

TÚSLA

An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

Child and Family Agency Children's Services Regulation Report 2019

Early Years Inspectorate

School Age Services

Alternative Care Inspection and Monitoring Service

Alternative Education Assessment and Registration Service

Child Safeguarding Statement Compliance Unit

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List of Abbreviations

AEARS	Alternative Education Assessment and Registration service
CAPA	corrective and preventive actions
CCCC	City and County Childcare Committees
CIC	change in circumstances
CPD	continuing professional development
CSR	Children’s Services Regulation
CSS	Child Safeguarding Statement
CSSCU	Child Safeguarding Statement Compliance Unit
DCYA	Department of Children and Youth Affairs
DES	Department of Education and Skills
DML	Dublin Mid-Leinster
DNE	Dublin North East
ECEC	Early Childhood Education and Care
FFP	fit for purpose
GDPR	General Data Protection Regulation
HIQA	Health Information and Quality Authority
ICT	Information and communication technology
NOI	notifications of incidents
NREP	National Registration and Enforcement Panel
QRF	Quality and Regulatory Framework
SPSS	Statistical Product and Service Solutions
TESS	Tusla Education Support Service

Foreword

I am delighted to present this Children's Services Regulation Report for 2019 and provide you with an overview of our regulatory activities for the year. Children's Services Regulation (CSR) continued to consolidate in 2019, with enhanced governance and quality assurance systems implemented across all our regulatory functions to support our staff. Our culture and commitment to continuous service improvement is evident at all levels within CSR. We are proud of the level of engagement and work undertaken with our external stakeholders and many partners in supporting and driving continuous improvement. Our commitment to responsive regulation explicitly places the child at the centre of all decisions we make. This report gives a summary of key achievements and areas of performance as well as enforcement activity across our five regulatory functions.

Our regulatory senior management team was in place by the end of the year with two new appointments. A Head of Registration and Enforcement was appointed to manage all of Tusla's registration and compliance enforcement functions. These functions included the re-registration of existing services in accordance with the three-year regulatory registration cycle. We also commenced regulating school age services when the regulations commenced on 18 February 2019. Our Head of Inspection and Assessment commenced employment in late 2019 and provides strong governance for the various inspection and assessments teams in Tusla.

The Alternative Education Assessment and Registration Service governance and practice systems were enhanced with the development of an inspection support framework to assist in the assessment of the minimum education guidance. The registration process for children attending 49 independent schools was strengthened and the number of alternative education assessment officers was marginally increased. The Alternative Care Inspection and Monitoring Service developed an inspection model to reflect the National Standards for Children's Residential Centres published in 2018. Additionally, six audits of non-statutory private foster care agencies were undertaken. Our Child Safeguarding Statement Compliance Unit saw a significant increase in the number of Child Safeguarding Statements received in 2019 compared with 2018.

While much has been achieved, the journey continues as we move forward in a new decade. We are committed to constantly improving our processes and working together with our extensive stakeholder groups to support children and young people having positive experiences across all of the services we regulate.

Finally, I would like to thank each member of the Children's Services Regulation teams for their strong work ethic and dedication to the work shown in 2019.

Fiona McDonnell

National Service Director of Children's Services Regulation

1

Introduction

Tusla – The Child and Family Agency was established on 1 January 2014 and is responsible for improving wellbeing and outcomes for children in Ireland. The agency operates under the Child and Family Agency Act 2013,¹ 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 is governed by a board responsible for establishing the agency's overall strategic direction and ensuring the implementation of the appropriate financial, operational and compliance controls, and risk management procedures.

Children's Services Regulation

In 2018, the Quality Assurance Directorate within Tusla established an integrated governance structure for Children's Services Regulation (CSR) that has overall responsibility for the effective operation and performance management of the agency's regulatory programmes. The role of CSR 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.

Governance of CSR

The National Service Director of CSR leads and centrally coordinates the delivery of a targeted, consistent, transparent and proportionate approach to regulation and inspection across five regulatory areas, serving as an important quality assurance mechanism to the general public. Each of the five regulatory functions operates within its own respective statutory framework within CSR, ensuring regulatory oversight across the disparate areas. The CSR areas are:

- Early years (preschool) inspection services
- Registration of school age services
- Non-statutory alternative care (residential and six private and voluntary foster care agencies)
- Alternative education assessment registration services (home schooling and independent schools)
- Child Safeguarding Statement Compliance Unit.

CSR was designated a new regulatory function with the commencement in February 2019 of the Child Care Act 1991 (Early Years Services) (Registration of School Age Services) Regulations 2018.² These new regulations require all school age services as defined in the legislation to be registered with Tusla. In addition, CSR was tasked with ensuring that the legislative requirement of the re-registration of more than 4,000 existing early years services

¹ <http://www.irishstatutebook.ie/eli/2013/act/40/enacted/en/html>

² <http://www.irishstatutebook.ie/eli/2018/si/575/made/en/print>

was completed in accordance with the three-year regulatory registration cycle. The governance structure of CSR was further strengthened and developed in 2019 to effectively execute its regulatory responsibilities. A number of appointments were made to support the ongoing effective planning, design, implementation and delivery of the agency’s regulatory programmes to support safe, high-quality provision and experiences for children accessing Tusla-registered services. An additional seven early years inspectors were appointed, increasing the diversity of qualifications among the inspectors, and a school age registration team was established. The organisational structure of CSR is presented in Figure 1.1.



Areas of responsibility



Figure 1.1: Organisational structure of CSR

Children's Services Regulation – areas of responsibility

Early Years Inspectorate

The Early Years Inspectorate registers and inspects preschools, play groups, crèches, childminders (who care for more than three children) and drop-in services. Its remit covers children aged 0–6 years and its authority is underpinned by part 12 of the Child and Family Agency Act 2013 and the 2016 Early Years Regulations.³ These regulations provide the basis for the registration and inspection of early years services by the Tusla Early Years Inspectorate.⁴

School Age Services

Since 2 January 2019, Tusla registers school age services in accordance with the Child Care Act 1991 (Early Years Services) (Registration of School Age Services) Regulations 2018. A school age service is any early years service, play group, day nursery, crèche, day care or other similar service that caters for children under the age of 15 years enrolled in a school providing primary or post-primary education. It must also provide a range of activities that are developmental, educational and recreational in a manner that takes place outside of school hours, where its primary purpose is to care for children when their parents are unavailable.

Alternative Care Inspection and Monitoring Service

The Tusla Alternative Care Inspection and Monitoring Service is a national service with the responsibility to inspect and register non-statutory children's residential centres that are managed by voluntary organisations or by private providers, in accordance with part 8 of the Child Care Act 1991. It also has responsibility for the monitoring of six non-statutory foster care agencies.

Alternative Education Assessment and Registration Service

The Tusla Alternative Education Assessment and Registration Service function is responsible for the regulation of education provision in places other than recognised schools, in accordance with section 14(1) of the Education (Welfare) Act 2000.⁵

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 for operating and maintaining the required Register of Non-Compliance under Articles 12 and 13 of the Children First Act 2015.⁶

³ Child Care Act 1991 (Early Years Services) Regulations 2016 (Department of Children and Youth Affairs, 2016): <https://www.gov.ie/en/publication/1a6d67-child-care-act-1991-early-years-services-regulations-2016/>

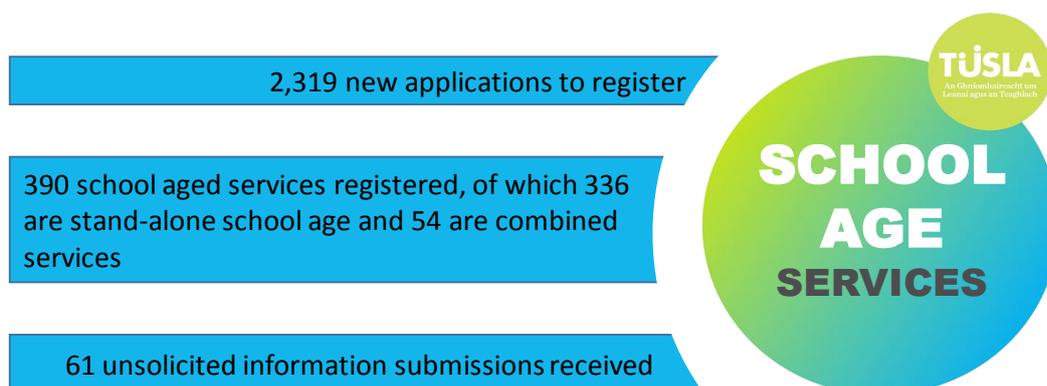
Child Care Act 1991 (Early Years Services) (Amendment) Regulations 2016: <http://www.irishstatutebook.ie/eli/2016/si/632/made/en/print>

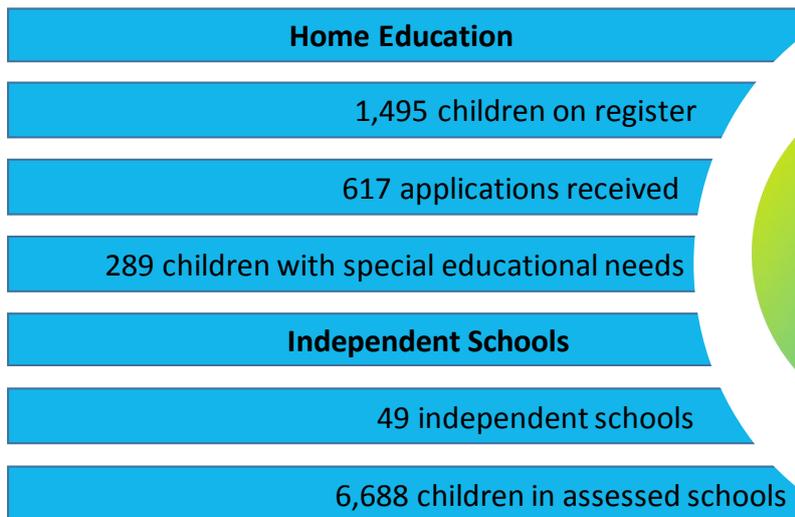
⁴ <https://www.tusla.ie/services/preschool-services/>

⁵ Education (Welfare) Act 2000: <http://www.irishstatutebook.ie/eli/2000/act/22/enacted/en/html>

⁶ Children First Act 2015: <http://www.irishstatutebook.ie/eli/2015/act/36/enacted/en/print>

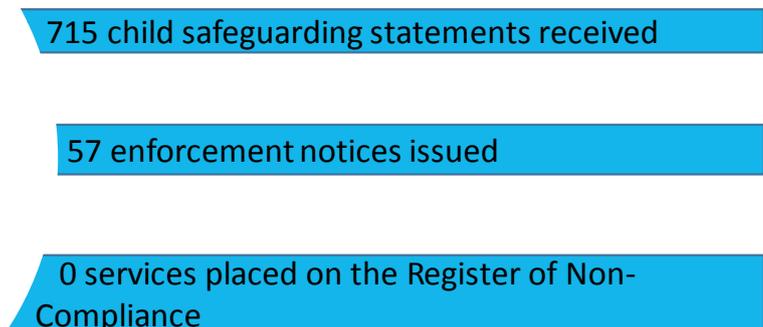
Children's Services Regulation – 2019 at a glance





**ALTERNATIVE
EDUCATION
ASSESSMENT
AND
REGISTRATION
SERVICE**

**CHILD
SAFEGUARDING
STATEMENT
COMPLIANCE
UNIT**



Summary of key achievements of CSR in 2019

The strategic development of CSR in 2019 heralded a number of significant advancements in regulatory legislative requirements. These developments are presented in this report and include the development of a regulatory strategy to ensure integration and alignment across all regulatory functions to drive ongoing service improvement and performance management. A summary of the key achievements across the five areas of CSR are now presented.

Early Years Inspectorate

- Developed and implemented a robust, clearly defined process and ICT portal system to facilitate the re-registration of relevant services in accordance with the Child and Family Agency Act 2013.
- Continued implementation of the Quality and 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.
- Conducted research on the regulation of childminders in other jurisdictions to inform future direction in regulating childminders.

School Age Services

- Developed and implemented a robust and clearly defined process, structure and system facilitating the registration of all relevant services in accordance with the new school age services regulations.

Alternative Care Inspection and Monitoring Service

- Developed an inspection model to reflect the National Standards for Children's Residential Centres published by the Health Information and Quality Authority (HIQA) in 2018.
- Completed audits of the six non-statutory private foster care agencies.

Alternative Education Assessment and Registration Service

- Strengthened 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.
- Strengthened the registration process for the independent schools sector in line with existing legislative provisions.
- Recruited additional alternative education assessment officers and expanded the external assessment panel.

Child Safeguarding Statement Compliance Unit

- Developed and commenced 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.

- Implemented initiatives to support and drive compliance with the Child Safeguarding Statement requirements.

CSR priorities for 2020 are set out in Appendix 1.



Early Years Inspectorate

4310 early years services registered

93 new applications approved and registered

2308 inspections of early years services took place

403 notifications of incidents

1331 notifications to change in circumstances of early years services

597 unsolicited information submissions received

4 early years services removed from the register

2

Early Years Inspectorate

The Early Years Inspectorate registers and inspects preschools, play groups, crèches, childminders (caring for more than three children) and drop-in services. Its remit covers children aged 0–6 years and its authority is underpinned by part 12 of the Child and Family Agency Act 2013 and the Early Years Regulations 2016. The Early Years Inspectorate was first introduced in 1997, under part 7 of the Child Care Act 1991, which gave effect to the Child Care (Pre-School Services) Regulations 1996 providing for a system of notification and inspection.

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 2016 on 4 July and 30 December 2016, respectively.

These amended regulations were devised under part 12 of the Child and Family Agency Act 2013, provide for the inclusion of school age services and also enhance the enforcement powers of the inspectorate to include a requirement for services to be registered prior to operation. These legislation and regulations provide the basis for the registration and inspection of early years services 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*,⁷ 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.

⁷ Department of Children and Youth Affairs (2013) *Right from the Start: Report of the Expert Advisory Group in the Early Years Strategy*. Dublin: Department of Children and Youth Affairs.

The Early Years Inspectorate regulatory function of registration and inspection are underpinned by a range of quality processes that support the implementation of regulation.

1. Overview of registered services in 2019

All persons proposing to operate an early years service in Ireland are legally required to register the service with Tusla – Child and Family Agency. Part 12 of the Child and Family Agency Act 2013, and part 2 of the Child Care Act 1991 (Early Years Services) Regulations 2016, set out the statutory requirements for registration and inspection. It is an offence to operate an early years service as defined by the legislation without being registered to do so.

Registration

The Early Years Inspectorate statutory registration functions include:

- Initial registration of new services, including the process from the initial application⁸ to inspection, decision-making and communication of the final decision to the registered provider.
- Assessment of the continued registration of existing services and representations received from or on behalf of registered providers in relation to proposed decisions made at registration panel. All early years services are entitled to make representation concerning the intent of proposed decisions or conditions associated with registration. Part 12 of the Child and Family Agency Act 2013 makes provision for an applicant or a registered provider to make representation to Tusla or appeal to the District Court on a decision made by Tusla in regard to the registration of a service.
- Re-registration of services on a three yearly cycle following their initial registration. Registration of a service is permitted for a period of three years in accordance with Article 58D of the Child and Family Agency Act 2013 and application for renewal of registration is then required.

This section presents information on early years services, including the number of services registered; the re-registration of services; the types of registered services; the reported age profile of children in registered services; as well as the closures that took place.

Number of services registered

At year-end 2019, there were 4,310 early years services registered with Tusla. The lowest number of services was in the Dublin North East (DNE) region (n=962; 22%), while the highest number was in the Dublin Mid-Leinster (DML) region (1202; 28%). There were 1,104 services registered in the West region and 1,042 in the South region (Table 2.1).

⁸

https://www.tusla.ie/uploads/content/Early_Years_Inspectorate_Registration_Policy_New_Applications1.pdf

Table 2.1: Number of early years services on the national register in December 2019

Region	Geographic distribution	No. of services in December 2019	Percentage (%)
Dublin Mid-Leinster (DML)	Dublin, Kildare, Laois, Longford, Offaly, Westmeath, Wicklow	1202	28
West	Cavan, Clare, Donegal, Galway, Leitrim, Limerick, Mayo, Roscommon, Sligo, Tipperary	1104	26
South	Carlow, Cork, Kerry, Kilkenny, Tipperary, Waterford, Wexford	1042	24
Dublin North East (DNE)	Cavan, Dublin, Louth, Meath, Monaghan	962	22
Total		4310	100

Note: Percentages may not add to 100% due to rounding.

A total of 4,310 services registered at year-end illustrated a decrease of less than 3% (n=125) of services registered when compared with year-end 2018, when a total of 4,435 services were registered.

New registrations

There were 142 applications to register a new service and 93 were completed and approved for registration and added to the National Register in 2019. More than one-half of all new services registered were in the South region and Dublin Mid-Leinster region, with 25 (27%) new services registered in each area. These were followed by Dublin North East (n=23; 25%), while the West region had the lowest number, with 20 (22%) new services registered (see Figure 2.1).



Note: Percentages may not add to 100% due to rounding.

Figure 2.1: New applications approved for registration by region

The number of new applications approved for registration remains consistent with previous years, with 91 new applications in 2018 and 96 in 2017 approved for registration. The largest number of applications approved for registration was in Q3, with 53 services, while the lowest number (n=4) of applications approved for registration was in Q2. Figure 2.2 presents the number of applications approved in each quarter.

