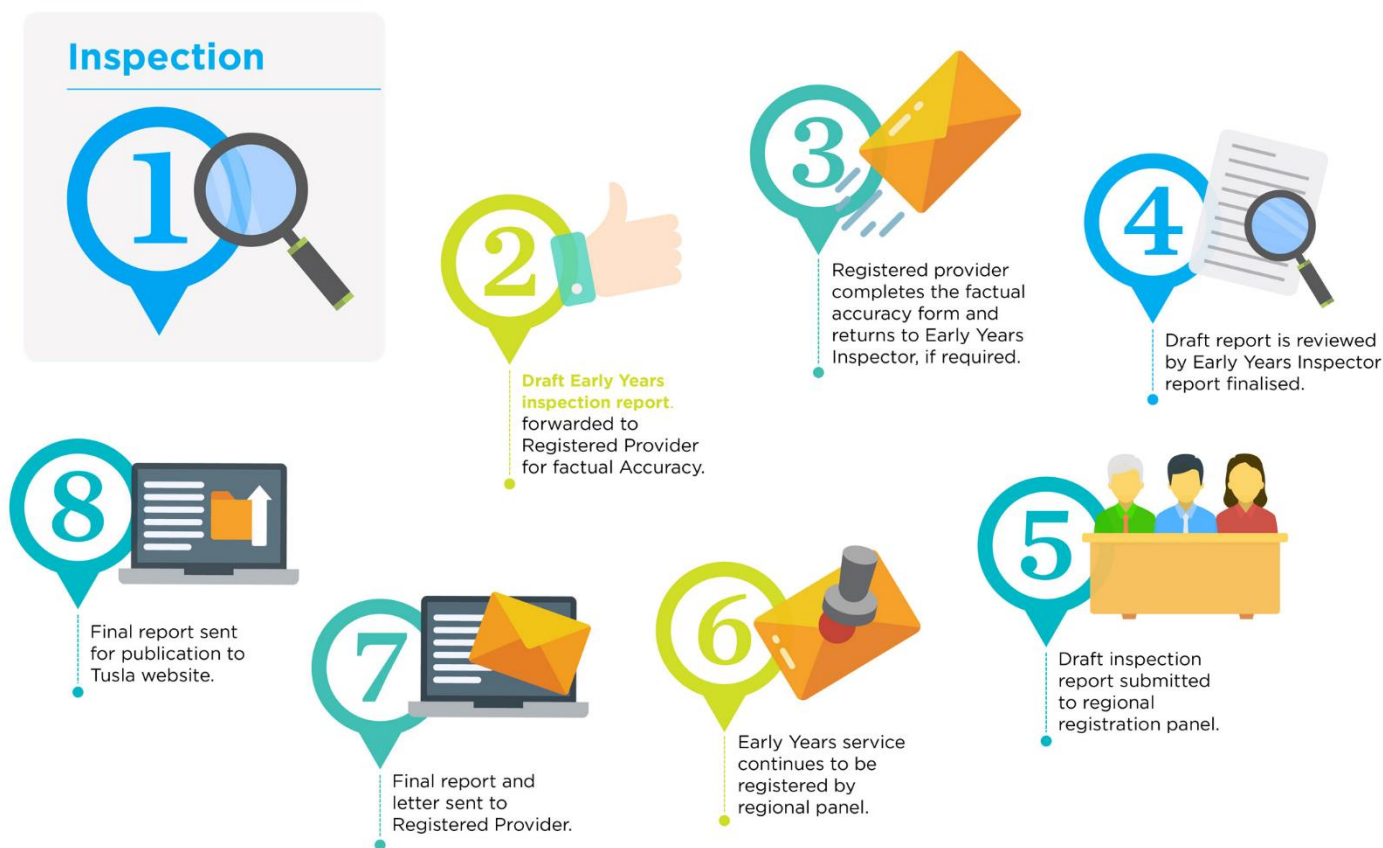
Inspection follow up

The inspection process is presented in Figure 6 for early years services found to be fully compliant on inspection.

Figure 6: Process following assessment of compliance

Early Years Inspection Process

Found fully compliant on inspection



Non-compliant services

Tusla Early Years Inspectorate utilises its powers of regulatory enforcement where registered services have been identified with critical risks and/or areas of regulatory non-compliance. The registered provider is required to act on all aspects identified as non-compliant. Demonstration of immediate corrective actions and ongoing preventive measures must be clearly identified in the corrective and preventive action plan completed by the service for non-compliances identified. These actions are required to rectify the non-compliance by eliminating or minimising the risk so that it no longer poses a danger. All actions must include timeframes. Where the registered provider fails to comply with the legislative requirements, including any conditions applied to the registration status of the service, Tusla initiates enforcement action. In determining appropriate and proportionate regulatory enforcement action, consideration is given to the nature of the risk and/or non-compliance requiring enforcement as

well as the provider's response and previous history of compliance. The inspection process is presented in Figure 7 for early years services found to be non-compliant on inspection.

Figure 7: Process following assessment of non-compliance

Early Years Inspection Process

Found non-compliant on inspection



Figure 8: Escalation and enforcement process

It is important to note that escalation and enforcement is not a linear process.

Escalation process

- ☐ Immediate action notice
- ☐ Compliance meeting with the registered provider
- ☐ Escalation of the service to the National Registration Panel
- ☐ Regulatory enforcement meeting

Enforcement

- ☐ Application of conditions
- ☐ Proposal for removal from the register
- ☐ Prosecution

In 2018, two early years services were removed from the register under enforcement procedures.

Notification of incidents

Under Regulation 31 (Notification of Incidents) of the Child Care Act (Early Years Services) Regulations, 2016, registered providers of early years services are required to notify Tusla, in writing, within three working days of becoming aware of any specific incidents occurring in the pre-school service. Any of the following incidents must be notified:

- The death of a pre-school child while attending the service. This includes the death of a child in hospital following transfer to hospital from the service.
 - It should be noted that this provision covers all circumstances where there is a child death within the service, including circumstances beyond the control of the service, such as the child having, for example, an undiagnosed pre-existing medical condition.
- Diagnosis of a pre-school child attending the service, an employee, an unpaid worker or contractor or other person working in the service as suffering from an infectious disease within the meaning of the Infectious Diseases Regulations 1981 and amendments.
- An incident in the service which results in the service being closed for a length of time.
- A serious injury to a pre-school child while attending the service that requires immediate medical treatment by a registered medical practitioner whether in a hospital or otherwise.
- An incident which results in a child going missing from the service.
 - It should be noted that this type of incident could include periods where the child is unaccounted for, while still remaining on the premises.

Number of notifications of incidents in 2018

Information is available concerning 247 notifications of incidents. The lowest number of notifications came from the Dublin Mid-Leinster region (n = 34; 14%) and the highest from the Dublin North East (n = 88; 36%) region. Understandably, the vast majority of incidents notified took place in a full daycare setting (n = 184; 74%) accounting for about three-quarters of all incidents. This was followed by sessional services (n = 39; 16%) and part-time services (4%).

Figure 9: Percentage of notifications according to region

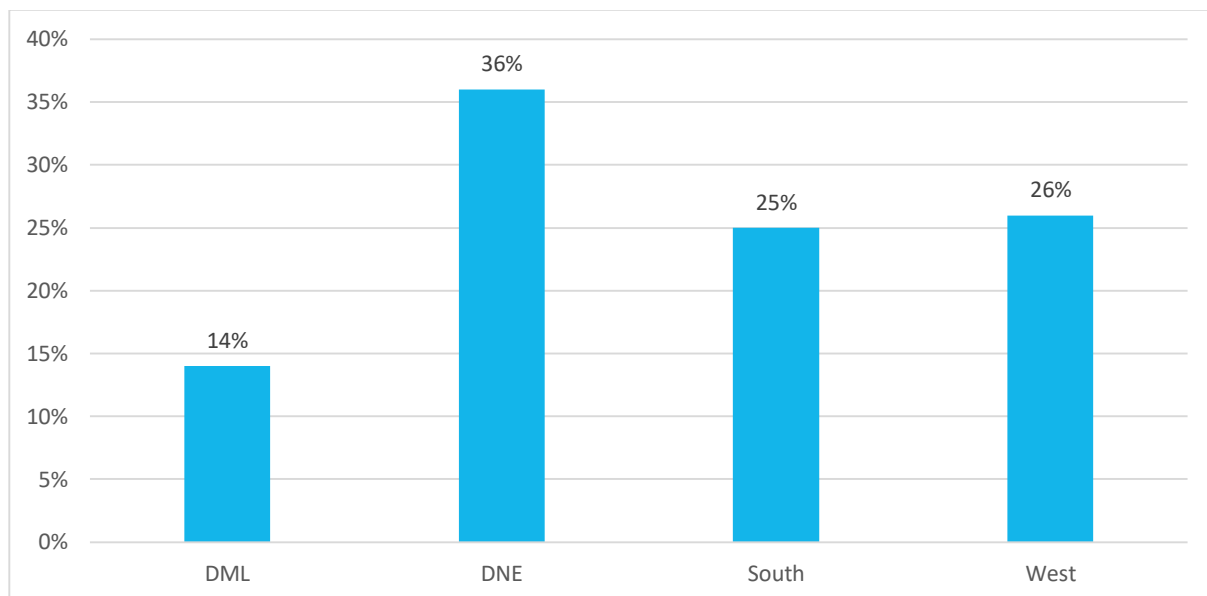


Figure 10: Types of incidents recorded

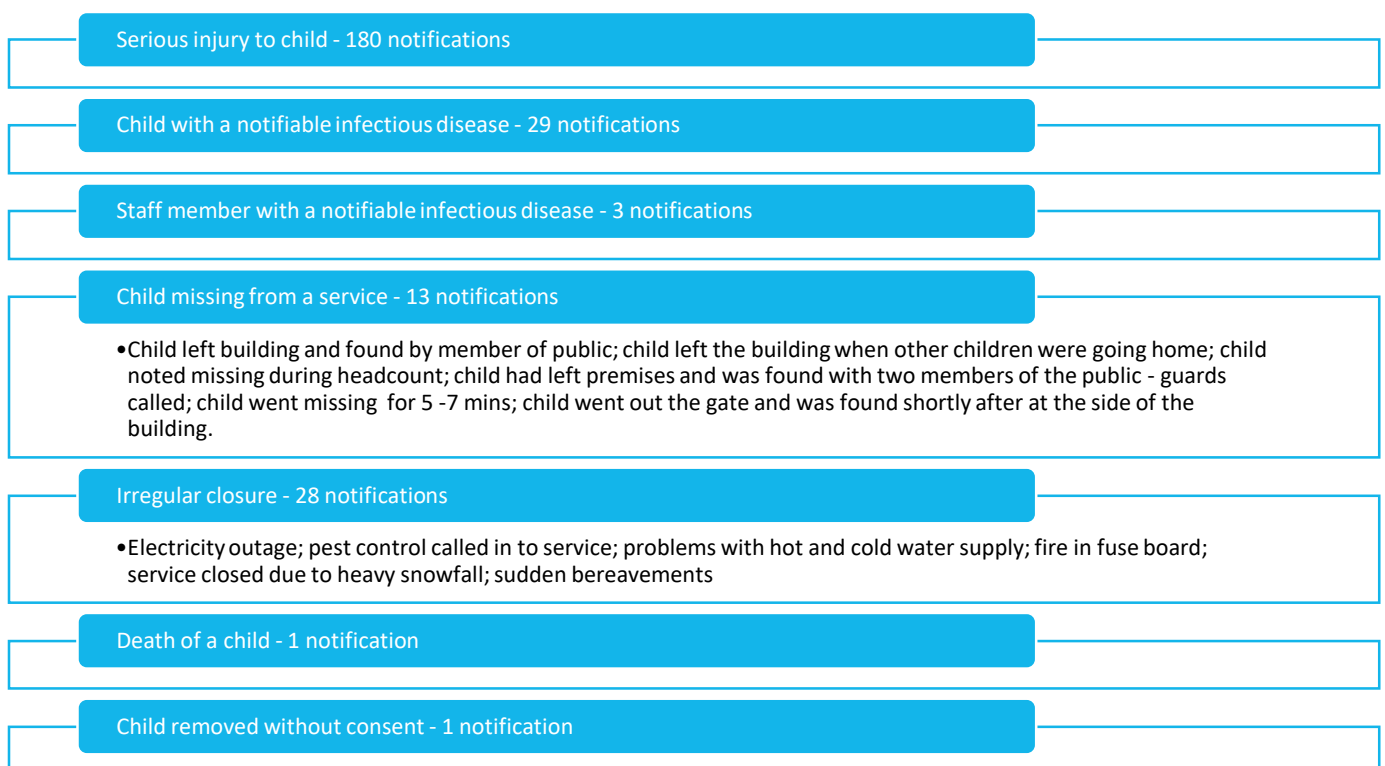


Table 5: Examples of serious injury to child notified to the Early Years Inspectorate

Child fell in outdoor area and hurt arm
Child tripped, fell and hit her head off dolls house
A child closed a toilet door on another child's finger
Child fell and bumped forehead off corner of wall
Child was running and he tripped, fell and bumped his head on radiator
Child tried to climb over an object and fell forward onto object
Child had anaphylaxis incident
Child sitting on skateboard going down ramp and used arm to stop herself, broke arm
Child slipped on wet floor
Child fell over playing football, broke collar bone
Child was hit by a ball and suffered a bump to the head
Child suffered bang and cut to the back of head
Child tripped over feet and hit head
Child caught finger in gate and another child pulled the gate injuring the finger
Child bumped head with toy
Child fell and bumped his mouth off a rocker. Dentist confirmed that his two front teeth are loose.
Child with dairy allergy given milk in error
Two children on top of a climbing frame, both children fell and one of the children bumped his head
Child spilt tea over his arm
Child hit another child in the head with a sweeping brush
Child unwell. Lethargic. Had febrile convulsion.
Child sustained head injury after bumping head off mat
Child tripped. Tooth became loose. Child pulled tooth out.
Child tripped and bumped head. Became sleepy afterwards.
Adult carrying child tripped. Child sustained scratch to chin and cut to lip.
Child's finger cut on door
Child slipped on ladder and sustained blow to mouth. Subsequent damage to teeth.
At collection time, one child fell and landed on his elbow. Went to hospital and his elbow was broken. Cast for 4 weeks.
Glass jar broke while playing and child picked up a piece of broken glass which cut his thumb. GP applied Steristrips.
Two children riding bikes and pedal from one bike clashed with the other child's leg.
Child fell off a slide onto wooden floor, parents rang immediately. Fractured elbow.
Child bumped his mouth off another child's head, resulted in bleeding & loose tooth. Father took child to dentist who removed the tooth.
Child slipped and fell on a plastic block chair, resulted in a broken arm.
Child fell backwards off a climbing box. Resulted in broken arm.
Child fell off slide and landed awkwardly. Resulted in a broken arm.

Changes in circumstances

A registered provider is required to inform Tusla of a proposed change in circumstances under Regulation 8 of the 2016 Regulations. The changes in circumstances are specified in the Changes in Circumstances Form as set out in schedule 4 of the regulations.

Overview

In total, 2,458 changes in circumstances were notified to the Early Years Inspectorate. There was little difference by region. Four main changes in circumstances were notified and these are administrative/clerical changes (22%), changes in personnel (35%), changes in the children attending the service (18%) and changes to the service itself (25%).

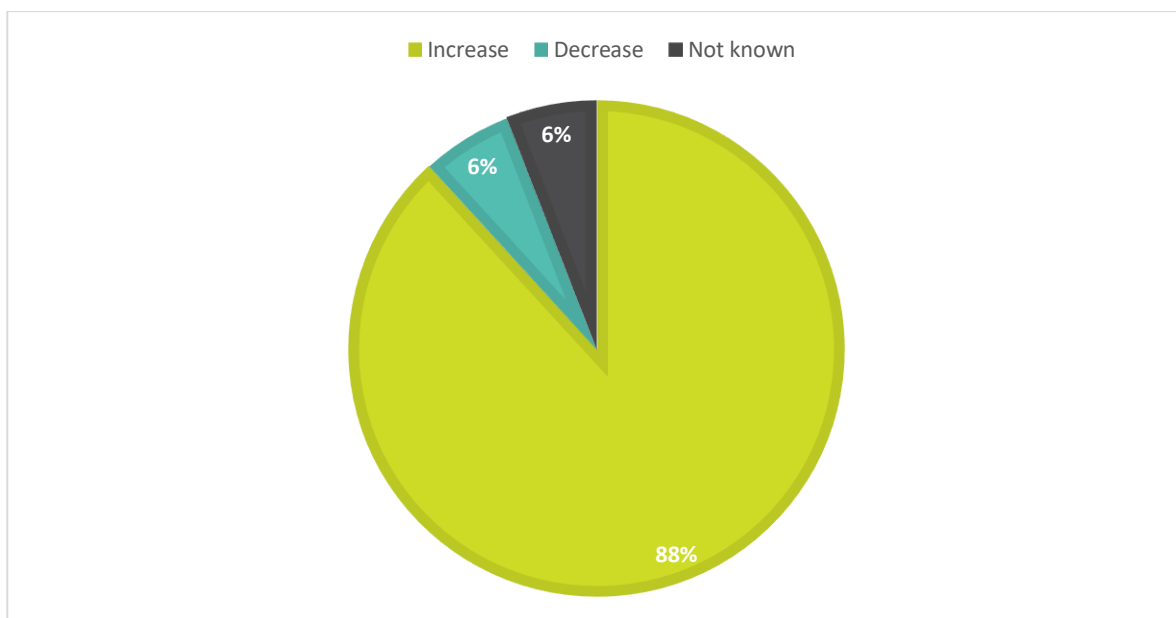
Changes in personnel working in the service

The highest proportion of changes relate to changes in personnel accounting for about one third of changes notified (n = 836; 35%). These changes include, for example, changes in the Registered Provider (n = 228), changes in the person in charge (n = 403) or changes in number of personnel working in the service (n = 205).

Change in children attending the service

In total, 352 notifications were received relating to children attending the service. These changes related to either an increase or decrease in the number of children attending the service (n = 254) or in the age groups of children attending (n = 98). Almost 90% of notifications relating to any changes in the number of children indicated an intention to take additional children (n = 224). Fifteen services notified they were intending to decrease the number of children attending and in 15 cases, the change was not explicit.

Figure 11: Changes in the number of children attending



Ninety-eight submissions were received in respect of changes to the age profile of children attending the service. Of these, just over half indicated they intended to take younger children while 29 indicated they intended to increase the age limit. In a small number of cases (n = 6), there was an intent to either increase or decrease the upper age profile of children attending the service.

Unsolicited information

The Early Years Inspectorate receives, on a continuous basis, unsolicited information regarding early years services. 'Unsolicited information' is any piece of information that relates to the operation of an early years service that has been brought to the attention of the Inspectorate which has not been sought, requested or invited. Such information can include complaints relating to registered services. Figure 12 presents an overview of the process that takes place in response to unsolicited information received.

Figure 12: Process in response to unsolicited information

Unsolicited Information Process

Early Years



Unsolicited information received

In 2018, 413 unsolicited information submissions were received regarding 265 early years services.