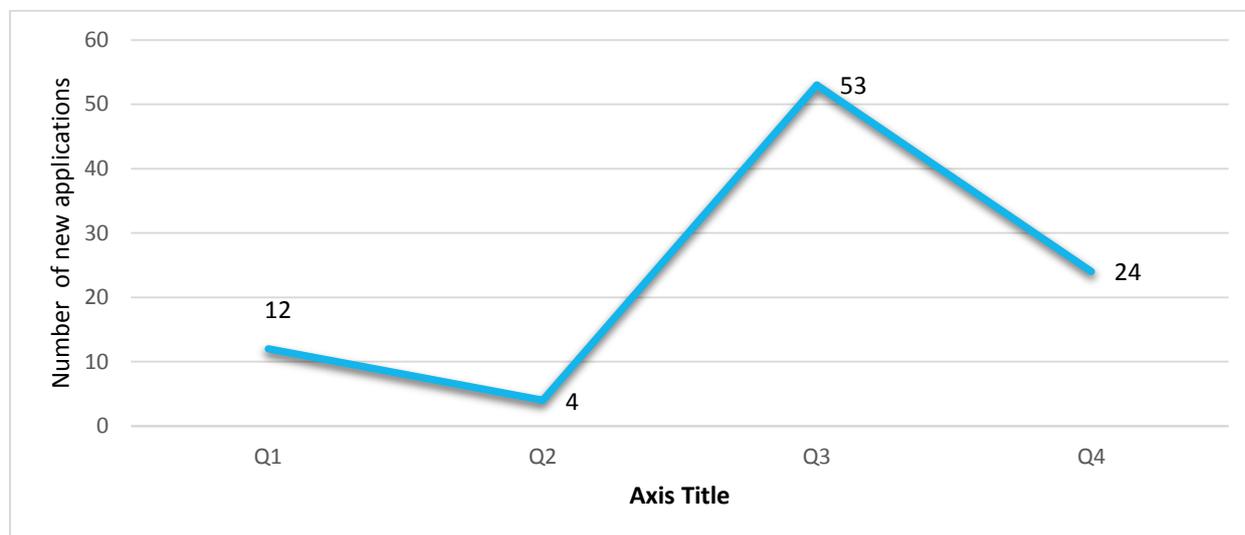


Figure 2.2: Number of new applications approved by quarter

2. Re-registration of existing services

Early years providers who were first granted registration in accordance with Article 58E of the Child and Family Agency Act 2013 under the statutory declaration in June 2016 were required to reapply for re-registration by year-end 2019 if they wished to remain on the register.⁹ The re-registration process was streamlined to assist early years providers attain re-registration and the deadline for completion was extended to June 2020.

3. Type of service

Services may be registered to provide one or more types of services, but each must identify a main service type. The different types of service provision according to the main service type as defined by the Early Years Regulations 2016 are set out in Appendix 2.

Number of different types of services registered

Sessional service (up to 3.5 hours daily) is the most common type of service registered (49%; n=2109), followed by full day care (36%; n=1561) and part-time (12%; n=534). Less than 1% of registered services are drop-in (n=29), and there were 77 registered childminders, accounting for less than 2% of all registered services (see Figure 2.3).

⁹ Register means the register established and maintained in accordance with section 58C of the Act.

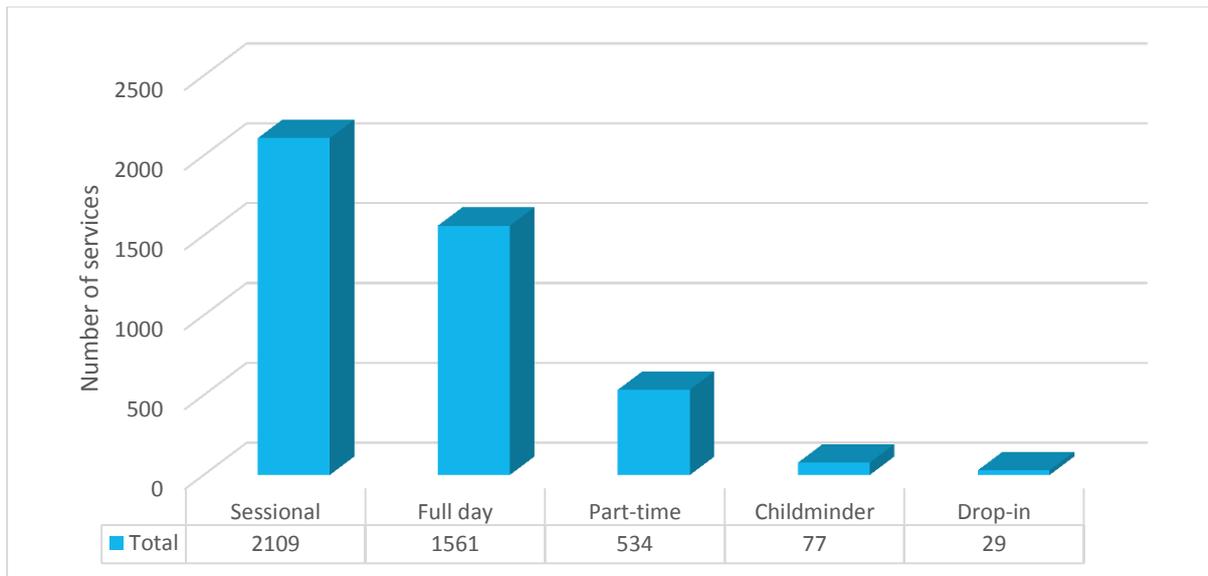


Figure 2.3: Types of services

Age profile of children accommodated at services

Services are mainly provided for children across three age ranges from under 1 year to 6 years and these are presented in Figure 2.4. About one-third of services (n=1232; 29%) cater for children aged 0–6 years and a further 44% (n=1893) of services cater for children aged 2–6 years. About one in five services cater only for children aged 3–6 years (n=927; 22%).

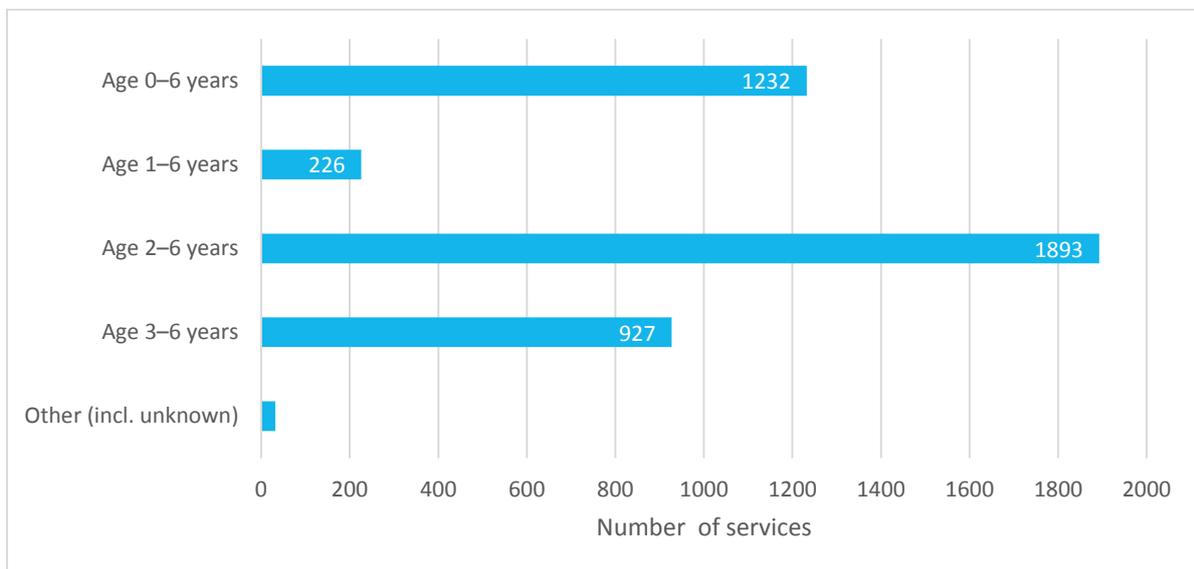


Figure 2.4: Age profile of children

Closure of services

In accordance with Regulation 8(5) (Notification of Change in Circumstances), a registered provider who ceases to operate a preschool service is required to inform the agency in writing of the cessation of the service not later than 28 days after the service has ceased to operate.

Services notifying intention to close

In total, 196 services notified their intention to close in 2019. The highest number of notifications were in the Dublin Mid-Leinster region (n=69; 35%). The South region reported the lowest number of notifications of closures (n=30; 15%). The West region reported 57 (29%) notifications, while the Dublin North East region reported 40 (20%) closures (see Figure 2.5).

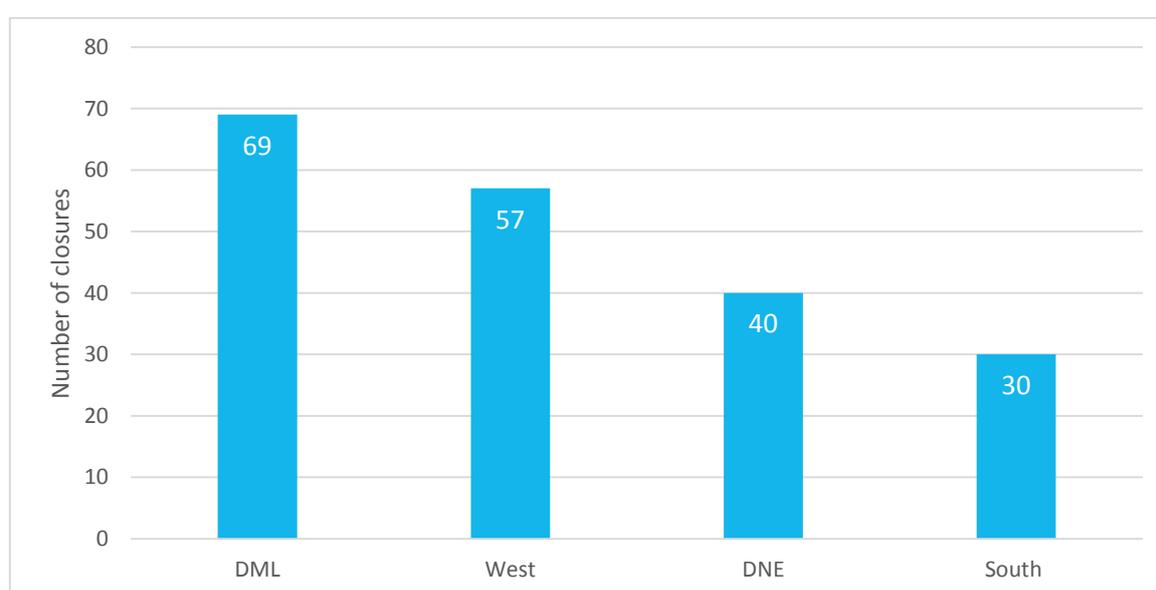


Figure 2.5: Service closures by region

Notified closure by commercial status of service

Over 82% (n=161) of services that notified an intention to close were for profit, while 14% (n=27) of services were not for profit. Information is unavailable on 4% (n=8) of services (see Figure 2.6).

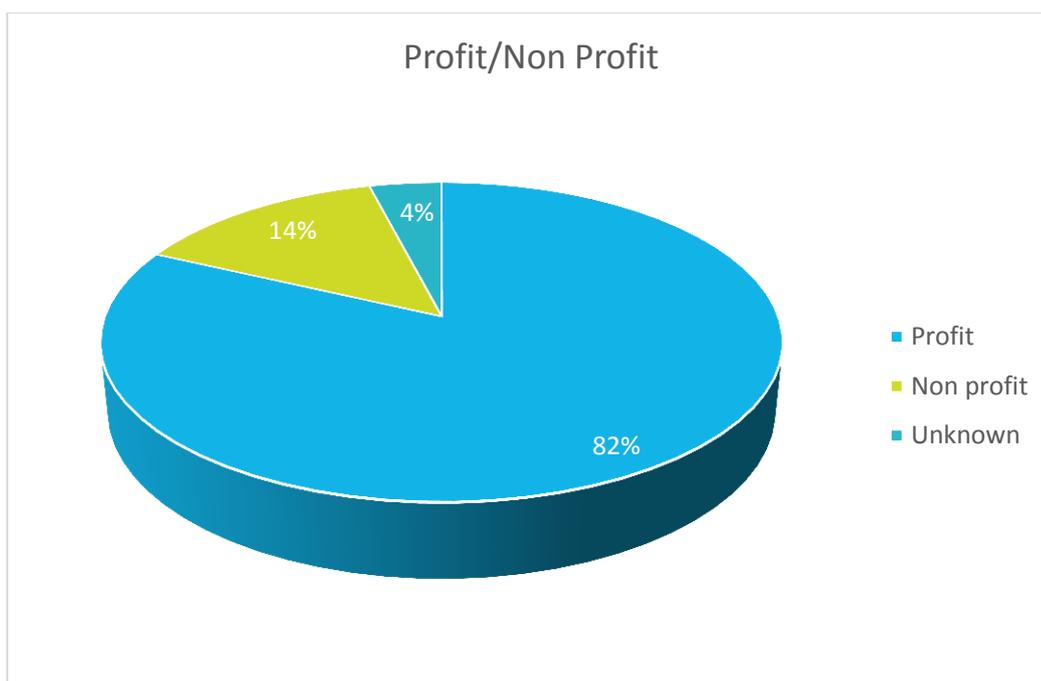


Figure 2.6: Closures by commercial status of service

Types of services that closed

The majority of services notifying intention to close were sessional services, accounting for more than 60% (n=118) of all notifications of intention to close. This was followed by full day-care services (n=39; 20%) and childminders (n=19; 10%). Table 2.2 presents the number of closures by each type of service.

Table 2.2: Number of closures by type of service

Service type	No. of closures	Percentage of closure (%)
Sessional	118	60
Full day	39	20
Childminder	19	10
Part-time	15	8
Drop-in	5	2
Total	196	100

Note: Percentages may not add to 100% due to rounding.

Age group reflected in notification of intention to close

The types of services that notified an intention to close are also reflected in the age group of the children attending those services. Some 85 (43%) services reported caring for children aged 2–6 years. Just over one-quarter of services (n=53; 27%) that closed cared for children

aged 0–6 years and a further 10 services (5%) cared for children aged 1–6 years (see Figure 2.7).

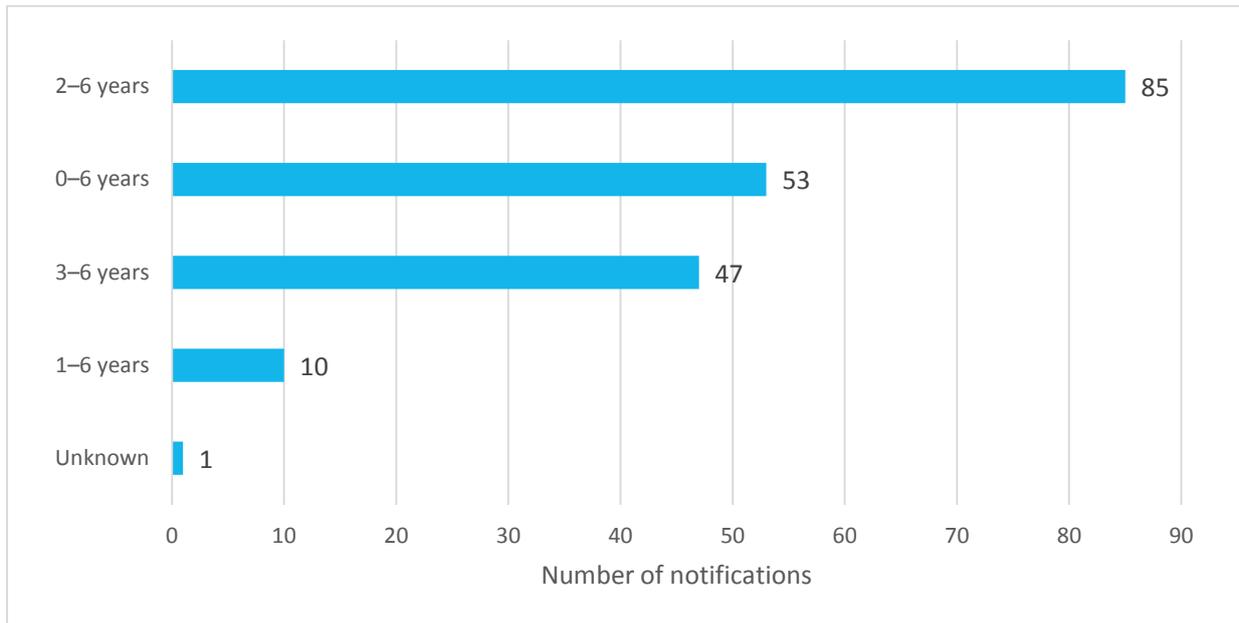


Figure 2.7: Notification of intention to close by age group

Services closed on register each month

The least number of closures from a total of 196 were recorded in April (n=4; 2%), while the highest number of notifications to close were recorded in June (n=24; 12%) (see Figure 2.8).

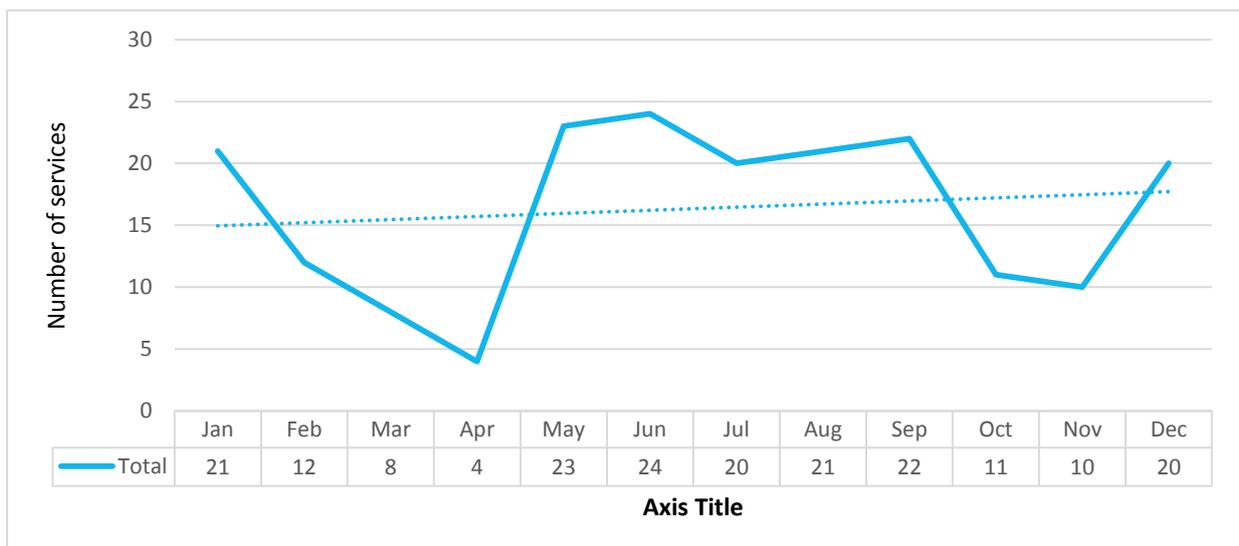


Figure 2.8: Services closed on register by month

Removal from register

In 2019, four early years services were removed from the National Register. One service was the subject of a prosecution. Enforcement information can be accessed at:

The following sections present information and analysis on inspections; escalation measures; notification of incidents; changes in services circumstances; and unsolicited information received.

4. Inspections

The purpose of inspection is to improve the service for the children attending early years services, raise the standard where necessary and make the children's experiences in the service of higher quality. On inspection, services are assessed for compliance against the 2016 regulations. Inspection processes are underpinned by the principles of proportionality, accountability, effectiveness, fairness, reasonability, transparency and intelligence,¹⁰ with children's wellbeing at the heart of inspection.

On-site inspections of early years services are undertaken in a structured and consistent manner. Evidence of compliance is assessed by the inspector through:

- Reviewing the register of services and any information and documentation submitted.
- Considering any documentary evidence of how the regulations are being implemented within the service. This may include, for example, the examination of policies and procedures, the review of service records, children's records, staff training records, programme of activities records, rosters, incident and complaint records, and risk register(s).
- Interviewing and consulting with management and staff.
- Observing the operational practices in the service, including care, play, interactions of staff and children, and how suitable the premises and facilities are for children's care and learning.

Inspections are scheduled for all registered services. Inspections also take place in respect of new applications and in certain instances where services notify a change in circumstances. These are referred to as 'fit-for-purpose (FFP) inspections'. There were 299 fit-for-purpose inspections completed in 2019, representing 13% of all inspections undertaken. In addition, a number of inspections were undertaken in response to unsolicited information. The inspection process is presented in Figure 2.9 for early years services found to be fully compliant on inspection.

¹⁰ Walshe K and Shortell SM (2004) Social regulation of healthcare organizations in the United States: developing a framework for evaluation. *Health Services Management Research*, 17(2): 79–99.

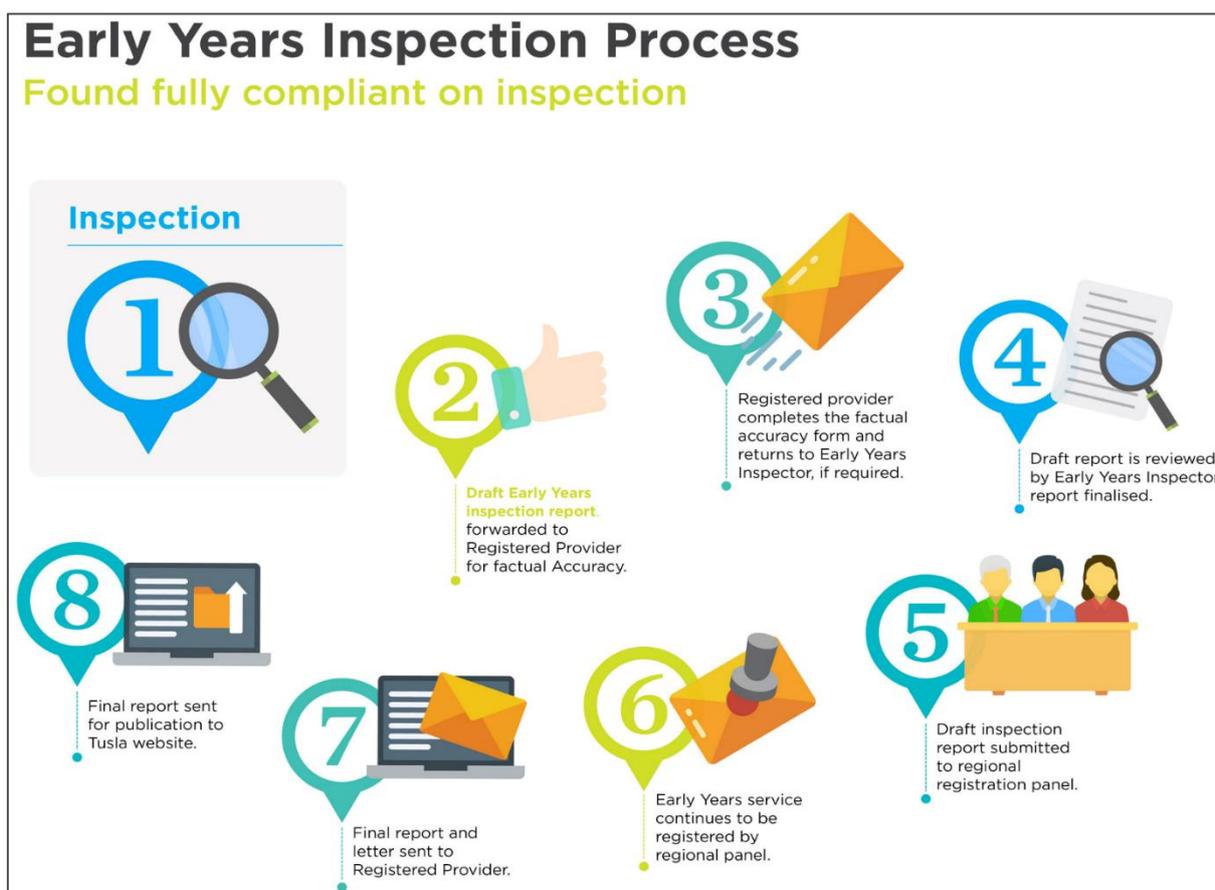
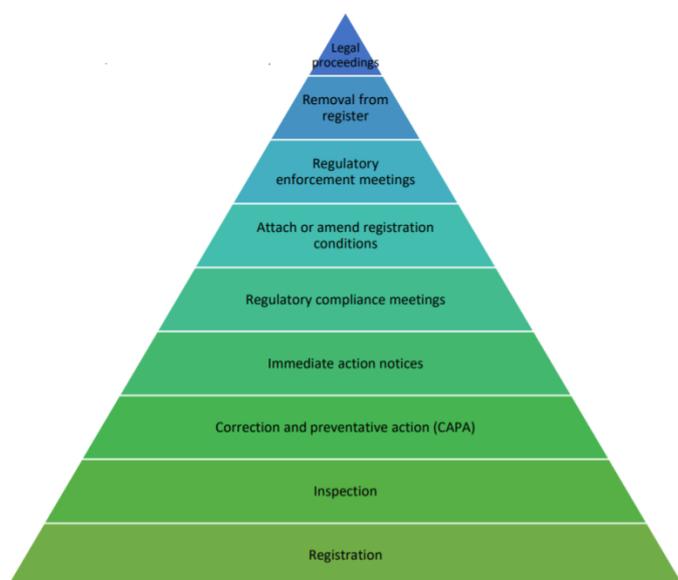


Figure 2.9: Process following assessment of compliance

Services found non-compliant on inspection

The Early Years Inspectorate utilises its powers of regulatory enforcement where registered services have been identified with critical risks and/or areas of significant regulatory non-compliance. The service must provide a corrective and preventive action plan to correct the non-compliances identified. Where the registered provider fails to comply with the legislative requirements, Tusla initiates enforcement action. In determining proportionate regulatory action, consideration is given to the nature of the risk, the provider’s response to the risk and the provider’s previous registration history. The regulatory enforcement actions available to Tusla are illustrated in Figure 2.10. It is important to note that the escalation of regulatory enforcement is not always linear.



The regulatory enforcement policy can be accessed at: https://www.tusla.ie/uploads/content/Early_Years_Inspectorate_Enforcement_Policy.pdf

Figure 2.10: Regulatory enforcement pyramid

Number of inspections by geographic location

In 2019, some 2,308 inspections were carried out by the Early Years Inspectorate. These inspections were carried out in services across the four regions, where the highest number took place in the Dublin Mid-Leinster region (see Table 2.3).

Table 2.3: Number and percentage of inspections carried out by region

Region	No. of inspections	Percentage (%)
South	552	24
Dublin and North East	444	19
West	627	27
Dublin Mid-Leinster	685	30
Total	2308	100

Note: Percentages may not add to 100% due to rounding.

Inspections by type of service

Almost 46% (n=1051) of all inspections took place in sessional services and 40% (n=914) took place in full day-care services, while less than 3% (n=64) accounted for inspections of childminders. One unregistered service was inspected following receipt of a warrant of authority from the District Court¹¹ (see Figure 2.11).

¹¹ Part 12, Article 58J of the Child and Family Agency Act 2013 makes provision for a judge of the District Court if satisfied on information on oath that there are reasonable grounds for believing that a prescribed early years service is being provided in a premises by a person who is not a registered provider to issue a warrant authorising an authorised person to enter and inspect the premises.

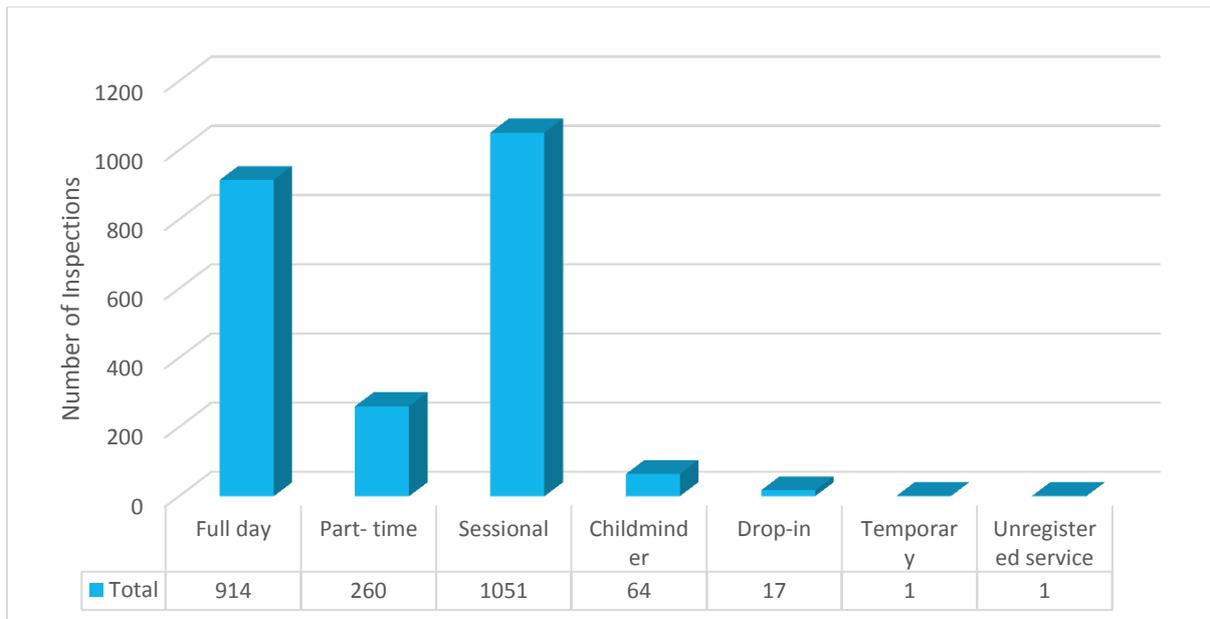


Figure 2.11: Inspections by type of service

Inspection reports

Following inspection of a service, the inspector prepares a report on the findings of the inspection. This draft report details the findings of the inspection with regard to governance of the service; supports for the health, welfare and development of the child; the safety of the service; and the safety and the suitability of the premises and facilities. The registered provider is provided with an opportunity to respond to the report using the factual accuracy form and to respond to any non-compliance identified by completing the corrective and preventive action template.¹² All inspection reports are reviewed at a regional registration panel for consideration for initial registration or continued registration. Following completion of this reporting process, services approved for registration and continued registration are issued with a final inspection report to the registered provider, which is subsequently published by Tusla.

5. Notification of incidents

Regulation 31 (Notification of Incidents) of the Child Care Act 1991 (Early Years Services) Regulations 2016 requires registered providers of early years services to notify Tusla, in writing, within three working days of becoming aware of any specific incidents occurring in the preschool service. Any of the following incidents must be notified:

- The death of a preschool child while attending the service. This includes the death of a child in hospital following transfer to hospital from the service.
- Diagnosis of a preschool child attending the service, an employee, an unpaid worker or contractor or other person working in the service as suffering from an

¹² <https://www.tusla.ie/services/preschool-services/focused-inspection-tool-and-outcome-reports/>

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 preschool 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.

Number of notifications of incidents

A total of 403 notifications of incidents were received in respect of 274 registered early years services (see Table 2.4).

Region	No. of NOI submissions	Percentage (%)
Dublin North East	136	33.75
Dublin Mid-Leinster	99	24.57
West	81	20.10
South	87	21.59
Total	403	100.1

Table 2.4: Number of notifications of incidents (NOI) received by region

Note: Percentages may not add to 100% due to rounding.

The vast majority of incidents notified took place in a full day-care setting (n=324; 80%), accounting for about four-fifths of all incidents. This was followed by sessional services (n=59; 15%) and part-time services (n=18; 4.5%). Two notifications of incidents were received in respect of childminders (0.5%) (see Figure 2.12).

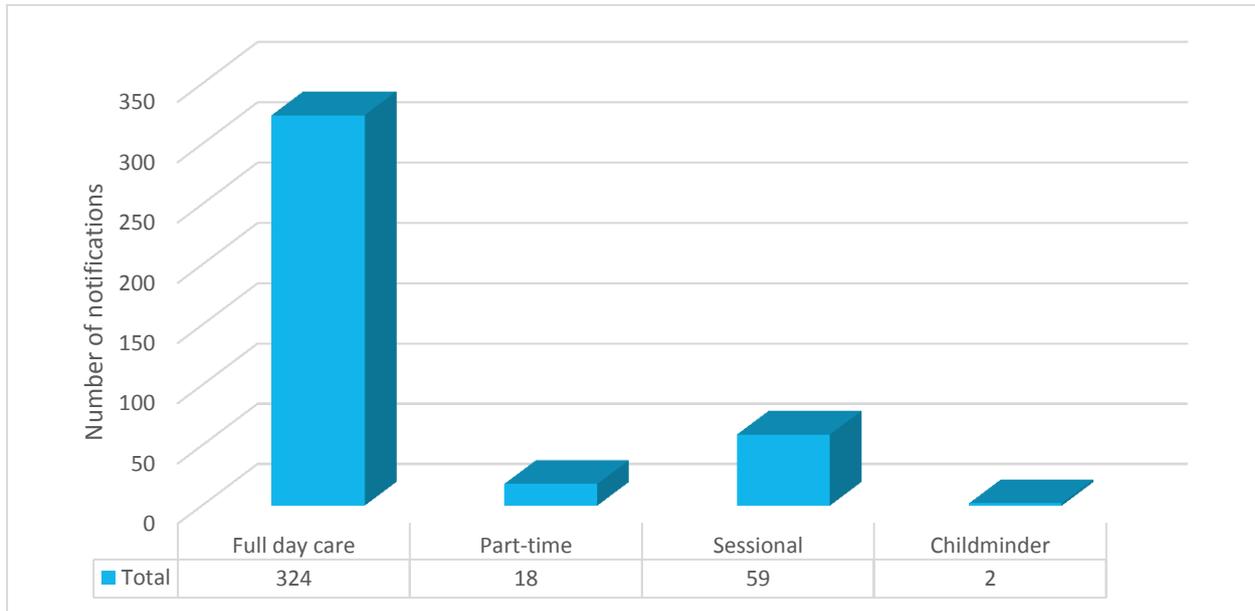


Figure 2.12: Notification of incident received by service type

Types of incidents notified

Incidents under each of the five categories were notified to Tusla (see Table 2.5). Notification of serious injury to a child accounted for more than two-thirds of all notifications (n=271; 67%).

Table 2.5: Types of incidents notified

Types of incidents	NOI	Percentage (%)
Serious injury – child	271	67.25
Irregular closure	71	17.62
Diagnosed infectious disease – child	37	9.18
Child missing	11	2.73
Diagnosed infectious disease – staff member	2	0.50
Death of a child – hospital/home following transfer from service	1	0.25
Other	10	2.48
Total	403	100

Note: Percentages may not add to 100% due to rounding.

6. Change in circumstances

A registered provider is required to inform Tusla of a change in circumstances (CIC) in accordance with Regulation 8 of the Early Years Regulations 2016. The circumstances are

specified in the Changes in Circumstances Form as set out in schedule 4 of the regulations.¹³ The inspectorate processes and manages all notifications of proposed changes in circumstances received.

Overview

In total, 1,331 submissions were received giving notification of 2,343 proposed changes in circumstances to service provision (see Figure 2.13).

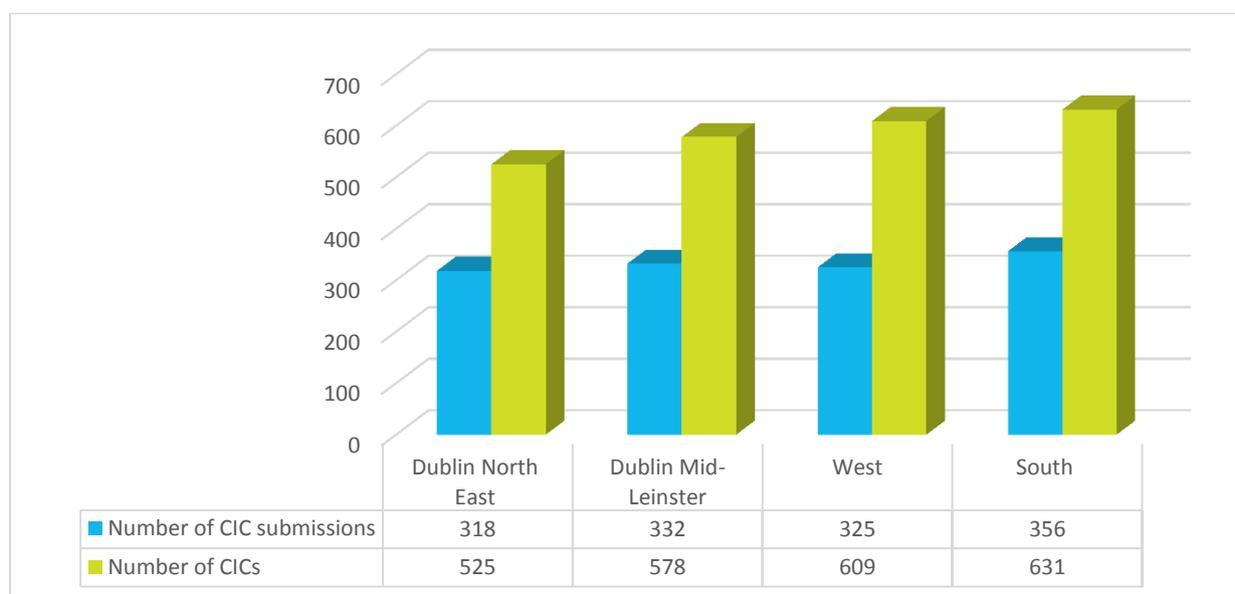


Figure 2.13: Number of changes in circumstances (CIC) by region

Changes in circumstances notified

Four main changes in circumstances were notified: administrative/clerical changes (n=540; 23%); changes in personnel (n=750; 32%); changes to the number and age profile of children attending the service (n=467; 20%); and changes to the service itself (n=554; 24%). Thirty-two changes in circumstances related to other proposed changes.