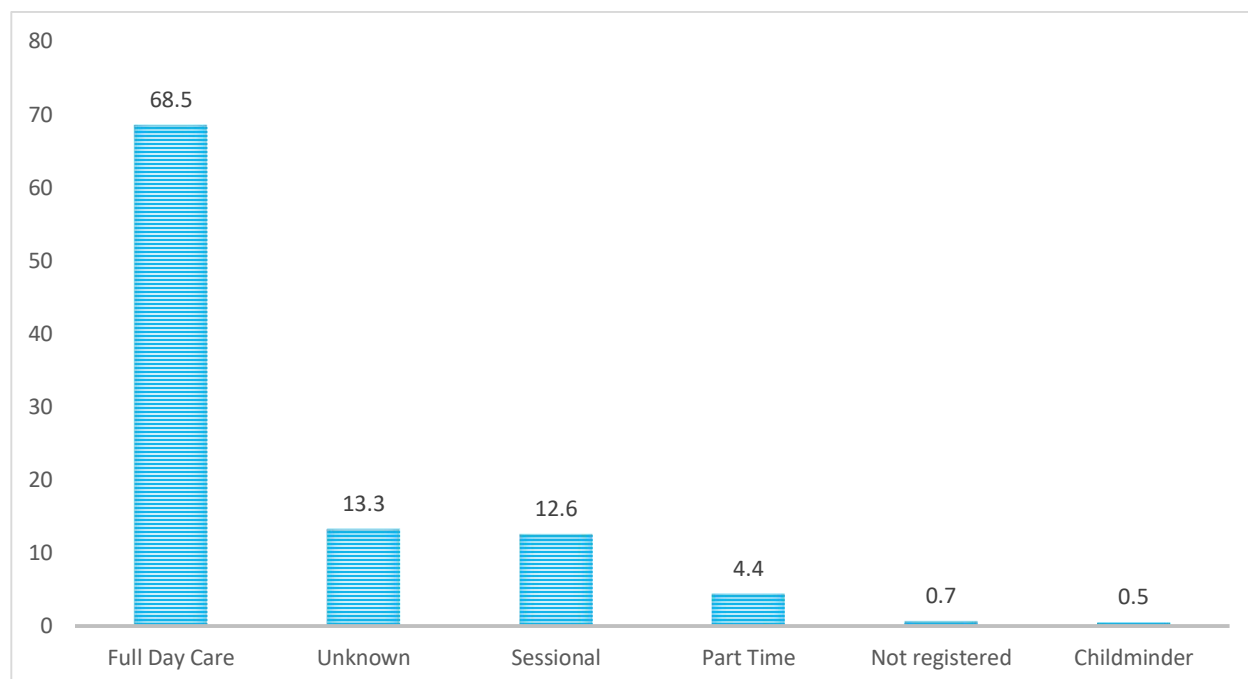
Unsolicited information by region

The highest number of unsolicited information submissions were received from the Dublin North East area (n = 124) and these accounted for 30% of all submissions received. This was followed by submissions about services in DML (n = 103; 25%) and the West (n = 101; 24.5%). The lowest number were received from the Southern region (n = 85) and these accounted for 21% of submissions.

Unsolicited information received according to the type of service provided

Unsolicited information was most likely to be received about full daycare services and these accounted for more than two-thirds (n = 283; 68.5%) of all unsolicited information submissions received. Unsolicited information submissions about sessional services accounted for 13% (n = 52) of submissions made, and less than 5% (n = 18) of unsolicited information submissions received related to part-time services. Two submissions were received about childminders. Information about the type of service provided was not available in 55 cases and a further three services were not registered (Figure 13).

Figure 13: Percentage of unsolicited information submissions according to the type of service



Focus of unsolicited information received

Much of the unsolicited information included more than one issue and while the total number of submissions received was 413, the number of regulations covered in the focus of the unsolicited information submissions was 679. The number of unsolicited information submissions received by regulation are presented in Table 6.

Table 6: Number of unsolicited information submissions according to the relevant regulation

Regulation number	Number of unsolicited information submissions	Focus of the regulation
19	188	Health, welfare and development of the child
23	105	Safeguarding health, safety and welfare of the child
11	67	Staffing Levels
27	53	Supervision
9	44	Management and recruitment
32	37	Complaints
16	32	Records
29	29	Premises
31	21	Notification of incidents
17	18	Information for parents
30	18	Min space requirements
22	16	Food & drink
20	12	Facilities for rest and play
10	10	Policies & procedures
21	9	Equipment and materials
8	8	Notification of change in circumstances
24	4	Checking in and out and record of attendance
28	3	Insurance
15	2	Record of the pre-school child
25	2	First aid
13	1	Temporary pre-school services and pre-school services in drop-in centres

Multiple unsolicited information submissions regarding a single service

While the majority of services (n = 216; 81.5%) were the subject of one unsolicited information submission only, about 11% (n = 29) of services were the subject of two submissions. Eighteen Services were the subject of more than two submissions.

Table 7: Number of services according to the number of unsolicited information submissions received

Number of unsolicited information submissions	Number of services	Percentage of services subject to complaints*
1 submission	216	81.5%
2 submissions	29	11%
2 or more submissions	18	< 8%

*This column does not add up to 100% due to rounding.

Unsolicited information was received from a variety of sources, these include:

- Parents
- Staff members, present and previous
- Members of the public, including neighbours of the service
- Professionals such as Betterstart, Child Care Committees etc
- Social workers
- Registered providers of other services
- Personnel undertaking contracted work in the service

Supports for early years services

A number of key supports for early years services were put in place by Tusla in 2018 and of these the Quality and Regulatory Framework (QRF), which had been developed over a considerable period of time, forms a substantial new resource.

Quality and Regulatory Framework (QRF)

The journey to develop the Quality and Regulatory Framework (QRF) for the early years sector began in 2015. The development of the QRF has been underpinned by a comprehensive, systematic and participative approach that involved wide ranging consultations with key stakeholders including:

- Providers
- Parents



- The Early Years Inspectorate
- Many organisations across all stakeholders in the early years sector in Ireland

- International peers and regulatory organisations
- Guidance of the European Commission

A Quality and Regulatory Framework document was posted to each of the 4,435 Early Years Registered Providers.

The Quality and Regulatory Framework (QRF) supports registered early years services to comply with the 2016 regulations. The QRF does this by setting out the core regulatory requirements in a transparent way, bringing together evidence-based, national and international research and best practice in early years. The QRF aims to support registered providers in achieving compliance with the regulations and enhance the safety and care of children who attend these services. The QRF is child-centred, with a specific focus on the quality and safety of the care provided directly to children using the services.

Tusla Early Years Inspectorate, in collaboration with the Department of Children and Youth Affairs, launched the Quality and Regulatory Framework on Wednesday 5th September 2018 in Dublin².

Suite of support documents

In conjunction with developing a QRF, the Early Years Inspectorate also worked in partnership with Barnardos to provide specific and targeted assistance in developing a suite of documents to support services with regulatory compliance:

- Developing Policies, Procedures and Statements in Early Childhood Education and Care Services – A Practical Guide
- Sample and template policies, procedures and statements for centre-based services
- Context of Early Childhood Education and Care in Ireland
- Rights of the Child

Sample childminding policies, procedures and statements were also developed to assist childminders.

This framework and associated sample and template policies, procedures and statements will support registered providers in achieving compliance with the regulations and, through that, enhance the safety and care of children who attend these services. It will also support and promote standardisation across the Inspectorate.

Memorandum of understanding between Tusla and Better Start National Early Years Quality Development

In 2018, TUSLA (Child and Family Agency) Early Years Inspectorate and Better Start National Early Years Quality Development agreed a Memo of Understanding. The objective of this memorandum of understanding is to set out a mechanism for cooperation on areas of engagement between both agencies. Specifically, it makes provision for Tusla Early Years Inspectorate to refer services to Better Start (with the permission of the Registered Provider) to seek engagement for quality development support. It also sets out provision for a pathway by which Better Start can refer unsolicited information to Tusla's Early Years Inspectorate.

² <https://www.tusla.ie/news/tusla-launches-quality-and-regulatory-framework-for-the-early-years-sector/>

Development of a Question and Answer document relating to the registration of services

Since 2016, all applications for the establishment of a new service or a service which makes changes to its service provision are required to inform the Early Years Inspectorate. Other significant changes to the 2016 Regulations include the requirements of all registered services to be placed on the publicly available Register, to inform Tusla of any proposed change in circumstances, and of any incidents as listed in the regulations. A Question & Answer document has been developed from the questions which have most frequently been asked to the Registration Office, from new applicants, existing registered providers, city/county childcare committees and from stakeholder groups. The aim of this document is to assist the sector in understanding the regulatory requirements and support in compliance with the Child Care Act 1991 (Early Years Services) Regulations 2016 and the Child Care Act 1991 (Early Years Services) (Amendment) Regulations 2016, in relation to the registration of a new service, proposed change in circumstances, notification of incidents, fee payments, management of complaints and the publishing of reports. This document is available at:

https://www.tusla.ie/uploads/content/15.11.2018_Tusla_Early_Years_Service_Registration_Questions_Answers_V2_word_.pdf

Development of new procedures and protocols

In 2018, 11 new protocols and procedures were developed by Tusla. These documents provide information on the processes that take place around registration, representations, notifiable incidents, changes in circumstances, unsolicited and other information. The documents facilitate a transparent understanding of the work of the Early Years Inspectorate. These include:

- Initial Registration Procedure for New Services
- Procedure for the Operation of the Regional Registration Panel
- Procedure for the Operation of the National Registration Panel
- Procedure for the Operation of the Conditions Review Panel
- Procedure for the Receipt and Processing of Representations
- Procedure for Receiving and Processing of Notifiable Incidents
- Procedure for receiving and processing of change in circumstances
- Procedure for the Receipt and Management of Information obtained from the Operations Team
- Procedure for Receiving and Processing Information in relation to registered services operating outside their registration status.
- Procedure for Receiving and Processing Information in relation to unauthorised services
- The procedure for the receipt and management of unsolicited information received.

Alternative Care Inspection and Monitoring Service



Overview of Alternative Care Inspection and Monitoring Service

The Child and Family Agency has a statutory responsibility to provide Alternative Care Services for children under the provisions the Child Care Act, 1991, the Children Act, 2001 and the Child Care (Amendment) Act, 2007. Children who require admission to care are accommodated through placement in foster care, placement with relatives, or residential care. The Agency also has a responsibility to provide aftercare services. In addition, services are provided for children who are homeless or who are separated children seeking asylum.

Types of alternative care

In November 2018, there were 6,045 children in the care of the Child and Family Agency which accounts for about five in every 1,000 children under 18 years of age living in Ireland. This number (6,045) includes 68 children in care under the Social Work Team for Separated Children Seeking Asylum³. Children can come into the care of Tusla, the Child and Family Agency, in two ways: voluntarily (when a parent or family member asks Tusla for assistance) or by a court order (when a judge deems it in the best interest of the child to be placed in the care of Tusla). There are 45 statutory children's residential centres run by Tusla and inspected by HIQA and there are 120 non-statutory children's residential centres which are registered and inspected by the Alternative Care Inspection and Monitoring Service.

Alternative Care Inspection and Monitoring Service

The Alternative Care Inspection and Monitoring Service is responsible for the regulation of all non-statutory run children's residential centres and for the monitoring of non-statutory foster care agencies.

The role of the Alternative Care Inspection and Monitoring Service is:

- Registration and inspection of non-statutory residential care centres under the Child Care Act 1991 Part VIII.

³ This data does not include other private placements being paid for by the Agency, including those for children who have reached their 18th birthday and are still in their placement on the last day of the month, and placements for children who are not in care, but in a placement due to a disability and other out of state placements.

- Monitoring of private non-statutory foster care agencies who provide services on behalf of Tusla in compliance with the foster care standards.
- Monitoring the placement of children in care with a disability who are in a disability service.

Non-statutory children's residential centres

Residential care provides a safe and nurturing environment for individual children and young people who cannot live at home, or in an alternative family environment, such as foster care.

Table 8: Number of non-statutory children's residential centres by region

	Number*	Percentage
DML	33	27.5%
DNE	43	36%
South	30	25%
West	14	12%

*Numbers do not total 100% due to rounding.

In December 2018, there were 120 non-statutory residential centres (89 private and 31 voluntary services)

These centres are often domestic homes in housing estates, in villages, towns and cities, and occasionally in rural areas. The centres typically have between two to six children, usually in their teens.

The children attend local schools and take part in local sporting and community activities. A shift system is in place in the residential centre and each young person is allocated a key worker. Children may be placed in general residential care for the following reasons:

- Assessment of needs
- Attempts to keep a sibling group together
- The provision of specialist supports or intensive interventions
- The child's own preference
- Their care and behavioural needs being best catered for in a residential setting

Tusla does not place children aged 12 years or younger in residential care barring exceptional circumstances. In 2018, there were 42 young people aged between 6 and 12 years in non-statutory children's residential centres. Six of these children were from Northern Ireland.

Regulation of non-statutory residential centres

Regulation of non-statutory residential care centres takes place in two ways:

1. Registration where proprietors are required to apply for registration to operate a children's residential centre. It is an offence under legislation to operate without registration being secured.

2. Inspection of residential care centres is conducted to ensure compliance with the Child Care (Standards in Residential Care) 1996 and the National Standards for Children's Residential Care Centres 2001

Non-statutory residential care centres which have been on the register since the Alternative Care Inspection and Monitoring Service commenced its operation in 1998 receive a yearly inspection. All new residential care services entered onto the register for the first time receive an initial inspection within three months of the first child placement and again six months later. This effectively means that within the first year of operation all non-statutory residential care centres receive two inspections from the Inspection and Monitoring team. Following this the yearly cycle of inspection applies. There are some exceptions to this process, based on intelligence led or unsolicited information where inspections may be carried out as required.

The Department of Health and Children's "[National Standards for Children's Residential Centres](#)" 2001 provides the framework against which inspections are carried out and provides the criteria against which centres's structures and care practices are examined. These standards are set out in Figure 14.

Figure 14: Standards and criteria where relevant

1: Purpose and function

2: Management and staffing

- management, register, notification of significant events, staffing, supervision and support, training and development, administrative files

3: Monitoring

4: Children's rights

- consultation, complaints, access to information

5: Planning for children and young people

- suitable placement and admissions, statutory care plans, statutory care plan reviews, contact with families, supervision and visiting of young people, social work role, emotional and specialist support, preparation for leaving care, discharges, aftercare, children's case and care records, national standards for children's residential centres

6: Care of young people

- individual care in group living, provision of food and cooking facilities, race, culture, religion, gender and disability, managing behavior, restraint, absence without authority,

7: Safeguarding and child protection

8: Education

9: Health

10: Premises and Safety

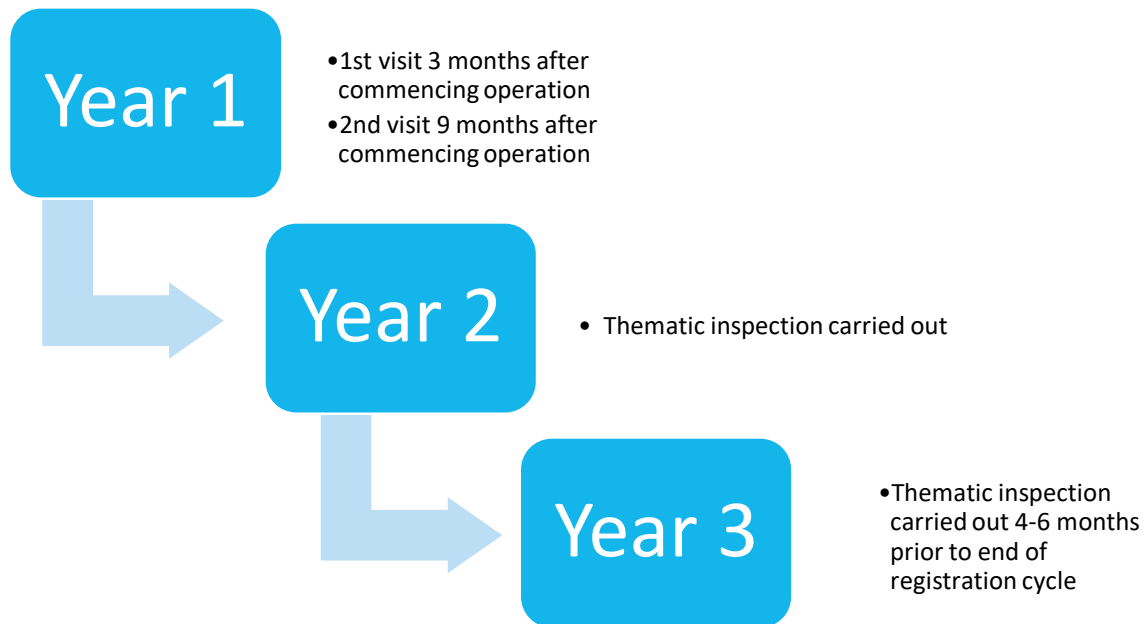
In November 2018 a new set of National Standards were launched by HIQA to replace the 2001 standards⁴.

Ongoing registration of non-statutory residential centres

Registration of non-statutory residential care centres is conducted within a three year cycle (Figure 15). As a result non-statutory residential centers are required to reapply every three years to renew their registration. There is a three year registration for a new service and the process is presented in Figure 15.

⁴ <https://www.hiqa.ie/sites/default/files/2018-11/national-standards-for-childrens-residential-centres.pdf>

Figure 15: Three year registration cycle of a new centre



Ongoing registration is informed by continuous assessment over the three year period by the Alternative Care Inspection and Monitoring team to assess compliance with regulations and standards.

- All three inspections inform the registration renewal decision.
- Inspections can either be announced or unannounced.
- Registration is decided by the ongoing assessment of the performance and operation of the centre against the standards and regulations on inspection and the perceived ability of the centre to meet those requirements on an ongoing basis.
- Conditions can, and are imposed, where there is evidence which displays an inability to meet particular standards and comply with the relevant regulations. This includes cases of repeated failures to meet and maintain standards or where the operation of the centre is deemed to pose an immediate adverse effect to the well being of young people.
- The centre can be removed from the register for non-compliance with standards and regulations or non-adherence to a condition attached to the registration.

Overview of inspection and outcomes

Inspections are generally carried out over a three day period and reports are based on a range of inspection techniques including an examination of the findings from all the areas identified in Figure 16.