7. 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.¹⁴

All unsolicited information received by the Early Years Inspectorate relating to any early years service is assessed, managed and examined to determine if any concerns relating to the safety of children exist and the appropriate level of intervention that should be taken.

¹³ <https://www.tusla.ie/services/preschool-services/notification-of-change-in-circumstances-form/>

¹⁴ <https://www.tusla.ie/services/preschool-services/where-to-get-advice-if-i-have-a-difficulty-or-a-complaint-about-a-service/>

Information, including concerns and comments, provides a valuable source by which service delivery standards can be monitored and reviewed by the Early Years Inspectorate. Figure 2.14 presents an overview of the process that takes place in response to unsolicited information received.

Unsolicited Information Process

Early Years



Figure 2.14: Process in response to receipt of unsolicited information

Unsolicited information received

In 2019, a total of 597 unsolicited information submissions were received, of which 509 related to 308 registered early years services.

Unsolicited information by region

From a total of 597 unsolicited information submissions received, the highest number was received from the Dublin North East region (n=198), which accounted for 33% of all submissions received. This was followed by submissions about services in Dublin Mid-Leinster (n=181; 30%) and the West region (n=106; 18%). The lowest number was received from the South region (n=112), which accounted for 19% of submissions (see Figure 2.15).

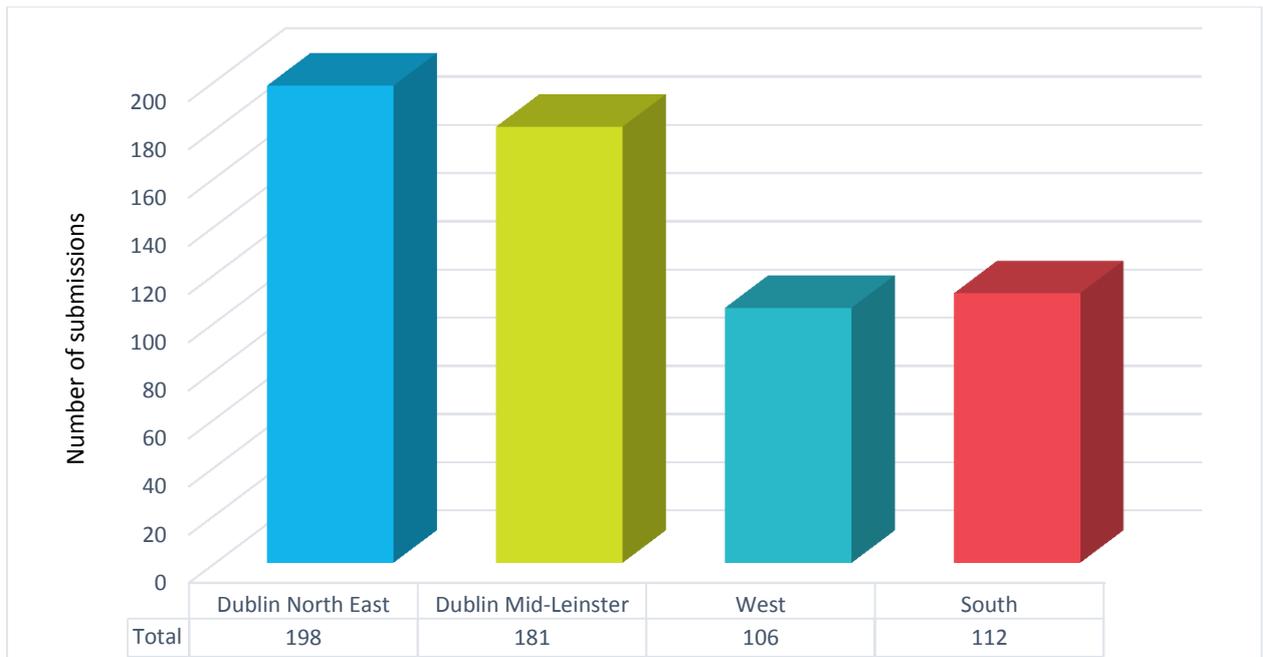


Figure 2.15: Number of unsolicited information submissions received by region

Unsolicited information received according to type of service provided

Unsolicited information was most likely to be received about full day-care services, which accounted for more than 70% (n=419) of all unsolicited information submissions received. Unsolicited information submissions about sessional services accounted for 11% (n=67) of submissions made, while less than 4% (n=21) of submissions received related to part-time services. One submission was received about a childminder and one submission about a drop-in service (see Figure 2.16).

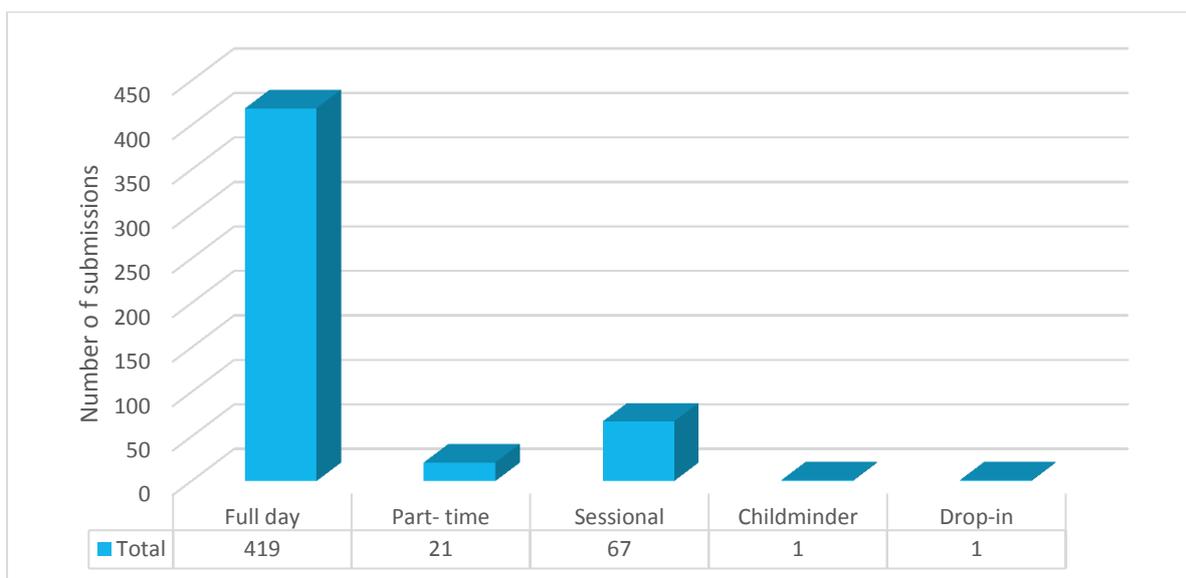


Figure 2.16: Number of unsolicited information submissions received by type of service provided

Source of unsolicited information

Unsolicited information was received from a variety of sources. Over 57% of unsolicited submissions were received from a parent/guardian (n=341). Table 2.6 presents the source and number of submissions received.

Table 2.6: Unsolicited submissions received by source and number

Source of unsolicited information	No. of submissions	Percentage (%)
Parent/guardian	341	57.12
Other family members	6	1.01
Staff (including current and previous)	69	11.55
Member of the public	53	8.88
Anonymous	43	7.20
Statutory agencies	35	5.86
Other (e.g. neighbours, private therapists)	24	4.02
Non-statutory organisations	14	2.34
Registered provider	12	2.01
Total	597	100

Focus of unsolicited information received

Much of the unsolicited information included more than one issue. Of the 597 submissions received, 538 were screened as part of the unsolicited information process. The regulations most likely to be the focus of unsolicited information and the number of submissions received for these regulations are set out in Table 2.7.

Table 2.7: Number of unsolicited information submissions by relevant regulation

Regulation no.	No. of unsolicited information submissions	Focus of the regulation
Regulation 19	270	Health, welfare and development of the child
Regulation 23	130	Safeguarding health, safety and welfare of the child
Regulation 11	108	Staffing levels
Regulation 9	81	Management and recruitment
Regulation 32	80	Complaints
Regulation 27	60	Supervision
Regulation 16	41	Records
Regulation 22	23	Food and drink
Regulation 29	20	Premises

Multiple unsolicited information submissions regarding a single service

While 308 registered services were the subject of 509 unsolicited information submissions, the majority of services (n=222; 72%) were the subject of one unsolicited information submission only, while approximately 18% (n=56) of services were the subject of two submissions. Less than 10% of services were the subject of more than two submissions.

8. Additional developments and supports for early years services

A number of additional supports for early years services were put in place by Tusla in 2019 to support early years service providers comply with legislative and regulatory requirements.

Unsolicited information e-learning programme

An e-learning programme was developed for registered providers to assist them in managing unsolicited information in an early years setting. The aim of this e-learning training programme is to support the registered provider to:

- Understand what unsolicited information is
- Identify how the registered provider can prepare, manage and respond if an unsolicited information report has been made to Tusla about their early years setting
- Provide information and support the development of a complaints policy and procedure for the early years setting.

The e-learning programme can be accessed at: <https://www.tusla.ie/services/preschool-services/focused-inspection-tool-and-outcome-reports/managing-unsolicited-information-in-an-early-years/>

Quality and Regulatory Framework

Implementation of a Quality and Regulatory Framework (QRF)¹⁵ continued throughout the year, with the development of **additional supports** to establish a clearly defined structure for inspection and to ensure widespread understanding of the framework and related requirements. This includes:



- Development of new inspection notes and report templates
- Pilot inspections in early 2019 (over 100 services volunteered following expression of interest)
- A small number of inspections in Q4 2019
- Progression of QRF e-learning training for all providers. The e-learning programme will be available on the Tusla website in 2020, freely available and

¹⁵ The QRF sets out the regulatory requirements in a transparent way and presents the scope of how the inspectorate will assess services for compliance to promote the quality and safety of services provided to children. It can be accessed at: <https://www.tusla.ie/services/preschool-services/early-years-quality-and-regulatory-framework/>

accessible to all providers, staff and parents. The aim of the programme is to support the sector to maintain compliance with the 2016 Early Years Regulations, which will support higher levels of quality experiences for young children.

Removal from register communication protocol

The communications protocol with the Department of Children and Youth Affairs (DCYA) in relation to services or persons that are proposed to be removed from the relevant register was further enhanced in 2019. This information is relevant to the funding decisions that DCYA govern. The services that are removed from the register are available on the Tusla website. They can be accessed at: https://www.tusla.ie/uploads/content/Early_Years_Inspectorate_Enforcement_Action_Feb_20.pdf

Research on the regulation of childminders

Research was conducted by Tusla on the regulation of childminders in other jurisdictions. This review will assist in directing and guiding the potential development of procedures and the registration and inspection of childminders in Ireland, which will be in accordance with DCYA. Currently, the regulations define the requirement for childminders to register their childminding service with Tusla. Tusla, in developing this document, is placed to support DCYA in progressing all childminders to registration and inspection, adhering to the DCYA policy document: *First 5: A Whole-of-Government Strategy for Babies, Young Children and their Families 2019–2028*.¹⁶

Presentations and research papers

The Early Years Inspectorate presented a number of research papers at national and international conferences. These include: National Early Childhood Ireland Research Conference; L'Organisation Mondiale pour l'Éducation Préscolaire (OMEP Ireland); and European Early Childhood Education Research Association (EECERA). Research papers presented included:

- Development of a Quality and Regulatory Framework (QRF): From Inception to Implementation
- Enhancing Quality Provision: Through Supporting Regulatory Compliance
- Taking Account of the Voice of the Child within the Regulatory Inspection Process of Early Year's Services.

An article titled 'Tusla: Early Years Inspectorate – The Statutory Regulator' was also published in Barnardos' *ChildLinks*. This article can be accessed at: https://www.tusla.ie/uploads/content/CHILDLINKS-Issue_1-2019-Tusla_Article.pdf

¹⁶ <https://assets.gov.ie/31184/62acc54f4bdf4405b74e53a4afb8e71b.pdf>

External consultation and support forums

The *Report of Consultation with Parents about Tusla Early Years Inspections* was commissioned by the Early Years Inspectorate. Tusla recognises the involvement of parents in their child's care and education and acknowledges that this involvement is widely considered as crucial to the development and wellbeing of the child. This consultation report presents parents' views of Tusla's inspection of early years services and includes parents' views on reflecting the voice of parents in the inspection process. The consultation focused on three key areas: the issues parents think are important to inspect in early years settings; parents' awareness, knowledge and requirements in terms of regulatory inspection; and whether parents should have a voice in early years inspections, and if so how this could best be taken into account for inspection. The results from the consultation will inform and support the inspection process.



Consultative Forum

The Consultative Forum established in 2015 convened in March, July and November 2019. Views of the group continued to be elicited on a range of subjects regarding the development and ongoing processes of the Early Years Inspectorate. Membership and terms of reference of the Consultative Forum can be found on the Early Years Inspectorate webpage at: https://www.tusla.ie/uploads/content/TOR_Consultative_Group.pdf

Regulatory Support Forum

The Regulatory Support Forum, established in September 2017, met on two occasions in 2019 and is a key support network for early years providers. Representatives of the Early Childhood Education and Care (ECEC) support organisations who are members of the forum are briefed by the Early Years Inspectorate on key initiatives and updated on the current policy, practice and protocol decisions of the inspectorate. The terms of reference of the forum, including aims and objectives, roles and responsibilities and membership of the forum, can be accessed at:

https://www.tusla.ie/uploads/content/EYI_Regulatory_Support_Forum_Terms_of_Reference_for_web_site.pdf

Information sessions for providers of ECEC programmes

Lecturers and trainers who deliver ECEC programmes from Level 4 to Level 10 on the National Framework of Qualifications participated in two information sessions held in February and November 2019. Over 80 attendees at the first session and over 50 at the second session were briefed on current updates and developments in the Early Years Inspectorate. The inspectorate agreed to provide two information sessions annually for the third-level training and education sector.



School Age Services

2319 new applications to register

54 combined services registered

390 school age services registered

61 unsolicited information submissions received

336 stand-alone school age services registered

3

School Age Services

The registration of school age services was introduced by DYCA on 2 January 2019 with the publication of the Child Care Act 1991 (Early Years Services) (Registration of School Age Services) Regulations 2018.¹⁷

A commencement date of 18 February 2019 was agreed to start the registration of school age services, from which it is a mandatory legal requirement that all school age service providers as defined by the Act are required to register their school age service with Tusla. Registration is an online process and enables school age service providers to comply with the Child Care Act 1991 (Early Years Services) (Registration of School Age Services) Regulations 2018.

1. Definition of a school age service

A 'school age service' means any early years service, play group, day nursery, crèche, day care or other similar service which:

- Caters for children under the age of 15 years enrolled in a school providing primary or post-primary education
- Provides a range of activities that are developmental, educational and recreational in manner, which take place outside of school hours, the primary purpose of which is to care for children where their parents are unavailable
- Makes its basis for access publicly known to the parents and guardians of the children.

School age services not defined by Act

School age services that solely provide activities relating to the arts, youth work, competitive or recreational sport, tuition, and religious teaching are not defined as school age services under the legislation.

2. Registration process

- Online registration of school age services commenced, on a phased basis, from 18 February 2019, starting with stand-alone school age services (phase 1). A stand-alone service is a school age service that only provides for school-aged children. A combined service provides a school age service in the same location as an existing registered early years service. Registration for combined services commenced in May 2019 (phase 2).

¹⁷ Prior to the introduction of the school age regulations, the Minister for Children and Youth Affairs signed the Childcare Support Act 2018 (Commencement) Order 2018. This order enabled registered school age services to register and participate in the affordable childcare scheme from its introduction in autumn 2019.

Phase 1: Registration of stand-alone school age services

Stand-alone school age services were invited by Tusla to register their service from 18 February 2019. Registration commenced with stand-alone school age services that had identified their commitment to be included on the Tusla School Age Services Register.

- Any school age service who wished to be included on the registration list was required to identify their service to be registered to sac.registration@tusla.ie.
- An invitation-to-register email then directed school age childcare providers wishing to register to a link to the school age services registration portal.
- An individual user password was then issued to access the registration portal.

Phase 2: Registration of school age services already registered as an early years service

Early years services already registered with Tusla who also operated a school age service were required to register their school age service by August 2019 to avail of the new National Childcare Scheme.¹⁸

- From May 2019 an invitation-to-register email was forwarded from Tusla to registered early years services also operating a school age service.
- The service provider received a link and password to access the school age services registration portal.

Number of school age applications

By 31 December 2019, a total of 2,319 applications had been submitted through the online portal. Of these, 728 (31%) were stand-alone school age applications and 1,591 (69%) were combined (school age and early years) applications. The total number of applications included 130 (6%) applications that were closed due to duplicate and incorrect applications.

Number of services registered by geographic distribution

Of the 2,319 school age service applications to be placed on the school age register, 390 (17%) of these services had been registered with Tusla by the end of 2019. The highest number of registered services were based in Dublin (n=94; 24%), while Monaghan had the lowest number, with one school age service registered. Cork had the second highest number of services registered (n=52; 13%). Tipperary had 27 (7%) services registered, while Galway had 22 (6%) (see Figure 3.1).