Figure 16: Sources of information contributing to inspection



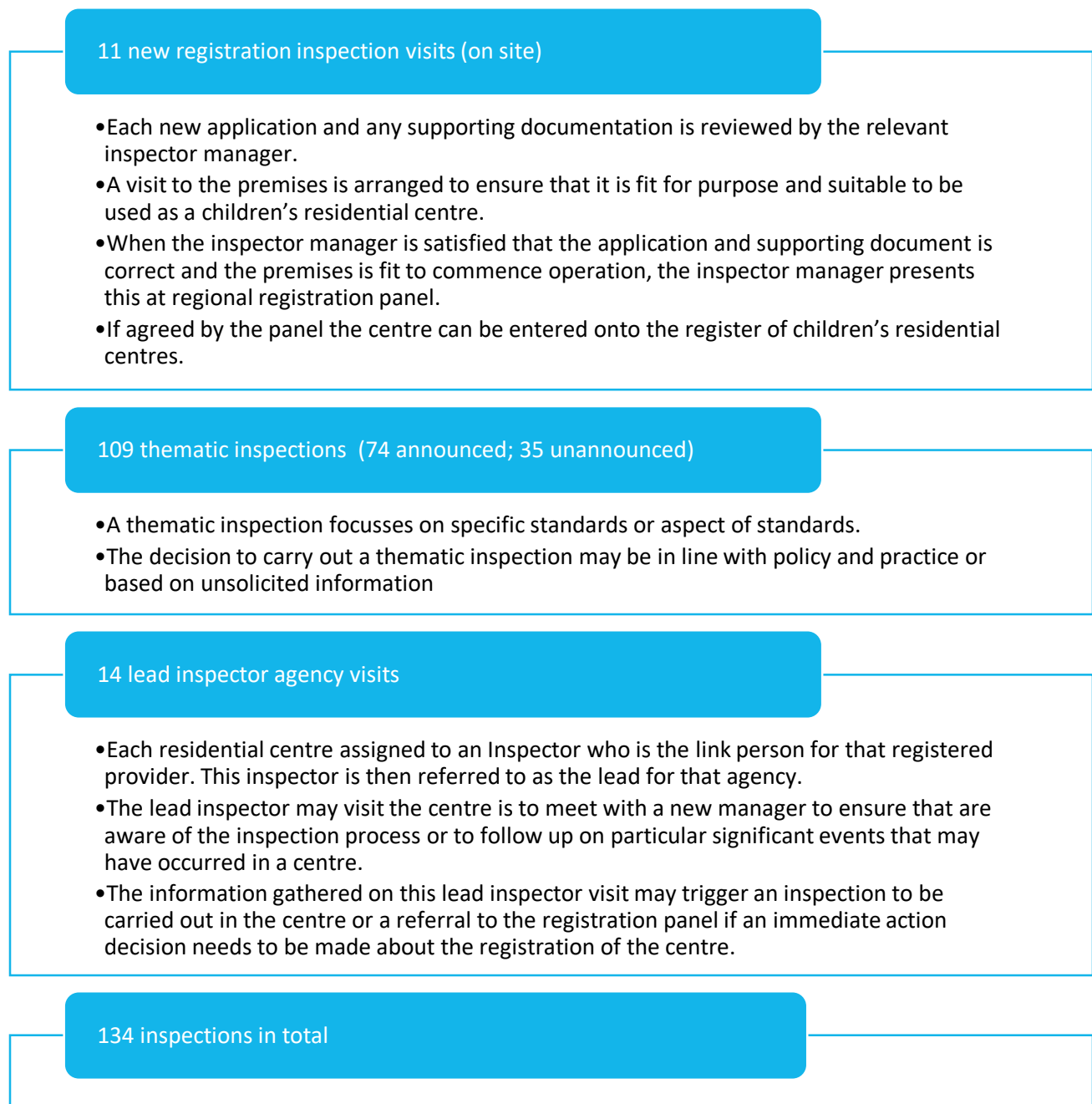
Inspection of non-statutory residential care services takes place under 10 named national standards which are designed to provide a comprehensive overview of the centres adherence to the standards and regulations. Following inspection, a number of “Required Actions” may be detailed. These actions relate directly to the standards criteria and regulatory requirements and must be addressed by the proprietor and centre management.

The centre management are expected to complete a detailed response and timetable of their proposed actions in response to the findings of their report. All action plans and their implementation are assessed by inspectors. The final report is not agreed until the action plan is deemed appropriate, robust and sufficient to meet the identified shortfalls.

Number and types of inspections carried out in 2018

The total number of inspections that took place in 2018 was 134 and of these the majority were announced thematic inspections (Figure 17).

Figure 17: Number and type of inspections



Information is available on the outcomes of 94 inspections and the inspection report for each service is available at:

<https://www.tusla.ie/services/alternative-care/registration-and-inspection-service/inspection-reports/2018-reports/>

Outcomes from inspections

In total, there are ten overall standards. Four standard areas (management and staffing, children's rights, planning for children and young people, and care of young people) have a number of sub standards (Figure 14 earlier). Those most commonly inspected were standard 2 (management and staffing) and standard 5 (planning for children and young people).

Table 9: Standards and criteria most commonly inspected and their outcomes

Standard	Component	Met	Partially met	Not met	% fully met	Number of times inspected
Standard 2: Management and staffing	Staffing	38	37	7	46%	82
	Supervision & support	43	36	3	52%	82
Standard 5: Planning for children and young people	Statutory care planning & reviews	18	25	1	41%	44
Standard 4: Children's rights	Complaints	17	19	2	45%	38
Standard 7 Safeguarding and child protection	Child protection	16	12	8	44%	36
	Safeguarding	19	17	0	53%	36

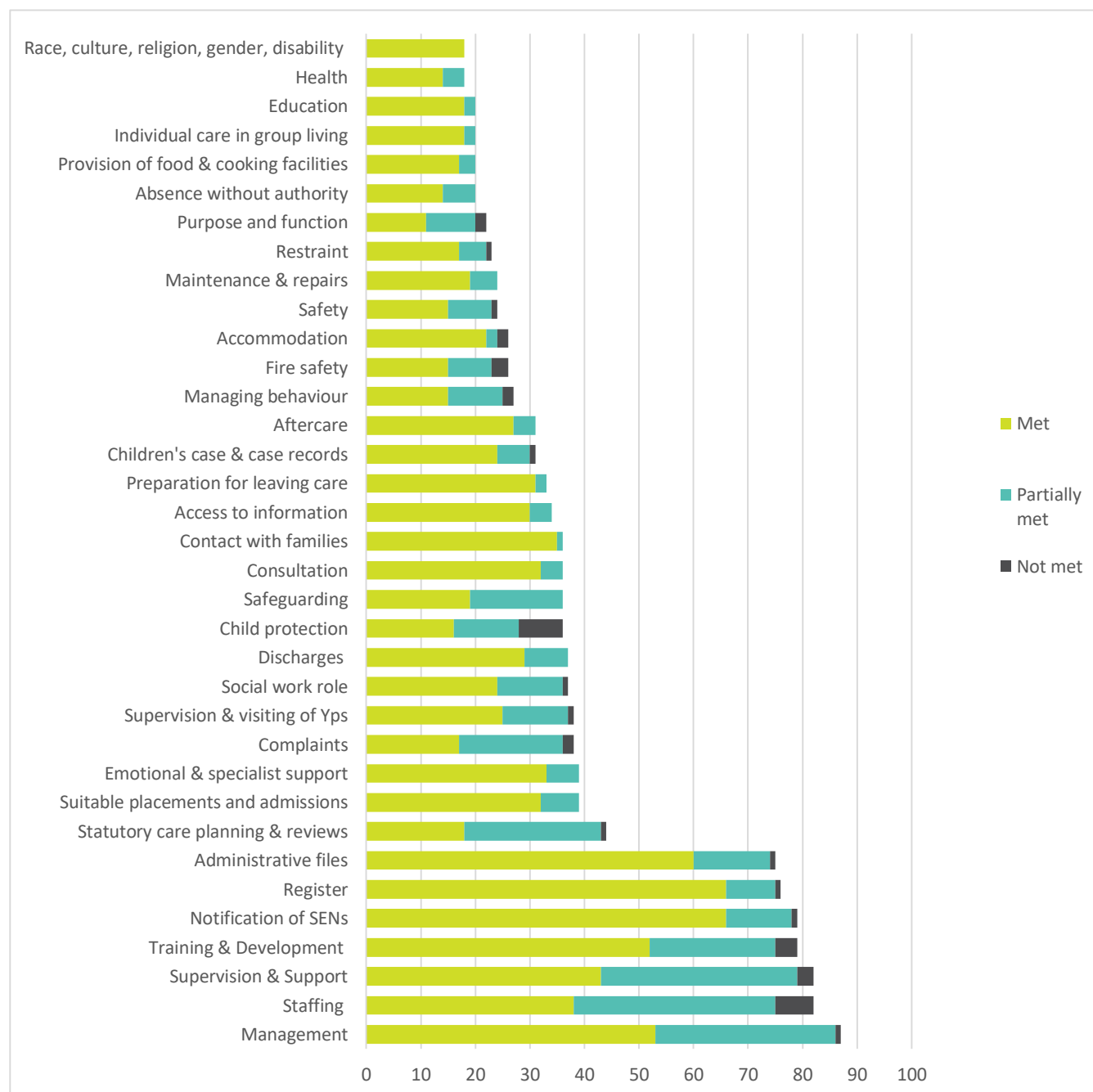
Table 10: Standards and criteria least commonly inspected and their outcomes

Standard	Component	Met	Partially met	Not met	% fully met	Number of times inspected
Standard 6: Care of young people	Race, culture, religion, gender, disability	18	0	0	100%	18
Standard 5: Planning for children and young people	Individual care in group living	18	2	0	90%	20
Standard 8: Education	Education	18	2	0	90%	20
Standard 1: Purpose and function	Purpose and function	11	9	2	90%	22
Standard 5: Planning for children and families	Preparation for leaving care	31	2	0	94%	33
	Contact with families	35	1	0	97%	36

Overall, the standards were met in 70% of cases although there were some differences across different areas. Ninety per cent or more of standards relating to purpose and function (90%), individual care in group living (90%), education (90%), preparation for leaving care (94%), contact with families (97%) and race culture, religion, gender and disability, were met.

In contrast, less than half of all statutory care planning and reviews (41%), child protection (44%), complaints (45%) and staffing (46%) standards inspected were met.

Figure 18: Inspection outcomes by individual components



Significant event notification (SENs)

Standard 2.9 of the National Standards for Children's Residential Centres (2001) requires that any significant event in a child's life be notified to Tusla. Alternative Care Inspectors review significant event notifications (SENs) received. The purpose of the review of SENs is to analyse the information provided and determine what this information is telling the inspectors about the service being provided to the child, and whether it is robust, adequate and continuing to be in line with what this centre state they are doing in accordance with their purpose and function. In reviewing the SENs there is a focus on a number of different elements. The list below details SENs reported to the Inspectorate. (Figure 19).

Figure 19: Elements included in review of SENs

- Evidence of good governance and responses to the behaviours displayed, by children by staff and management

- Patterns of behaviour and links with other issues

- ☐ This includes, for example, the use of agency staff, high turnover of staff, inexperienced staff or staff not following policies and procedures. It also includes the centre's child protection policy, the centre's policy on contacting the gardai, contacting on call etc.

- Missing children in care are a high proportion of the notifications

- ☐ In these SENs there is a focus on threshold and strategy meetings taking place and evidence, that there is a reduction in absences

- The use of physical intervention

- ☐ In line with policy and evidence physical interventions are reviewed by management

- Increases in high risk behaviours, drug use, self harming mental health concerns.

- ☐ Sharing information with other centres about positive outcomes, interventions that other centres may have used in the past
- ☐ Identifying where networking between centres may be of benefit to young people.

- Gaps in social work supports for young people where identified gaps

- ☐ eg. no allocated Social Worker for a child

- Indicators of the quality of life for the other children living in the centre

- ☐ For example, if there are a lot of physical assaults and property damage this may indicate that the other young people are being impacted upon in their day to day lives and raises questions about the quality of service being provided to all the children not just the one being reported on.

- Any information based on the analysis of the SENs that would suggest the risk rating of the centre may need to be reviewed.

- ☐ This is discussed at the weekly review with the manager before any action is taken.

Monitoring of private non-statutory foster care agencies

Foster care refers to the care of children outside their own home with people other than their parents (biological or adoptive) or legal guardians. The majority of children in care (92%; 5,573) are in foster care arrangements and of these more than one quarter (28%; 1,583) are in care with relatives. According to the most recent verified figures, September 2018, there were 3,827 foster carers approved and on the panel of approved foster care parents in Ireland.

Foster care can be provided by Tusla or by non-statutory voluntary or private agencies. Foster care homes are regulated and inspected by HIQA. Tusla's alternative care monitoring service checks non-statutory foster care agencies for compliance with the national standards for foster care (2003).

Alternative Education Registration and Assessment

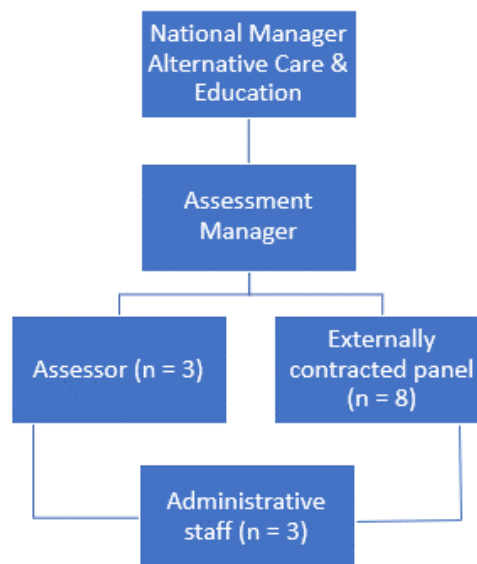


Overview of Alternative Education Registration and Assessment

Under Section 14 (1) of the Education (Welfare) Act, 2000, children who are educated at home or who attend a non-recognised (independent) school - that is a school that is not funded by the Department of Educational and Skills (e.g. a private primary school) - must be registered with Tusla by their parents/guardians. The Alternative Education Registration and Assessment function in Tusla is responsible for the regulation of provision for education in places other than recognised schools. Its function is to make assessment of the educational provision for children against ministerial guidance, in order to determine if a child can be placed on the statutory register of children educated outside of a recognised school.

The overall structure of the Alternative Education Registration and Assessment is set out in Figure 20. Since July 2018, the National Manager of the Alternative Care and Education Unit reports to the Director of Children's Services Regulation (Figure 20).

Figure 20: Structure of the Alternative Education Registration and Assessment unit



Types of alternative education

There are two main types of alternative education.

Figure 21: Types of alternative education



Registration and assessment process

The registration process requires that an assessment or assessments be carried out to determine whether a child is receiving a certain minimum education. This takes place in the context of the Department of Education (2003) Guidelines on the Assessment of Education in Places Other Than Recognised Schools. The purpose of the Assessment(s) is:

to determine whether the educational provision in place or proposed for the child satisfies the requirements of a certain minimum education.

Parents make an application to Tusla for assessment of the educational provision for their child and following this a preliminary, and in some cases, a comprehensive assessment takes place.

Preliminary assessment

As part of the registration process, the Child and Family Agency will arrange for a preliminary assessment to be carried out of the educational provision that is in place or proposed for the child. The assessment will be carried out by an “authorised person” (assessor) appointed by the Agency. The preliminary assessment will involve an interview with the parent and, if appropriate, the person(s) responsible for the education of the child.

Comprehensive assessment

In some cases, a comprehensive assessment of the educational provision may be considered necessary at a later stage. If this happens, the assessment will be conducted by an authorised person who will visit the place where the child is being educated, observe learning activities, inspect the premises, equipment and materials used, and assess the progress being made by the child.

Review assessment

A review assessment is carried out on the on-going provision of home education to a child already on the register of children being educated in a place other than a recognised school.

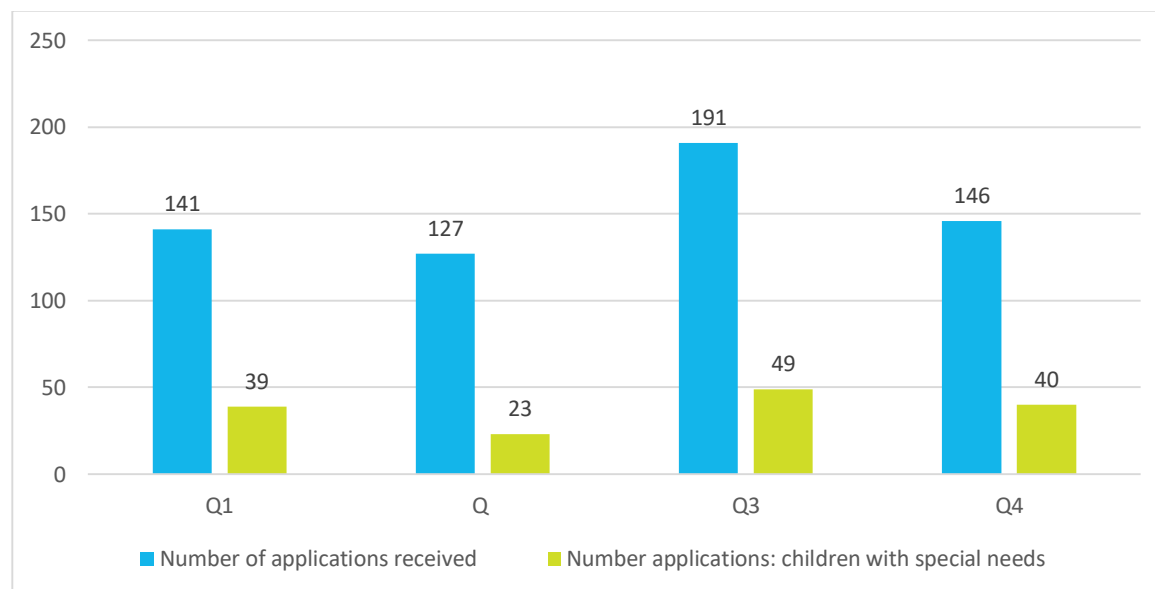
Report of assessment

A draft assessment report(s) is discussed with the parent prior to its finalisation for the Child and Family Agency. The parent is then invited to comment on the report(s) before any decision is taken by the Agency concerning it/them. The finalised report(s) is then forwarded to the parent by the Child and Family Agency.

Home education

In 2018, 1,410 children were registered on the home education register and of these, 17.5% (n = 247) were children with special educational needs. In total 605 applications were received and one in every four (n = 151; 25%) of these applications related to children with special educational needs. This is highlighted in Figure 22.

Figure 22: Applications by quarter according to overall and special educational needs



These data show an increase over previous years with the number of children on the register in 2005 at only 170 compared with 2018 where 1,410 children were on the register (Table 11).

Table 11: Number of children and applications 2005-2018

	2005	2007	2009	2011	2013	2015	2017	2018
Number of children on register	170	387	638	699	897	1,090	1,377	1,410
Number of applications	145	157	194	241	233	318	569	605

There is some variation in the timing of applications: the highest number of applications were received in September 2018 and the lowest number in July 2018.

In 2018, 362 assessments of educational provision were carried out and a breakdown of these assessments is presented in Table 12.

Table 12: Type of assessments carried out

Type of assessment	Q1	Q2	Q3	Q4	Total
No of preliminary assessments	92	60	71	58	281
No of comprehensive assessments	6	3	1	1	11
No of review assessments	20	23	9	16	68
No of review assessments - comprehensive	0	2	0	0	2
Total	118	88	81	75	362

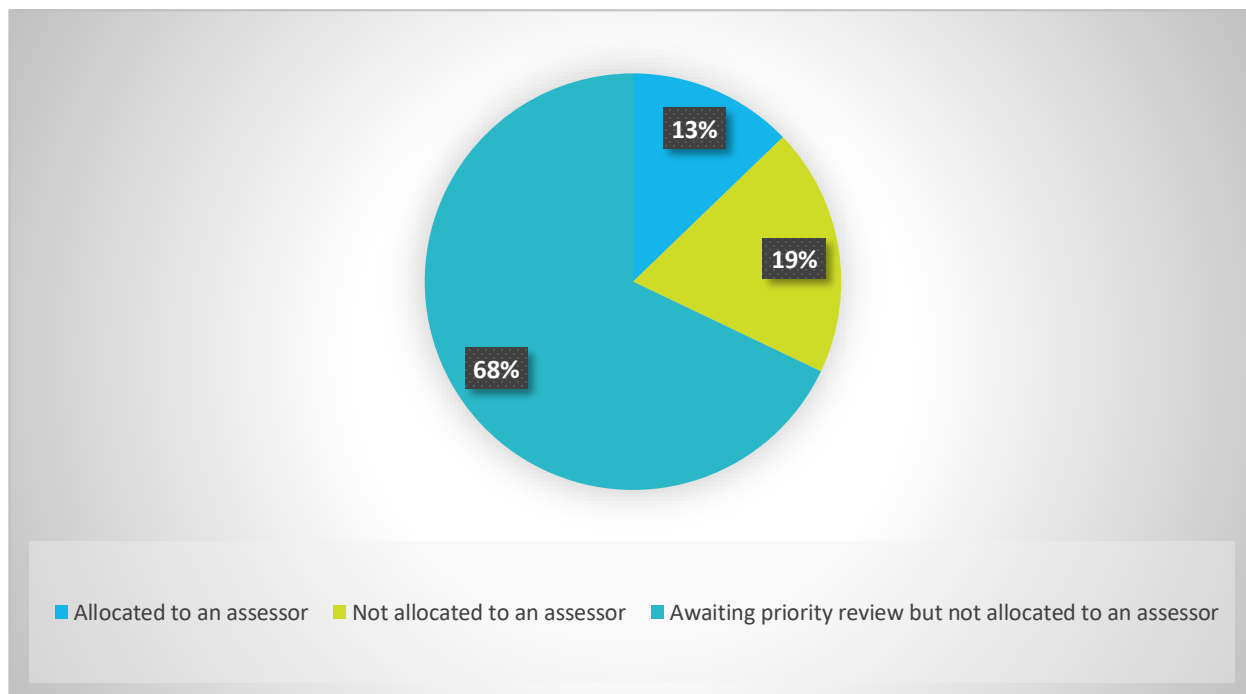
A comprehensive review was recommended in 12 cases and a priority review⁵ recommended in 50 cases.