¹⁸ <https://ncs.gov.ie/en/>

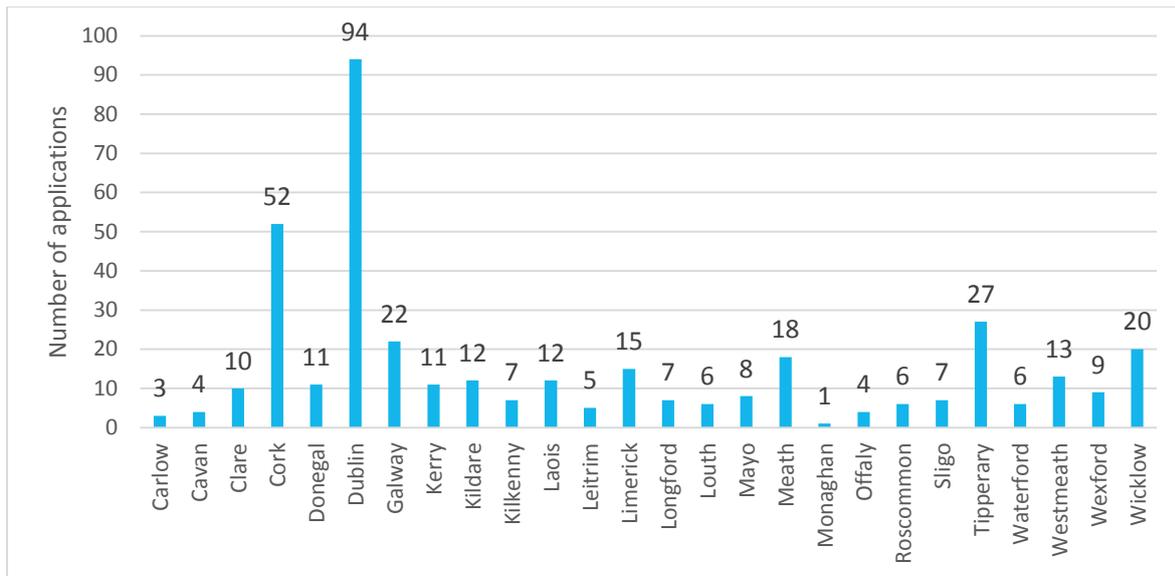


Figure 3.1: School age services registered by county

Type of school age service

There were 336 (86%) stand-alone school age services registered, with 54 (14%) services registered as a combined service (see Figure 3.2).

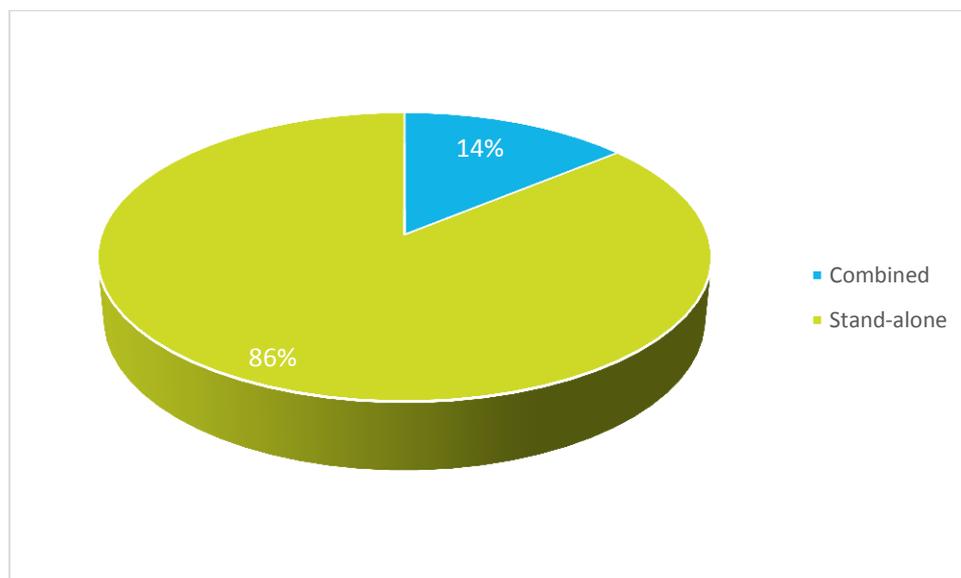


Figure 3.2: Type of school age service

Number of school age services by area and number of children service can accommodate

Each applicant must detail the number of children that they can accommodate in the service at the point of application. The total number of services registered in each county and the total number of children reported accommodated are set out in Appendix 3.

3. Supports to assist registration of school age services

A wide range of supports were developed to assist school age service providers to fulfil the statutory registration requirements for school age service provision. These supports included undertaking a number of briefing and training sessions to relevant stakeholders in addition to the following:

- Creation of an online portal for applications
- Development of guidance documentation: Registration of Early Years Services Online Portal Guidance
- Development and publication of school age frequently asked questions (FAQ): [Tusla School Age Childcare Registration FAQ](#)
- Development of comprehensive guidance to the policy requirements: [School Age Childcare Policies Registration Checklist](#)
- Publication of the school age register online. It can be accessed at: https://www.tusla.ie/uploads/content/School_Age_Services_11_2019.pdf

Development of standard operating procedures

Tusla also established a dedicated team to assist and support the school age registration process. School age standard operating procedures to support the operation of the regulations were developed as follows:

- Initial Registration Procedure of New Service
- Procedure for the Operation of the School Age Registration Panel
- Procedure for Receiving and Processing of Change in Circumstances
- Procedure for the Receipt and Management of Unsolicited Information Received for School Age Services.

External stakeholder engagement

Tusla engaged with DCYA and the Regulatory Support Forum and also established a partnership with City and County Childcare Committees to work collaboratively to provide supports to providers.

4. School age unsolicited information

All unsolicited information received in respect of school age services is assessed, managed and examined to determine if any concerns relating to the safety of children exist and the appropriate level of intervention that should be taken.

Unsolicited information by region

A total of 61 unsolicited information submissions were received in 2019, with only a small variation in the number received across the four regions. The highest number was received from the Dublin North East region (n=17; 27.87%) closely followed by the West region (n=16; 26.23%). This was followed by submissions about services in Dublin Mid-Leinster (n=15; 24.59%) and the South region (n=13; 21.31%) (see Figure 3.3).



Figure 3.3: Number of unsolicited information submissions received by region

Unsolicited information received by stand-alone and combined school age service

Ten (16%) of the submissions received were in respect of stand-alone school age services and more than 67% (n=41) of submissions were in respect of combined services (i.e. a school age service in the same location as an existing registered early years service). Just over 16% (n=10) of submissions related to services that were not on the register (see Figure 3.4).

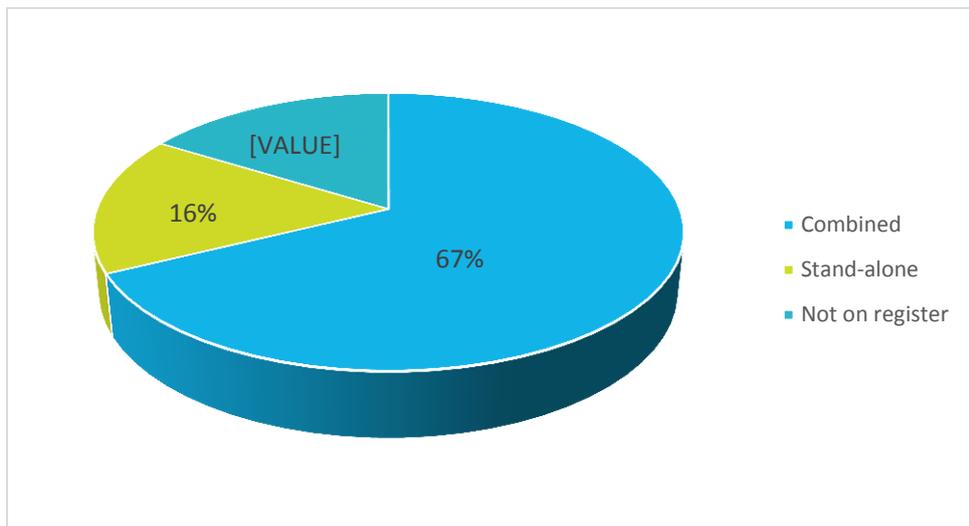


Figure 3.4: Number of submissions received by stand-alone and combined school age services

Source of unsolicited information

Unsolicited information was received from a variety of sources. Over 39% of unsolicited submissions were received from a parent/guardian (n=24). Sixteen submissions (26.23%) were received anonymously, while current/former staff accounted for almost 12% (n=7).

Fourteen submissions were received from other sources such as a parent organisation, and statutory and non-statutory organisations. Figure 3.5 presents the source and number of submissions received.

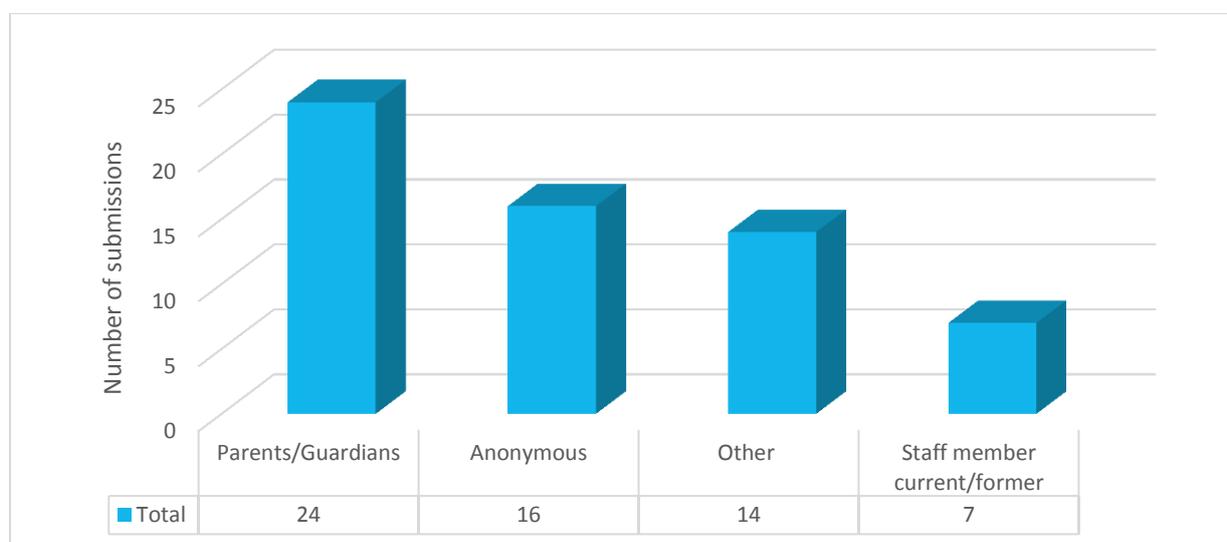


Figure 3.5: Unsolicited information submissions received by source and number

Focus of unsolicited information received

More than 30% (n=19) of unsolicited information received related to information about services operating without registration. Twelve submissions, representing almost 20% of all submissions received, did not come within the remit of the school age regulation and included issues relating to fees and **financial and legal matters**. The type of concern raised and number of submissions in relation to each concern is presented in Table 3.1.

Table 3.1: Type of concern raised and number of submissions

Type of concern	No. of submissions	Percentage (%)
Operating without registration	19	31.15
Not within remit of school age regulation (e.g. fees, financial, legal matters)	12	19.67
Adult/child ratio	7	11.48
Staff concern	6	9.84
Child welfare and protection concern	6	9.84
Childminder concerns	3	4.92
Collection/drop off	3	4.92
Complaints management	2	3.28
Bullying between children	2	3.28
Health and safety	1	1.64
Total	61	100

Note: Percentages may not add to 100% due to rounding.



Alternative Care Inspection and Monitoring Service

130 non-statutory residential centres registered

1 centre closed through regulatory enforcement

128 inspections carried out

10 centres closed voluntarily

53 notifications to change in circumstances of residential centres

6 audits of 6 private foster care agencies

4

Alternative Care Inspection and Monitoring Service

The Alternative Care Inspection and Monitoring Service is responsible for the regulation of all non-statutory (private and voluntary) children's residential services and the monitoring of non-statutory foster care agencies. The role of the service is:

- The registration and inspection of non-statutory residential care centres in line with the provision of part 8 of the Child Care Act 1991.¹⁹
- The monitoring of private non-statutory foster care agencies who provide services on behalf of Tusla in compliance with the foster care standards.

The Child Care (Standards in Children's Residential Centres) Regulations 1996²⁰ provide the framework against which registration decisions of children's residential centres are primarily made. HIQA's National Standards for Children's Residential Centres, 2018²¹ provide the framework against which inspections are carried out and provide the criteria against which centre structures and care practices are examined.

The inspection of centres is carried out to safeguard the wellbeing and interests of children and young people living in them.

1. 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. Proprietors are required to apply for registration to operate a children's residential centre and it is an offence under legislation to operate without registration being secured. An application form for the registration of a children's residential centre can be downloaded from the Tusla website at: <https://www.tusla.ie/services/alternative-care/registration-and-inspection-service/registration-of-childrens-residential-centres/> (see Figure 4.1).

¹⁹ <http://www.irishstatutebook.ie/eli/1991/act/17/enacted/en/print#partviii>

²⁰ <http://www.irishstatutebook.ie/eli/1996/si/397/made/en/print>

²¹ <https://www.hiqa.ie/reports-and-publications/standard/national-standards-childrens-residential-centres>

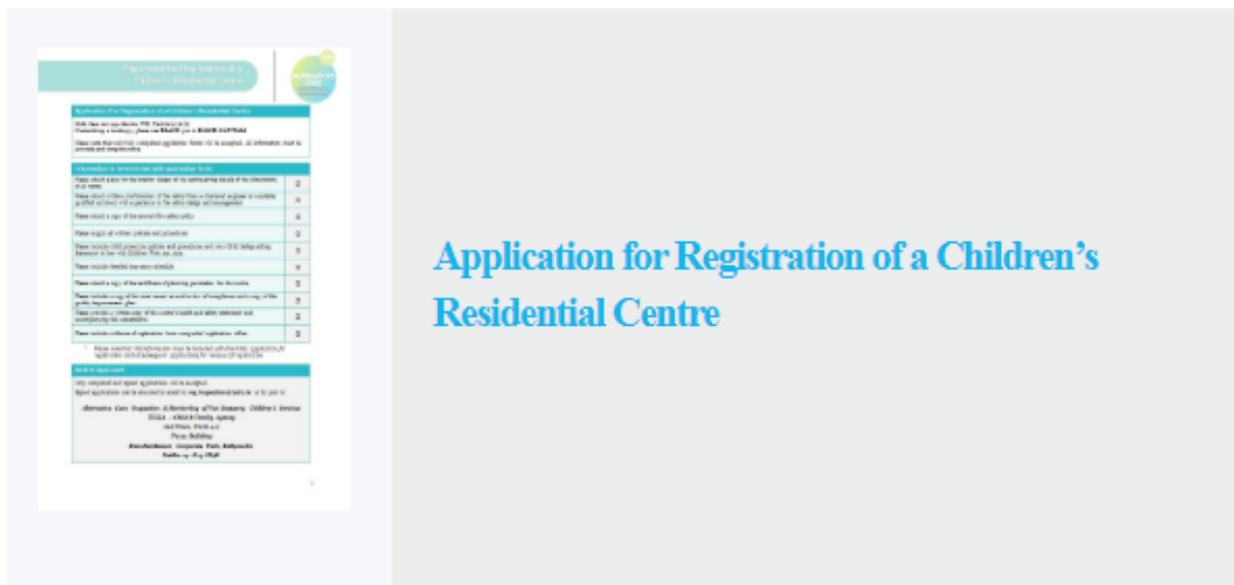


Figure 4.1: Application form for the registration of a children's residential centre

Once an application for registration has been duly made and assessed, a centre will be subject to an inspection against the national standards when operational. In December 2019, there were 130 non-statutory children's residential centres (103 private and 27 voluntary services) registered with Tusla (see Table 4.1).

Table 4.1: Number of non-statutory children's residential centres by region

Region	Number	Private	Voluntary	Percentage (%)
DML	40	29	11	31
DNE	45	33	12	35
South	30	26	4	23
West	15	15	0	12
Total	130	103	27	100

Note: Percentages may not add to 100% due to rounding.

These centres are often domestic homes in housing estates, in villages, towns and cities, and occasionally in rural areas. The centres typically have between 2–6 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
- 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.²² A specific derogation process is in place, which is applied in exceptional circumstances. A centre must make an application for a specific derogation in regard to any young person being placed outside the purpose and function of the registered centre. Derogation request forms and impact risk assessment forms can be accessed at: <https://www.tusla.ie/services/alternative-care/registration-and-inspection-service/how-to-apply-for-a-derogation/>

Regulation of non-statutory residential care centres

The Alternative Care Inspection and Monitoring Service inspects on a yearly basis each centre on the register since inspection and monitoring commenced operation in 1998. All new residential care services entered on 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.

In November 2018, HIQA²³ launched updated National Standards for Children's Residential Centres replacing the previous 2001 standards. The Alternative Care Inspection and Monitoring Service began inspecting children's non-statutory residential services against these standards from 1 November 2019 following consultation with the non-statutory providers of residential care. These standards can be accessed at: <https://www.hiqa.ie/sites/default/files/2018-11/national-standards-for-childrens-residential-centres.pdf>. Figure 4.2 presents the 29 standards of the National Standards Framework under eight themes.

²² Department of Children and Youth Affairs (2009) *National Policy in Relation to the Placement of Children Aged 12 Years and under in the Care or Custody of the Health Service Executive*. Dublin: DCYA.

²³ HIQA is the statutory body established under the Health Act 2007 to drive high-quality and safe care for people using health and social care services in Ireland. One of HIQA's many functions is to set standards for health and social care services, including children's services.



- Theme 1:** Child-centred Care and Support
- Theme 2:** Effective Care and Support
- Theme 3:** Safe Care and Support
- Theme 4:** Health, Wellbeing and Development
- Theme 5:** Leadership, Governance and Management
- Theme 6:** Responsive Workforce
- Theme 7:** Use of Resources
- Theme 8:** Use of Information

Figure 4.2: The National Standards Framework

Inspectors' Guidance Support Framework

The Alternative Care Inspection and Monitoring Service developed an Inspectors' Guidance Support Framework covering each of the themes in the National Standards for Children's Residential Centres 2018, as a guidance document to assist inspectors in understanding the process of inspection, the Child Care (Standards in Children's Residential Centres) Regulations 1996 and the National Standards for Children's Residential Centres 2018 (HIQA).

Consultation with providers was undertaken on 4 October 2019 to illicit their views on the support framework; how the framework could be introduced and implemented on inspection of the centres against the new standards was also considered. Providers welcomed the consultation and guidance document, which they considered would provide greater transparency on the inspectors' decision-making.

While the importance of professional judgement remains paramount during the inspection, the purpose of the Inspectors' Guidance Support Framework is to promote:

- A standardised approach among inspectors in relation to the process of inspection, complying with regulations and standards
- A structured framework to identify to registered providers and persons who participate in the management of designated centres what is required in ensuring they are delivering a safe and effective service that complies with the regulations and standards and any other legislation.

The document was circulated to all the registered providers.

Ongoing registration of non-statutory residential centres

Registration of non-statutory residential care centres is conducted within a three-year cycle. As a result, non-statutory residential centres are required to reapply every three years to renew their registration. The three-year registration process for a new centre is presented in Figure 4.3.

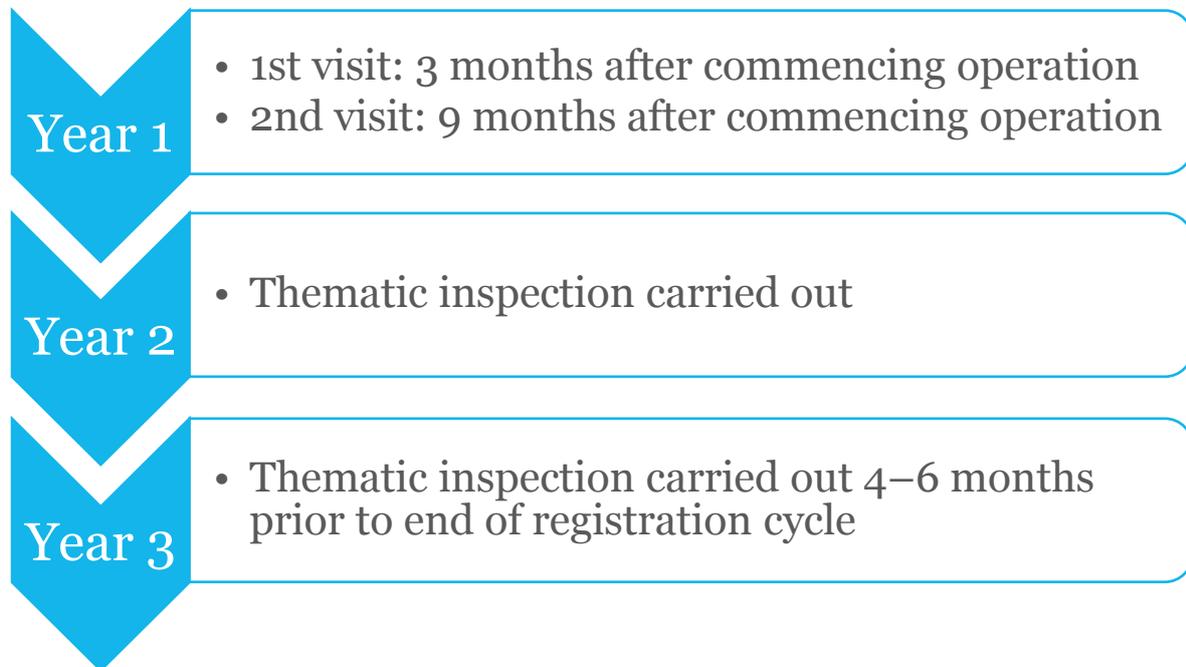


Figure 4.3: Three-year registration cycle of a new centre

Ongoing registration is informed by continuous assessment over the three-year period by the inspection and monitoring team to assess compliance with regulations and standards.

- All 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 wellbeing of young people.
- The centre can be removed from the Register of Non-Compliance with regulations or non-adherence to a condition attached to the registration.

2. Overview of inspection and outcomes

Inspection

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 4.4.

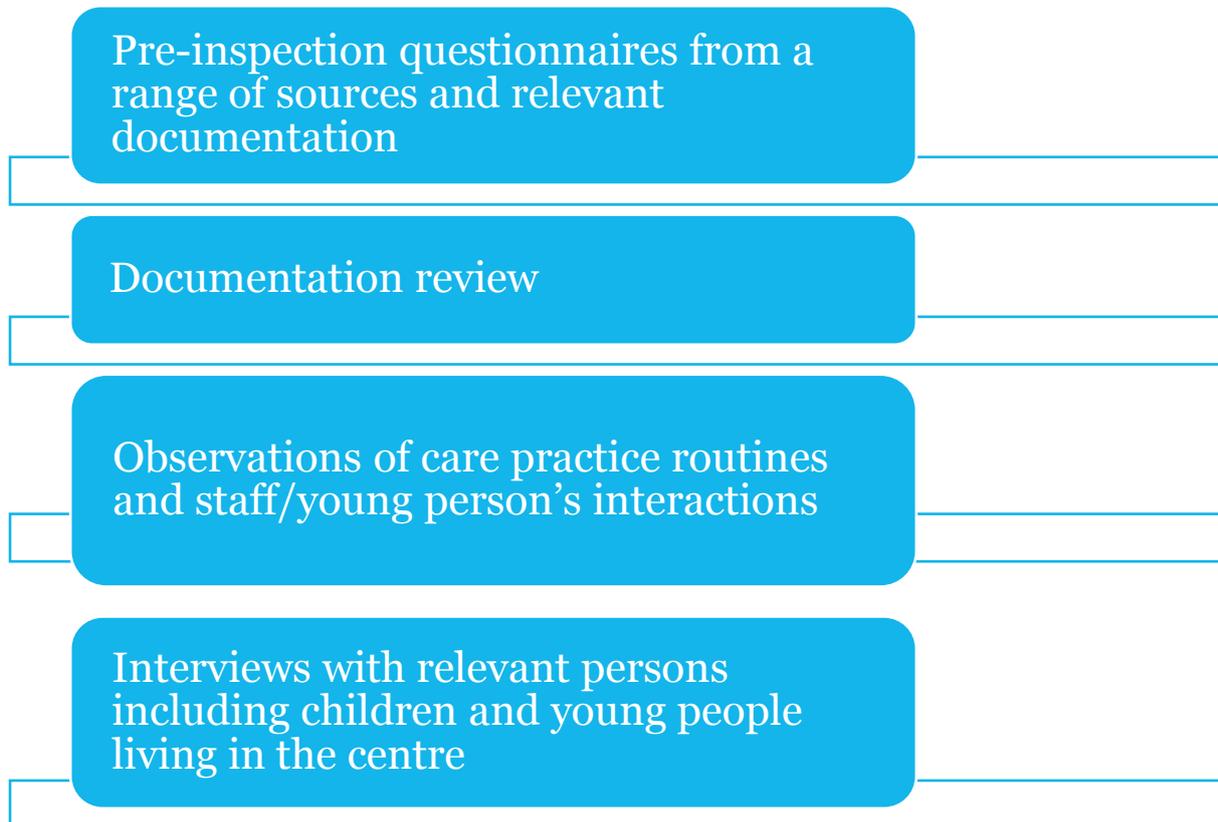


Figure 4.4: Methodology of inspection

Inspection of non-statutory residential care services takes place under identified themes from the National Standards for Children's Residential Centres 2018, which are designed to provide a comprehensive overview of each centre's adherence to the standards and regulations.

Number and types of inspections carried out in 2019

The total number of inspections that took place in 2019 was 128 and, of these, 67 (52%) were announced thematic inspections (see Figure 4.5).

13 new registration inspection visits (on-site)

- Each new application and any supporting documentation is reviewed by the relevant inspector manager.
- A visit to the premises is arranged to ensure that it is fit for purpose and suitable to be used as a children's residential centre.
- When the inspector manager is satisfied that the application and supporting document are correct and the premises are fit to commence operation, the inspector manager presents this at the regional registration panel.
- If agreed by the panel, the centre can be entered on the register of children's residential centres.

104 thematic inspections (67 announced; 37 unannounced)

- A thematic inspection focuses on specific standards or an aspect of standards.
- The decision to carry out a thematic inspection may be in line with policy and practice or based on unsolicited information.

11 lead inspector agency visits

- Each residential centre is assigned to an inspector, who is the link person for that registered provider. This inspector is then referred to as the lead for that agency.
- The lead inspector may visit the centre to meet with a new manager to ensure that they are aware of the inspection process or to follow up on particular significant events that may have occurred in the centre.
- The information gathered on this lead inspector visit may trigger an inspection to be carried out in the centre or a referral to the registration panel if an immediate action decision needs to be made about the registration of the centre.

128 inspections in total

Figure 4.5: Number and type of inspections

Compliance with standards and regulation

During inspection, inspectors use the standards to inform their judgement on compliance with relevant regulations. Inspections are carried out against specific themes and may be announced or unannounced.

Required actions

Following inspection, a number of 'required actions' may be detailed under each standard in a draft report issued to the centre. These actions relate directly to the standards criteria and regulatory requirements and must be addressed by the proprietor and centre management.

Corrective and preventive actions

The centre provider is required to provide a detailed response and timetable of their proposed actions in response to the findings of their report. This response must detail both the corrective and preventive actions (CAPA) to ensure that any identified shortfalls are comprehensively addressed. These actions relate directly to the standards criteria and/or regulation and must be addressed. All action plans and their implementation are assessed by inspectors.

Registration decision

The suitability and approval of the CAPA-based action plan is used to inform the registration decision. Registrations are granted by ongoing demonstrated evidence of adherence to the regulatory and standards framework and are assessed throughout the permitted cycle of registration. All registration decisions are made, reviewed and governed by the CSR Registration Panel for Non-Statutory Children's Residential Centres. Registration decisions include: application of a condition to the registration status of a centre; closing a centre as a result of regulatory intervention; and removal of a centre from the register.

Escalatory measures

Where the provider fails to comply with the standards and/or regulatory requirements, including any conditions applied to the registration status of the service, Tusla initiates enforcement action. The provider is afforded a right of reply at all stages and offered a meeting with Tusla (i.e. enforcement meeting) in an effort to ensure regulatory compliance. 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. Thirteen services (10%) had conditions attached to their registration status in 2019. One was removed from the register following regulatory enforcement measures and 10 registered services (8%) closed voluntarily (see Table 4.2).

Table 4.2: Summary of escalatory measures in 2019

Category	Total	Percentage of total services registered (%)
Services with conditions added to their registration	13	10
Services closed as a result of regulatory intervention	1	<1
Centres closed voluntarily	10	8
Regulatory enforcement meetings held	7	5

Final inspection report

The final report is not agreed until the action plan is deemed appropriate, robust and sufficient to meet the identified shortfalls. The final report is published on the Tusla website at: <https://www.tusla.ie/services/alternative-care/registration-and-inspection-service/inspection-reports/>

Change of circumstances in 2019

More than 41% (n=53) of services submitted a notification of change in circumstances of service provision. These changes included notification of change of the named person in charge; change of premises and facilities; change to the age range of children cared for; and an increase or decrease of the centre's registered capacity (see Table 4.3).

Table 4.3: Number of notifications in change of circumstances

Change of circumstances addressed during 2019	Number	Percentage of total (%)
Change of named person in charge; change of premises and facilities; age range; increase or decrease of centre's registered capacity	53	41

3. 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 (91%; 5461) are in foster care arrangements and of these more than one-quarter (28%; 1548) are in care with relatives.

Foster care can be provided by Tusla or by non-statutory voluntary or private agencies. Foster care homes are regulated and inspected by HIQA. The Alternative Care Inspection and Monitoring Service is also responsible for the monitoring of non-statutory foster care agencies for children under the Child Care (Placement of Children in Foster Care) Regulations 1995 and the National Standards for Foster Care 2003.

In 2019, the Alternative Care Inspection and Monitoring Service developed standard operating procedures for the monitoring of foster care. An audit of each of the six non-statutory private foster agencies was completed. Each monitoring visit presents an overview of findings against each of the standards inspected, as well as an overview of the overall quality and safety of the service.



Alternative Education Assessment and Registration Service

Home Education

1495 children on register

617 applications received

289 children with special educational needs

Independent Schools

49 independent schools

6688 children in assessed schools

5

Alternative Education Assessment and Registration Service

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 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 Assessment and Registration function in Tusla is responsible for the regulation of education provision in places other than recognised schools. Its function is to make an 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 service is managed by the National Manager Alternative Care and Alternative Education who reports to the Head of Registration and Enforcement. A second assessment manager was appointed in 2019 as well as an additional assessor, increasing the total number of assessors employed to four. Twenty additional assessors were contracted to the external panel of assessors.

1. Types of alternative education

There are two types of alternative education settings (see Figure 5.1).



Figure 5.1: Types of alternative education

Registration and assessment process

The registration process requires that an assessment(s) of educational provision 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’s (2003) *Guidelines on the Assessment of Education in Places Other than Recognised Schools*.²⁴ 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, following which a preliminary and in some cases a comprehensive assessment takes place.

²⁴ Department of Education and Science (2003) *Guidelines on the Assessment of Education in Places Other than Recognised Schools*. Dublin: Department of Education and Science.

Preliminary assessment

As part of the registration process, Tusla will arrange for a preliminary assessment to be carried out of the educational provision that is in place or proposed for the child. A preliminary assessment will involve an assessment of the education that is being provided or proposed and the materials used or proposed to be used. The assessment will be carried out by an ‘authorised person’ (assessor) appointed by Tusla. 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. A comprehensive assessment will be undertaken by an authorised person and involves observation of the education being provided, an inspection of the premises, equipment and materials used, and an assessment of the child’s progress and development.²⁵

Review assessment

A review assessment is one that is carried out on the ongoing 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 Tusla. The parent is then invited to comment on the report(s) before any decision is taken by Tusla concerning it/them. The finalised report(s) is then forwarded to the parent by Tusla.

2. Home education

In 2019, some 1,495 children were registered on the home education register and, of these, 19% (n=289) were children with special educational needs. In total, 617 applications were received and 23% (n=145) of these applications related to children with special educational needs. This is highlighted in Figure 5.2.

²⁵ Department of Education and Science (2003) *Guidelines on the Assessment of Education in Places Other than Recognised Schools*.

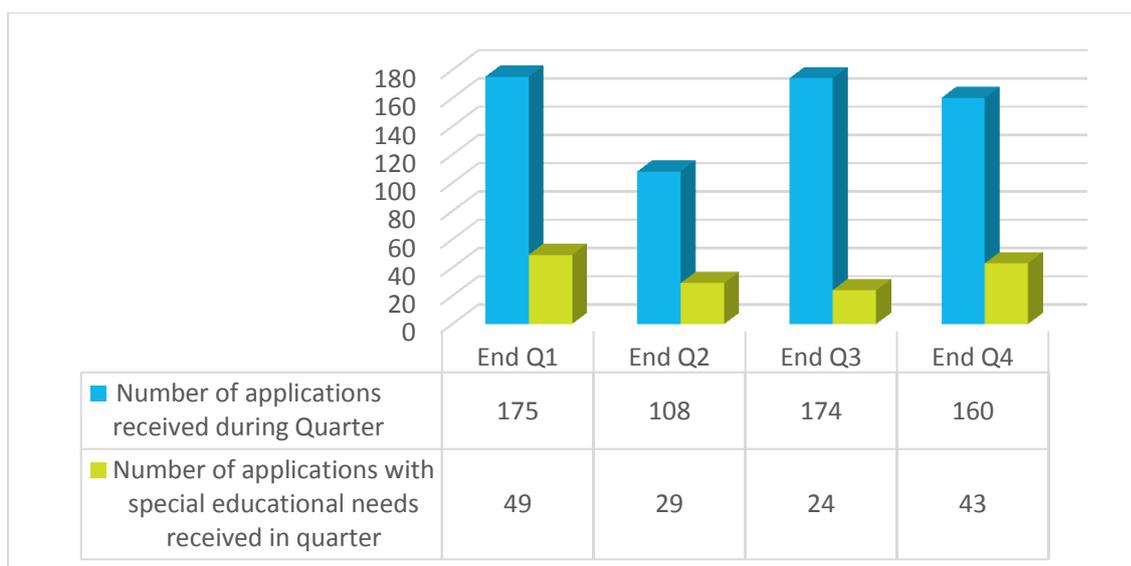


Figure 5.2: Applications by quarter according to overall and special educational needs

These data show an increase over previous years, with 170 children on the register in 2005 compared with 1,495 children in 2019 (see Table 5.1).

Table 5.1: Number of children and applications, 2005–2019

Number	2005	2007	2009	2011	2013	2015	2016	2017	2018	2019
Children on register	170	387	638	699	897	1090	1377	1377	1410	1495
Applications	145	157	194	241	233	318	489	569	605	617

There is some variation in the timing of applications: the highest number of applications was received in August 2019 and the lowest number in July 2019. In 2019, a total of 301 assessments of educational provision were carried out and a breakdown of these assessments is presented in Table 5.2. A total of 20 children were refused registration and seven parents appealed the decision to refuse registration.

Table 5.2: Type of assessments carried out

Type of assessment carried out	End Q1	End Q2	End Q3	End Q4	Year-end 2019
Preliminary assessments	55	60	33	83	231
Comprehensive assessments	5	0	1	0	6
Review assessments	11	21	16	15	63
Review assessments – comprehensive	0	1	0	0	1
Total	71	82	50	98	301

Assessment for home education

At year-end 2019, the educational provision for 650 children was awaiting assessment, which was 98 (17.7%) children more than in December 2017. A review assessment of the educational provision in respect of 46 (7%) children had been allocated to an assessor at year-end 2019.

In addition, 77 (18%) children were awaiting a priority review assessment of their educational provision by an allocated assessor, while 306 (71%) children were awaiting their educational provision to be assessed but the assessment had not yet been allocated to an assessor (see Figure 5.3).