Assessment for home education

At the end of 2018, the educational provision for 542 children was awaiting assessment and this was 298 (71%) more than November 2017. The decrease in the number of assessments done is due to the loss of a number of assessors from the panel of assessors. A comprehensive assessment of the educational provision in respect of 10 children remained outstanding at the end of 2018.

In addition, assessment of educational provision for 508 children already on the register was outstanding and more than two-thirds of assessments (68%) had not been allocated to a reviewer at the end of 2018 (Figure 23).

Figure 23: Percentage of assessments awaiting completion

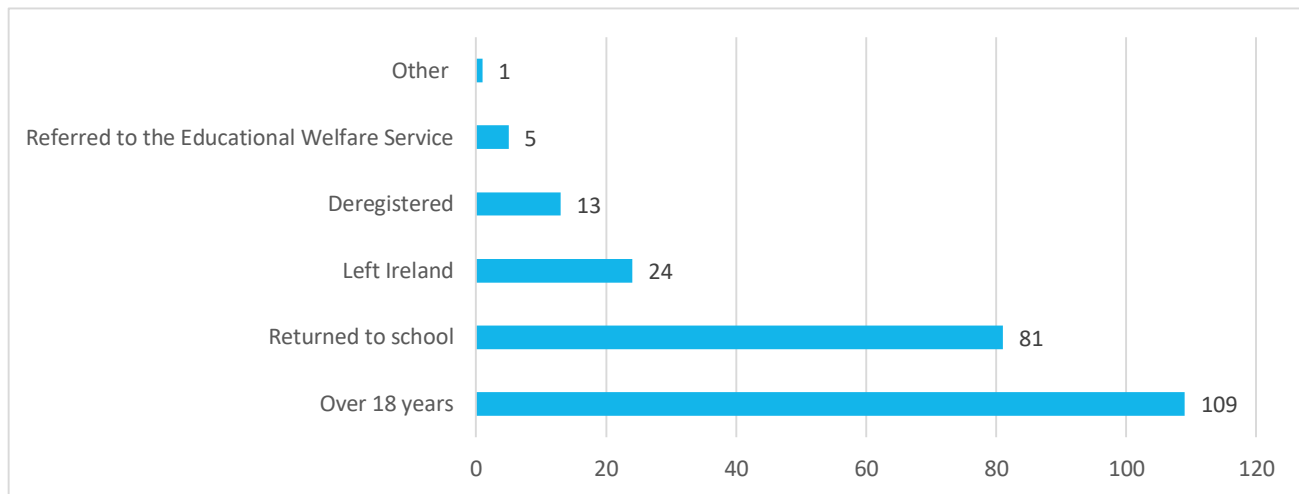


⁵ A priority review is where the assessor has recommended a review within one year.

Reasons for removal from home school register

The number of new children registered during the year 2018 was 266 and 233 children were removed from the register. Almost half (n = 109; 47%) of those removed from the register were over 18 years old and a further 35% returned to school. Five children who could not be located were referred to the Educational Welfare Service (Figure 24).

Figure 24: Reasons for removal from register



Independent schools

There are 45 independent schools (schools that are not funded by the Department of Educational and Skills) and of these 35 are primary schools and eight are post primary schools. Two schools provide both primary and post primary education. Under Section 14 (1) of the Education (Welfare) Act, 2000 parents of children who attend an independent school must complete a registration assessment process.

The assessment that takes place may have regard to the fact that children receive their education in the company of other children in group(s) or class(es). Normally, the assessor will make observations and collect information about the educational provision for the group(s) or class(es) in which children are receiving education. The assessment will not normally involve an individual assessment of a single child.

The majority of independent schools are based in Dublin (Table 13).

Table 13: Location of independent schools

County	Number of independent schools
Clare	1
Cork	4
Dublin	30
Kildare	1
Limerick	1
Louth	2
Meath	1
Westmeath	1
Wicklow	4
TOTAL	45

Number of children in schools that have been assessed

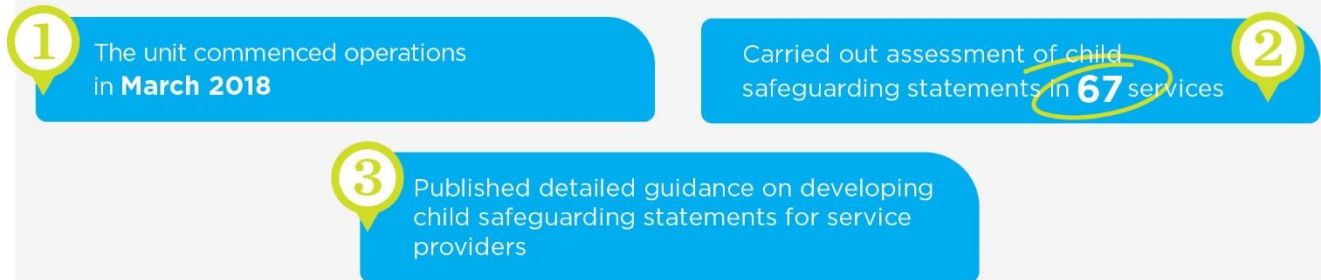
The current record of the number of children attending independent schools may not be comprehensive due to resource issues within the Alternative Education Assessment and Registration Service and issues arising from incomplete application forms from parents. This is currently being reviewed.

Applications for registration

There were 1,870 children's applications to be entered onto the register maintained by Tusla during 2018 and of these, 1,445 (77%) were registered.

In total, nine preliminary and 20 review assessments of schools were completed in 2018. There were no comprehensive assessments completed. At the end of 2018, one new school was awaiting a preliminary assessment and 28 schools were awaiting a review assessment. Of those awaiting assessment 15 have been allocated to an assessor.

Child Safeguarding Statement Compliance Unit



Overview of Child Safeguarding Statement Compliance Unit

A legal requirement has been in place since March 11th 2018 for all providers of relevant services which are in operation for greater than three months under the Children First Act 2015 (No. 36 of 2015) to have a Child Safeguarding Statement in place. A “relevant service” means any work or activity specified in Schedule 1 of the Act.

This requirement arises from the Children First Act 2015 (No. 36 of 2015) which was enacted on December 11th 2017. On the day of enactment, it was communicated to the public that all providers were required to have a Child Safeguarding Statement in place by the 11th March 2018. All services must also nominate a “relevant person” to manage the Child Safeguarding Statement and be the person who communicates with Tusla in relation to the Child Safeguarding Statement. This legislation is the first piece of universal legislation which is applicable across all children’s services and consequently, Child Safeguarding Statements are an entirely new process.

A Child Safeguarding Statement is:

a written statement that specifies the service being provided and the principles and procedures to be observed in order to ensure, as far as practicable, that a child availing of the service is safe from harm.

The Child Safeguarding Statement should provide an overview of the measures that an organisation has in place to ensure that children are protected from harm. It may also refer to more detailed policies which can be made available on request. Upon completion, the Child Safeguarding Statement must be circulated to all staff members. It must be displayed publicly and made available to parents and guardians, Tusla and members of the public upon request.

Tusla Child Safeguarding Statement Compliance Unit

The Tusla Child Safeguarding Statement Compliance Unit (CSSCU) was set up in 2017 and commenced operations in March 2018. This unit is a dedicated division of Tusla set up to manage the legal requirement for providers to have a Child Safeguarding Statement in place. The unit is responsible to operate and maintain the required register of non-compliance under Articles 12 & 13 of the Children First Act 2015. There are three personnel working in this unit (a manager, an individual at administrative Grade 7 and an individual at administrative Grade 5).

Guidance and support from Tusla



Support and guidance documentation is available on the Tusla website (<https://www.tusla.ie/children-first/organisations/what-is-a-child-safeguarding-statement/>) to support providers to meet this requirement.

Support and guidance can be accessed via the CSSCU staff also. If a person has any doubts as to their status as provider they are asked to refer to the Act itself and guidance on the Tusla website to clarify their status.

Activities of the CSSCU

The CSSCU can receive Child Safeguarding Statements from a number of sources:

- Voluntarily provided by the relevant service;
- Referred by other Internal Tusla departments;
- Following the receipt of Unsolicited Information where the CSSCU made contact directly with the service.

In total 67 Child Safeguarding Statements were received by the CSSCU and reviewed in 2018

- 37 were voluntarily provided by relevant services
- 14 were referred by other Internal Tusla departments
- 16 resulted from an unsolicited information complaint

Sources of Child Safeguarding Statements

Child Safeguarding Statements are received from relevant services (as per Schedule 1 of the Children First Act, 2015). The highest number (n = 45) were received from designated centres where residential services are provided for children with disabilities.