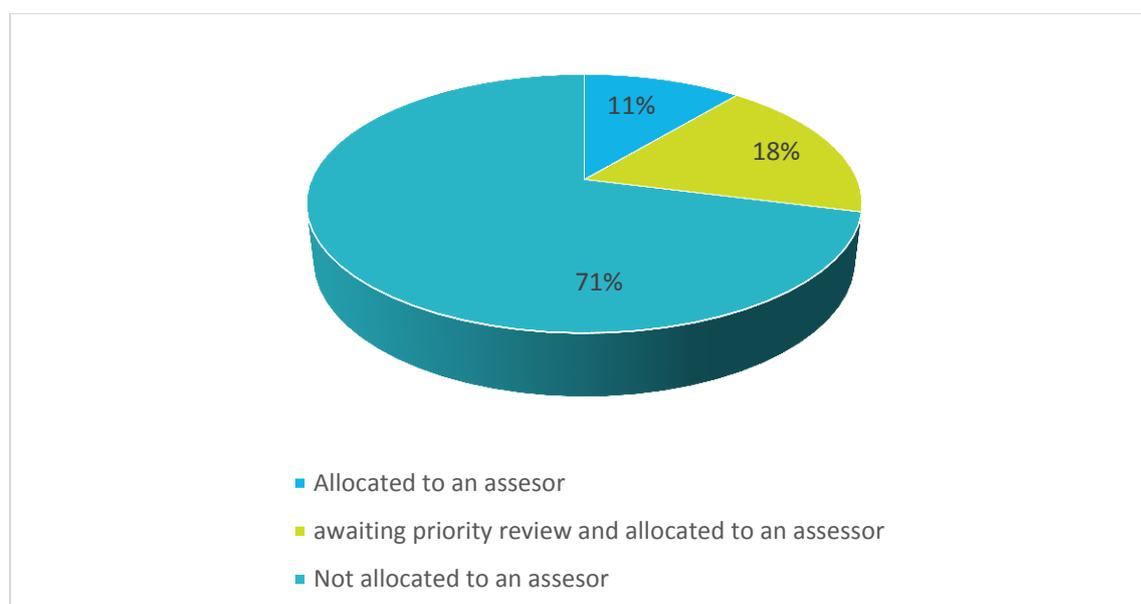


Figure 5.3: Percentage of home education assessments awaiting completion

Removal from home education register

There were 268 new children registered for home education during 2019, while 183 children were removed from the register. More than 56% (n=103) of children removed from the register were aged over 18 years and a further 26% (n=48) returned to school. Fourteen children left Ireland and five children who could not be located were referred to the Educational Welfare Service²⁶ (see Figure 5.4).

²⁶ The Educational Welfare Service is part of the Tusla Education Support Service (TESS) and deals with children and families who have difficulties in relation to school attendance, participation and retention. It operates under the Education (Welfare) Act 2000. Further information can be accessed at: <https://www.tusla.ie/services/educational-welfare-services/>

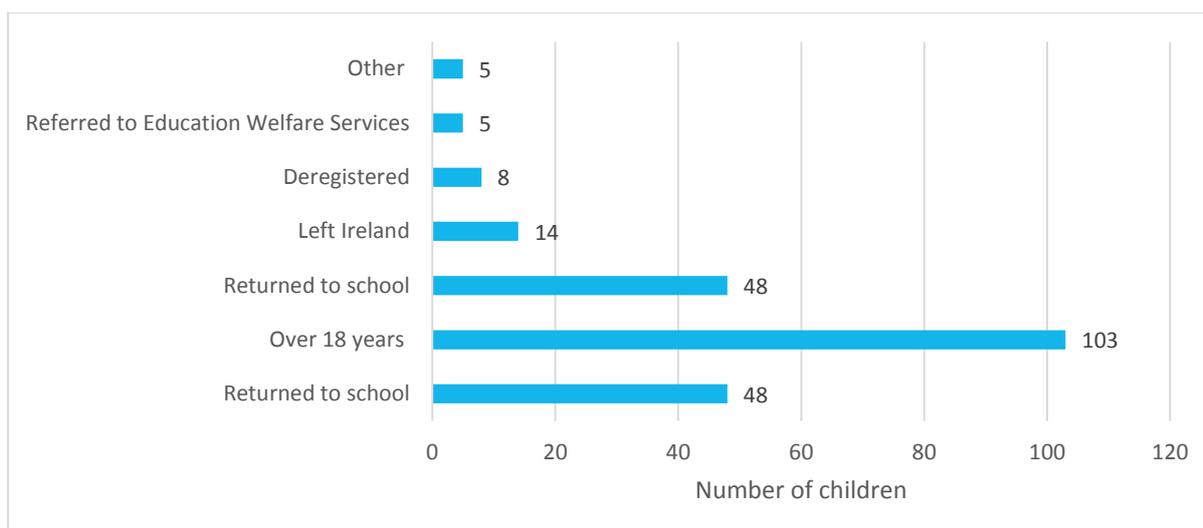


Figure 5.4: Reasons for removal from the home education register, 2019

3. Independent schools

There were 49 independent schools (i.e. schools not funded by the Department of Education and Skills) in 2019. Of these, 37 (75.51%) were primary schools and 10 (20.4%) were post-primary schools. Two schools provided both primary and post-primary education (see Table 5.3).

Table 5.3: Number of independent schools

Type of independent school provision	No. of schools	Percentage of independent schools (%)
Primary school	37	75.51
Post-primary school	10	20.40
Primary and post-primary schools	2	04.08
Total	49	100

Note: Percentages may not add to 100% due to rounding.

An independent school must complete a registration assessment process. The assessment that takes place may consider 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 were based in Dublin (see Table 5.4).

Table 5.4: Geographic location of independent schools

County	No. of independent schools
Clare	1
Cork	4
Dublin	32
Kildare	1
Limerick	2
Louth	2
Meath	1
Sligo	1
Westmeath	1
Wicklow	4
Total	49

Applications for registration

There were 1,637 children’s applications to be entered on the register maintained by Tusla during 2019. A total of 2,100 children’s applications were completed and registered by year-end. A number of applications from 2018 were completed and registered in 2019.

One preliminary and 13 review assessments of schools were completed in 2019. At year-end 2019, three new schools were awaiting a preliminary assessment and seven schools allocated to an assessor were waiting a review assessment.

4. Supports for AEARS

Policy blueprint for development of Tusla Education Support Service and AEARS 2020–2023

DCYA, under the direction of the Minister for Children, commenced work in Q4 2019 on a blueprint policy for alternative education provision. The aim of this blueprint is to provide a succinct road map for the development of education services operationalised by Tusla. As in other areas of work under DCYA, the concept of a blueprint policy document is applied to areas that require the establishment of a policy platform and/or prompt action-oriented delivery in a short-to-medium timeframe. As such, the substantive aim of this blueprint is to identify the most immediate actions which need to be addressed and advanced so that the full range of services can further develop in a strategic, integrated and sustainable manner. Hence, the services are in the best position to provide the most efficient and effective responses for children and young people.

While this blueprint relates to the policy areas under the direction of DCYA and operationalised by Tusla, it is critical that this sets out a path and a step-change process in the greater integration of all State-provided and supported educational inputs. It is envisaged that the blueprint will provide a platform for the substantive reform of alternative education regulation and assessment. This will include amendment of the current Education (Welfare) Act 2000 and a review of the existing minimum education guidelines.

Standard operating procedures developed

A suite of fit-for-purpose standard operating procedures has been developed by the Alternative Education Assessment and Registration team to support the registration and assessment process. In addition, administrative systems were reviewed and realigned in line with new standard operating procedures.

Register for children receiving an education in independent schools

A stand-alone register was developed for children receiving an education in a place other than a recognised school, in accordance with section 14 of the Education (Welfare) Act 2000.

Risk assessment process applied to all new applications

All new applications had a standardised risk assessment applied and cases were then allocated and prioritised accordingly.

Induction training

Twenty new externally contracted assessors undertook comprehensive induction training in October/November 2019 and assessments commenced in December 2019.



Child Safeguarding Statement Compliance Unit

715 Child Safeguarding Statements
received

57 enforcement notices issued

No services placed on Register of
Non-Compliance

6

Child Safeguarding Statement Compliance Unit

The Children First Act 2015²⁷ was enacted on 11 December 2017. The Act requires all providers of relevant services²⁸ who are engaged in the lives of children to prepare a Child Safeguarding Statement (CSS), which 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 definition of harm is set out in the *Children First Guidance* document 2017.²⁹ The CSS may also refer to more detailed policies which can be made available on request. Upon completion, the CSS 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. All services must nominate a 'relevant person' to manage the CSS and be the person who communicates with Tusla in relation to the CSS.

Section 13 of the Act sets out Tusla's responsibilities in respect of maintaining a register of relevant services which for whatever reason are found to be non-compliant with the requirement to have a CSS.

1. Tusla Child Safeguarding Statement Compliance Unit

The Tusla Child Safeguarding Statement Compliance Unit (CSSCU) was established in 2017 and commenced operation in March 2018. This unit manages the legal requirement for providers to have a CSS in place. The functions of the CSSCU include:

- Promoting and supporting relevant services to be in compliance with the CSS requirements of the legislation
- Receiving and processing unsolicited information in respect of CSS compliance
- Assisting Tusla's CSR Registration and Inspection teams in the assessment of CSS received during the exercise of their functions
- Implementing the CSSCU's enforcement function in accordance with section 12 of the Act when a provider fails to furnish a compliant statement or fails to engage following receipt of unsolicited information
- Maintaining and operating the required Register of Non-Compliance under section 13 of the Children First Act 2015.

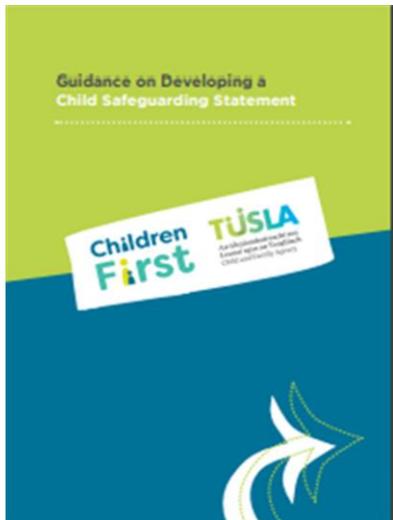
2. Supports for developing CSS

²⁷ <http://www.irishstatutebook.ie/eli/2015/act/36/enacted/en/html>

²⁸ A 'relevant service' means any work or activity specified in schedule 1 of the Act.

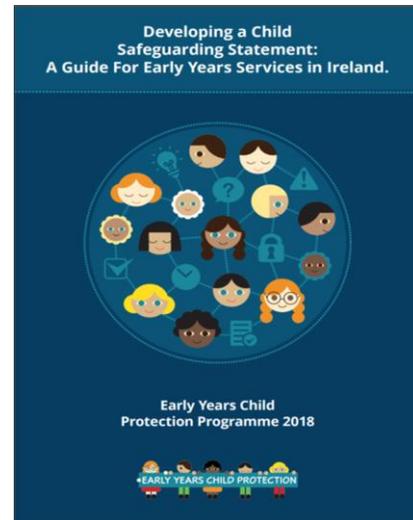
²⁹ https://www.tusla.ie/uploads/content/Children_First_National_Guidance_2017.pdf

The following guidance documents are available on the Tusla website to assist in developing a CSS that meets the statutory requirements.



Guidance on Developing a Child Safeguarding Statement

[www.tusla.ie/uploads/content/4214-TUSLA Guidance on Developing a CSS LR.PDF](http://www.tusla.ie/uploads/content/4214-TUSLA_Guidance_on_Developing_a_CSS_LR.PDF)



Developing a Child Safeguarding Statement: A Guide for Early Years Services in Ireland

[https://www.tusla.ie/uploads/content/Developing a CSS - A Guide for Early Years Services.pdf](https://www.tusla.ie/uploads/content/Developing_a_CSS_-_A_Guide_for_Early_Years_Services.pdf)



Frequently Asked Questions (FAQ)

CSSCU has developed a question-and-answer document from the questions most frequently asked to CSSCU.

www.tusla.ie/children-first/child-safeguarding-statement-compliance-unit-csscu/csscu-frequently-asked-questions/

3. Activities of CSSCU

CSSCU screened and reviewed 715 CSSs in 2019 through five different pathways, as follows:

- 518 (73%) were referred by other internal Tusla departments.
- 115 (16%) were voluntarily provided by relevant services.
- 46 (6%) were requested following receipt of unsolicited information.
- 19 (3%) were requested as part of an implementation review.
- 17 (2%) were resubmitted by relevant services for material changes to the CSS (see Figure 6.1).

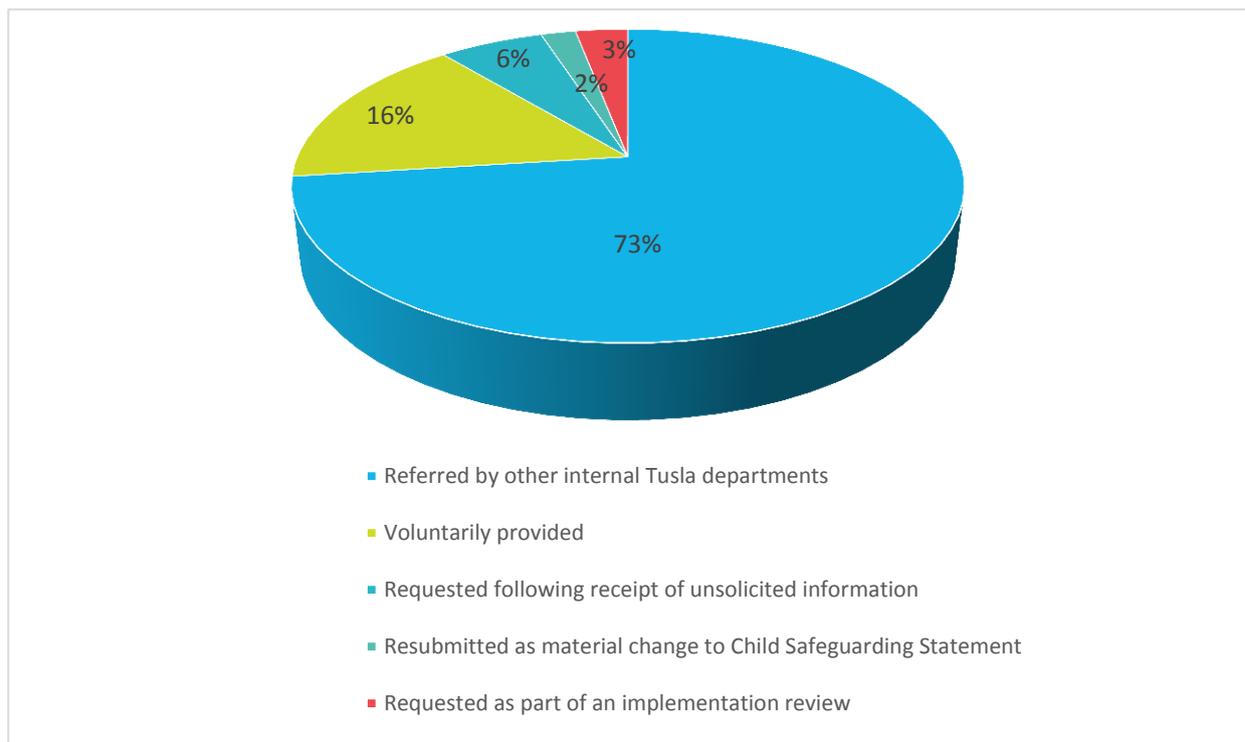


Figure 6.1: Number of CSS received for each pathway in 2019

CSS submitted by relevant services

CSSs were received from relevant services (as per schedule 1 of the Children First Act 2015). The highest number (n=517; 72.3%) was received from early years services (school age) as defined by part 7A of the Child Care Act 1991. The sources of the CSS are set out in Appendix 4.

Geographical distribution of CSS received

The highest number of submissions was received from Dublin, which accounted for 26% of all CSSs received (see Table 6.1).

Table 6.1: Geographic distribution of CSS received

County	Number	County	Number
Carlow	6	Longford	8
Cavan	16	Louth	10
Clare	19	Mayo	14
Cork	78	Meath	30
Donegal	14	Monaghan	15
Dublin	189	Offaly	9
Galway	37	Roscommon	15
Kerry	19	Sligo	16
Kildare	21	Tipperary	43
Kilkenny	10	Waterford	15
Laois	25	Westmeath	23
Leitrim	10	Wexford	17
Limerick	25	Wicklow	31

Compliance with requirements of Children First Act 2015

Following receipt of CSSs by CSSCU, they are reviewed against the assessment tool for compliance with the requirements of section 11 of the Children First Act 2015. On average, it takes two assessments with feedback to the provider regarding the amendments required to the statement in order for the statement to be compliant with the legislation.

Of the 715 statements received in 2019:

- 71 were deemed compliant on first formal review, 39 of which received informal feedback for minor changes before formal review.
- 644 were deemed non-compliant and received formal feedback on required amendments to be made to their statements in order to be compliant with the requirements of section 11 of the Children First Act 2015.

Figure 6.2 sets out the number of CSSs deemed compliant and non-compliant on first formal review.

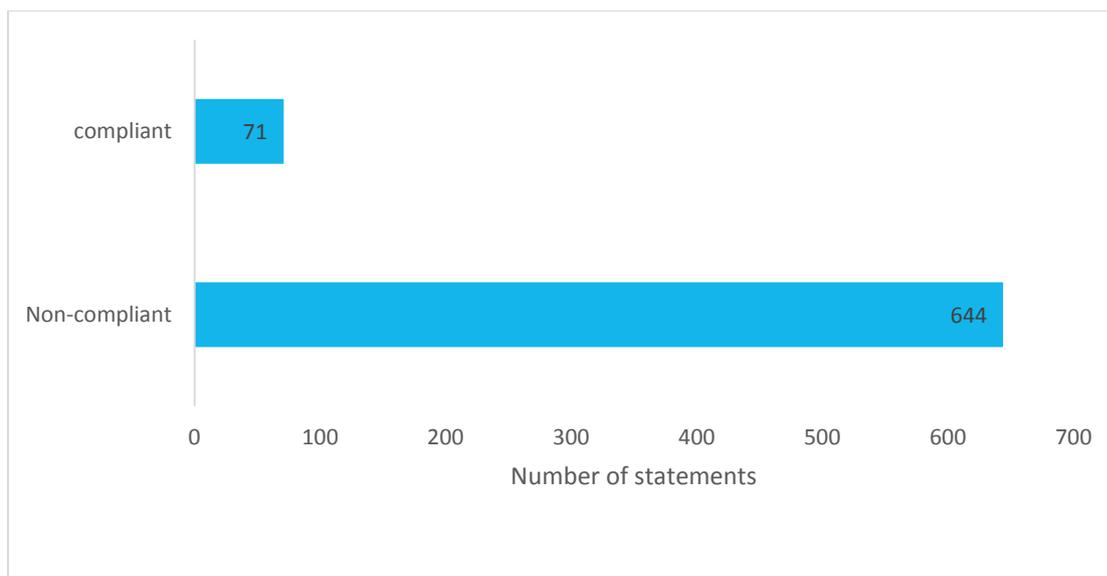


Figure 6.2: CSS compliance on first formal review

At year-end 2019, some 685 of the 715 statements received had achieved compliance and the remaining 30 were working towards compliance.