Table 14: Sources of Child Safeguarding Statements

Relevant service as per Schedule of the Children First Act, 2015	Number received
Section 1 (a) An establishment which provides early years services within the meaning of Part VIIA of the Child Care Act 1991.	1
Section 1 (b) A school or centre of education, both within the meaning of the Education Act 1998.	2
Section 1 (d) A designated centre within the meaning of section 2 of the Health Act 2007, in so far as it relates to an institution at which residential services are provided in accordance with the Child Care Act 1991 or to children with disabilities in relation to their disabilities.	45
Section 1 (e) A special care unit provided and maintained in accordance with section 23K of the Child Care Act 1991.	1
Section 4 Any work or activity which consists of treatment (including assessment which may lead to treatment), therapy or counselling provided to a child.	2
Section 5 (a) Any work or activity which consists of the provision of: (a) educational, research, training, cultural, recreational, leisure, social or physical activities to children.	14
Section 5 (b) Any work or activity which consists of the provision of: (b) care or supervision of children.	1
Section 5 (c) Any work or activity which consists of the provision of: (c) formal consultation with, or formal participation by, a child in respect of matters that affect his or her life.	1

Geographical distribution of Child Safeguarding Statements received

The highest number of submissions were received from Dublin and this accounted for 28% of all Child Safeguarding Statements received (Table 15).

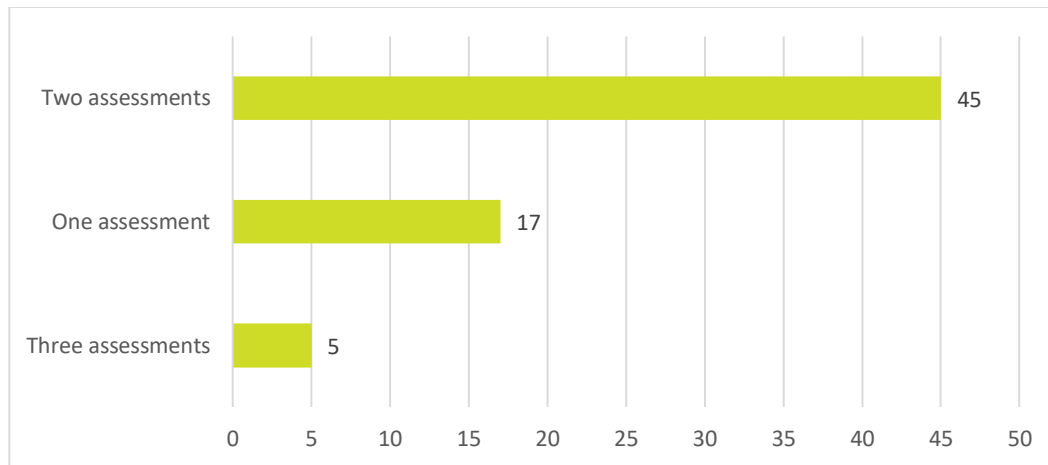
Table 15: Geographic distribution of Child Safeguarding Statements received

County	Number	County	Number
Donegal	1	Sligo	2
Kerry	1	Tipperary	2
Leitrim	1	Clare	3
Louth	1	Meath	3
Monaghan	1	Limerick	4
Roscommon	1	Wexford	4
Waterford	1	Wicklow	4
Westmeath	1	Kildare	5
Kilkenny	2	Cork	7
Laois	2	Dublin	19
Offaly	2		

Compliance with requirements of Act

Following receipt of statements by the CSSCU, they are reviewed against the assessment tool for compliance with the requirements of Section 11 of the Children First Act 2015. Of the 67 statements received in 2018, 17 required one assessment, 45 statements required 2 assessments while 5 statements required three assessments (Figure 25).

Figure 25: Number of assessments and feedback given to achieve compliance



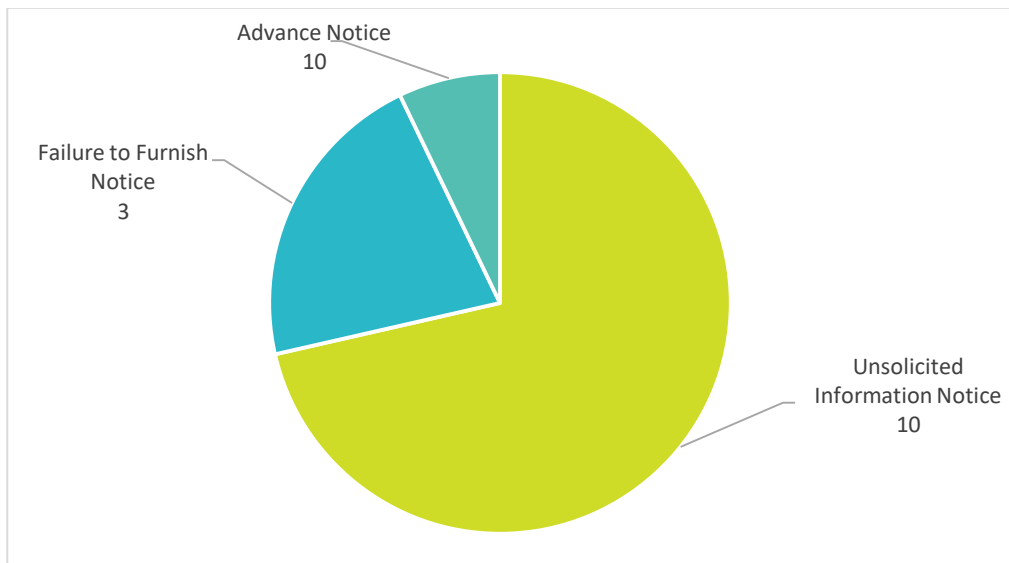
Of the 67 statements received by the CSSCU and reviewed in 2018;

- 37 were voluntarily provided by relevant services;
- 14 were referred by other Internal Tusla departments; and,
- 16 resulted from an unsolicited information.

Where unsolicited information (UI) is received by the CSSCU where a service does not have a Child Safeguarding Statement in place, an enforcement process begins. This involves a UI letter being sent to the provider indicating that a UI complaint has been received and requesting a response from them within 10 days. If a response is received, the enforcement process sets out s.12 of the Child and Family Agency Act 2015 and stops. If not, the next step in the process begins (Figure 27).

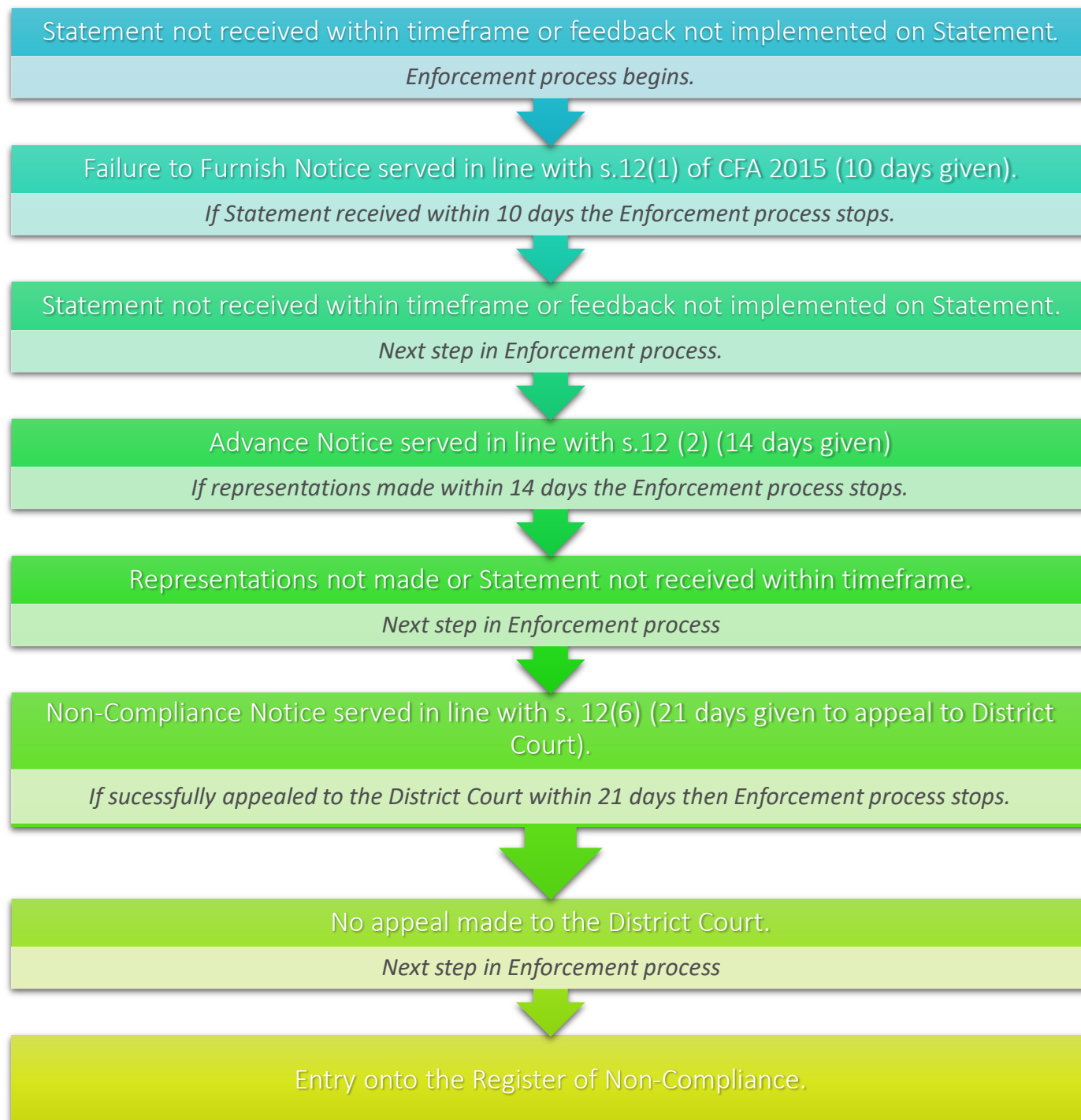
Fourteen enforcements were carried out in 2018 by the CSSCU in line with Section 12 of the Children First Act 2015 (Figure 26).

Figure 26: Enforcements carried out in 2018



In line with Section 13 of the Children First Act 2015, the CSSCU are tasked with maintaining the Register of Non-Compliance (Register). The Unit has not commenced the Non-Compliance Notice Enforcement step and there is currently no provider on the Register.

Figure 27: -Enforcement process



This report should be cited as: Tusla (2019) Tusla Children's Services Regulation Annual Report 2018.
Dublin: Tusla

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