Enforcement process

The enforcement process commences as set out in section 12 of the Children First Act 2015 in the following circumstances.

Unsolicited information received by CSSCU

The receipt of unsolicited information initiates the issuing of a formal unsolicited information letter to the provider of the relevant service to inform them that a complaint has been received, requesting their response, and the service CSS if applicable, within 10 days. If a response or CSS is received within the timeframe, and the unit is satisfied with the provider's response, the enforcement process ceases. If a response is not received, or the unit is not satisfied with the response, the enforcement process progresses as set out in Appendix 5.

Failure to amend CSS and failure to respond to CSSCU

The enforcement process is also triggered when a provider of a relevant service fails to amend their CSS in line with the feedback given by CSSCU, or fails to respond within the allocated timeframe following feedback given, as set out in section 12 (1) of the Children First Act 2015. A failure to furnish notice is sent to the provider giving a further 10 days to amend and send their CSS for review, and the enforcement process progresses as set out in Appendix 5.

The enforcement process continues with an advance notice and a non-compliance notice for continued failure to provide a CSS, or for failure to update their CSS in line with feedback given, until the final stage of the enforcement process, where the service's details are placed on the Register of Non-Compliance. The register can be accessed at:

<https://www.tusla.ie/children-first/child-safeguarding-statement-compliance-unit-csscu/register-of-non-compliance-with-child-safeguarding-statement-requirements/>

The provider of the relevant service can make representations to CSSCU at any time, or provide their CSS in order to stop the enforcement process. A provider may also appeal a non-compliance notice within 21 days to the District Court.

Number of enforcements carried out

A total of 57 enforcement measures were undertaken in 2019. Fifty-three enforcements were implemented due to a failure to furnish a CSS. Unsolicited information received accounted for 38 (67%) enforcements. In addition, four (7%) advance notices were served to providers of services who either failed to provide the CSSCU with a CSS or for a failure to update the statement as requested. There were no non-compliance notices issued in 2019 (see Table 6.2).

Table 6.2: Number of enforcements

Enforcement	Number	Percentage (%)
Failure to furnish notice	53	93
Advance notice	4	7
Non-compliance notice	0	0
Total	57	100

Note: Percentages may not add to 100% due to rounding.

Register of Non-Compliance

In line with section 13 of the Children First Act 2015, CSSCU is tasked with maintaining the Register of Non-Compliance. The unit has not commenced the non-compliance notice enforcement step to date and no relevant service's details have been placed on the Register of Non-Compliance to date.

4. Developments in CSSCU in 2019

CSSCU continued to make advancements in 2019, including a review of the CSSCU operations, developing strategic partnerships to build awareness and increase engagement, and the development of a five-year strategy. A brief summary of each of these developments is now presented.

Child Safeguarding Statement Implementation Support Strategy 2018–2023

The Child Safeguarding Statement Implementation Support Strategy 2018–2023 was agreed by Q4 2019. The strategy will serve to guide the work of CSSCU in respect of its responsibilities to support the implementation of CSSs in relevant organisations nationally. The strategy sets out four strands of implementation pathways. While progress was significant across all strands in 2019, it was especially so under strand 3, which focuses on the development of partnerships with Tulsa inspectorates and other children's regulatory bodies in the State.

Service review

A service review was carried out after CSSCU's first year in operation. Data and information from the activities of CSSCU from March 2018 to July 2019 were assessed. In addition, feedback was sought from key stakeholders and service providers who had previously engaged with CSSCU.

The purpose of the review was to:

- Reflect on how the service is being delivered and received
- Consider the evidence for how the service can be developed
- Establish a strategy for the implementation of section 11 of the Children First Act 2015.

A number of recommendations arose from the review and included:

- Expanding the role and function of CSSCU to include a widening of its examination powers, maintain a supportive compliance function, while increasing direct enforcement with relevant services in existence prior to the enactment of the legislation
- Introducing legislative reform to expand the criteria for assessment of child safeguarding compliance, mandatory training for staff in the content and application of the CSS, and the creation of regulations to support Tusla in effective implementation of CSS in relevant services
- Strengthening of structural supports to include the further development of strategic partnerships, develop proactive/screening/auditing strategies to be developed for the monitoring of the adaption and implementation by local service affiliates by their national governing body.

Strategic partnership engagement

Since March 2018, CSSCU has engaged in a strategy of building supportive partnerships and collaborations with stakeholders in the implementation of section 11 of the Children First Act 2015. These collaborations included setting up referral pathways, the development of corporate templates cascaded down to local level, and implementing reviews. Since the establishment of CSSCU, information-shared protocols and joint working protocols have been created with stakeholders both internal and external to the organisation.

7

Regulatory Enforcement Activity CSR

Regulatory enforcement

The year 2019 saw further developments in the management and processing of enforcement cases across the CSR division. Since 2016, the Alternative Care, the Alternative Education and Early Years Inspectorates have had registration panels in place. The core functions of registration panels are to ensure that registration decisions are considered, applied fairly and consistently in each respective area of oversight.

The Early Years Inspectorate is the most voluminous of CSR regulatory responsibilities followed by Alternative Education settings. Registration decisions are made in the first instance by the aforementioned panels but must escalate to a different panel in order to remove services from a statutory register, or where it is proposed following assessment not to place an intended service on a register following application for registration.

Oversight and escalation of enforcement activity falls under the responsibility of the National Registration and Enforcement Panels (NREPs), of which there are two: one for early years services (preschool and school age services) and the other for alternative care, alternative education and CSS compliance functions. The NREPs underwent further development and review in 2019. These national panels are chaired by the Head of Registration and Enforcement.

8

Communications and Engagements across CSR

This section presents information on CSR activity regarding parliamentary affairs, media queries, continuing professional development for all staff, and the statutory and non-statutory organisations where CSR is represented.

1. Parliamentary affairs and media engagement

All queries received relating to the functioning of CSR were managed and responded to. Parliamentary affairs activities, which include parliamentary questions and representations from public representatives, are an important part of the governance of CSR and contribute to public accountability. The numbers of parliamentary questions and representations are presented in Table 8.1. A total of 138 media queries across all areas of CSR were also received and responded to.

Table 8.1: Parliamentary affairs activity, 2019

CSR area	Parliamentary questions	Representations	Total number	Percentage (%)
Early Years Inspectorate	51	36	87	88.77
School Age Services	0	5	5	5.10
Alternative Care Inspection and Monitoring Service	1	0	1	1.02
Alternative Education Assessment and Registration Service	0	3	3	3.06
Child Safeguarding Statement Compliance Unit	0	0	0	0
Other	2	0	2	2.04
Total	54	44	98	100

Note: Percentages may not add to 100% due to rounding.

2. Professional development

All staff across CSR engaged in extensive continuing professional development (CPD) to support and enhance service delivery throughout the year. The programme of training and education³⁰ was developed to meet the needs of the regulatory functions provided and examples of these are presented in Table 8.2.

³⁰ The Early Years Inspectorate completed 2,154 total training hours, with 514 hours of briefings and updates provided.

Table 8.2: Examples of Continuous professional development and training.

Introduction to infant mental health; didactic interactional processes and infant caregiver attachment security
Regulation training for early years inspectors and managers
Training on the process and management of fit-for-purpose inspections
Early years settings: fire safety
Supervision for managers
Supervision for supervisees
Minute-taking training
Lean White Belt training
Manual handling
Inspection processes utilising QRF
Advanced legal skills training for courtroom
Safety coordinator three-day training for managers
Introduction to courtroom skills
Corporate induction
First-time managers course
Training for health and safety: first aid responder, fire marshal
Mandatory online training: health and safety awareness training; complaints handling in Tusla; Children First; Children First in action; implementing Children First; GDPR; health and wellbeing training
Statistical analysis training in SPSS
Online training in administrative support functions and professional development; professional supervision; communication skills; leadership performance; people management – the legal framework; equality and diversity; finance management
Tusla registration portal training

3. Representation of CSR

CSR is represented on a number of statutory and non-statutory organisations, including:

- The Children’s Research Network Early Childhood Research Group
- HIQA Standards and Guidance Programme Advisory Group
- National Collaborative Forum for the Early Years Care and Education Sector – the Early Years Forum (EYF) – DCYA
- Board for Early Childhood and Primary National Council for Curriculum and Assessment
- Operations and Systems Alignment Group (OSAG)
- Tusla/DCYA Liaison Group Meetings
- Tusla/DES Liaison Group Meetings
- National Early Years Children First Committee

- Early Years Education Advisory Group, Department of Education and Skills (DES)
- School Age Childcare Standards Group
- School Age Registration Working Group
- Cross-Sectoral Access and Inclusion Model (AIM) Implementation Group
- Working Group for the Access and Inclusion Model (AIM)

Appendix 1: CSR Priorities 2020

- Develop a strategy statement to encompass all operational areas within Children’s Services Regulation (CSR) to develop service delivery in a strategic and coherent manner.
- Develop and implement a common enforcement policy across CSR.

Early Years Inspectorate

1. Review of all regulatory processes and develop an action plan for implementation of the proposed regulatory process improvements.
2. Develop and implement an approach for liaison between the Early Years Inspectorate and City and County Childcare Committees (CCCC).
3. Engage with the new National Stakeholder Consultative Forum to be established by the Minister and regional subgroups to identify opportunities for registered provider groups to consult with CSR senior management.
4. Roll out e-learning for the Quality and Regulatory Framework (QRF).
5. Provide a pathway for parents to directly engage in the early years inspection process:
 - Publish dates of inspection reports
 - Involve parent participation in the inspection process
 - Enhance the parents section on the Tusla website.

School Age Services

- Develop unsolicited information function for school-age childcare services.
- Screen and manage unsolicited information in accordance with unsolicited information policy.

Alternative Care Inspection and Monitoring Service

- Continue implementation of the National Standards for Children’s Residential Centres (2018).

Alternative Education Assessment and Registration Service

- Engage with DCYA to support the development and implementation of a blueprint for the Alternative Education Assessment and Registration Service.
- Reduce the waiting list.

Child Safeguarding Statement Compliance Unit

- Continue to implement the five-year plan for the Children First Register of Non-Compliance.
- Establish a process to review the Child Safeguarding Statements for proposed school age services prior to registration to support compliance.

Appendix 2: Types of Early Years Services

Full day-care service

A preschool service offering a structured day-care service for preschool children for more than 5 hours per day and which may include a sessional preschool service for preschool children not attending the full day-care service. Services such as those currently described as day nurseries and crèches are included in this definition.

Part-time day-care service

A preschool service offering a structured day-care service for preschool children for a total of not more than 3.5 hours and less than 5 hours per day and which may include a sessional preschool service for preschool children not attending the full day-care service.

Sessional preschool service

A preschool service offering a planned programme to preschool children for a total of not more than 3.5 hours per session. Services covered by the above definition may include preschools, play groups, crèches, Montessori preschools and naíonraí.

Childminding service

A preschool service that may include an overnight service offered by a person who single-handedly takes care of preschool children, including the childminder's own children, in the childminder's home for a total of more than 2 hours per day, except when the exemptions in section 58L of part 12 the Child and Family Agency Act 2013 apply.

Preschool service in a drop-in centre

A preschool service offering day care which is used exclusively on an intermittent basis. This refers to a service where a preschool child is cared for over a period of not more than 2 hours while the parent or guardian is availing of a service or attending an event. Such services are mainly located in shopping centres, leisure centres or other establishments as part of customer/client service.

Temporary preschool service

A preschool service offering day care exclusively on a temporary basis. This refers to a service where a preschool child is cared for while the parent or guardian is attending a once-off event such as a conference or a sports event.

Overnight preschool service

A service in which preschool children are taken care of for a total of more than 2 hours between the hours of 7pm and 6am except where the exemptions provided in section 58L of part 12 of the Child and Family Agency Act 2013 apply.

Appendix 3: Number of School Age Services and Children Accommodated

The total number of services registered in each county and the total number of children reported accommodated.

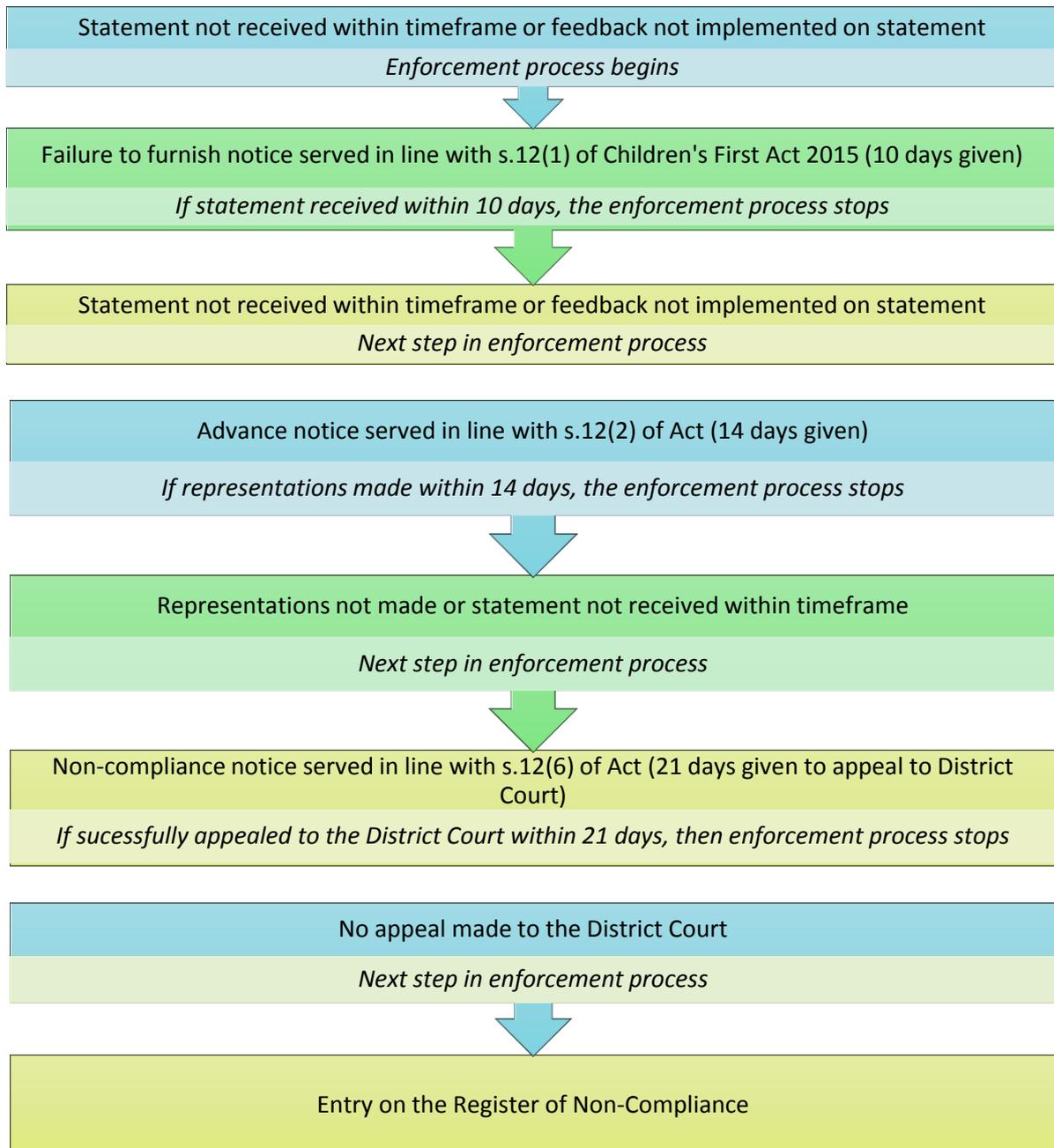
County	No. of services	No. of children accommodated
Carlow	3	57
Cavan	4	102
Clare	10	231
Cork	52	1613
Donegal	11	369
Dublin	94	3354
Galway	22	622
Kerry	11	293
Kildare	12	361
Kilkenny	7	157
Laois	12	464
Leitrim	5	124
Limerick	15	380
Longford	7	151
Louth	6	143
Mayo	8	200
Meath	18	641
Monaghan	1	20
Offaly	4	114
Roscommon	6	156
Sligo	7	168
Tipperary	27	737
Waterford	6	134
Westmeath	13	379
Wexford	9	284
Wicklow	20	578
Totals	390	11,832

Appendix 4: Sources of Child Safeguarding Statements

Relevant service as per schedule 1 of the Children First Act 2015	No. received
Section 1 (a). An establishment which provides early years services (school age) within the meaning of Part VIIA of the Child Care Act 1991.	517
Section 1 (b). A school or centre of education, both within the meaning of the Education Act 1998.	8
Section 1(c). Any hospital, hospice, healthcare centre or other centre which receives, treats or otherwise provides physical or mental health services to children.	1
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.	85
Section 1 (g). A reception or accommodation centre which provides residential accommodation services to applicants for asylum under contract to the Department of Justice and Equality where children may be accommodated.	14
Section 4. Any work or activity which consists of treatment (including assessment which may lead to treatment), therapy or counselling provided to a child.	3
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.	47
Section 5 (b). Any work or activity which consists of the provision of: (b) care or supervision of children.	11
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.	4
Section 6. Any work or activity which consists of the provision of advice or guidance services (including by means of electronic interactive communications), a necessary and regular part of which consists, mainly, of the person having access to, or contact with,	2

children.	
Section 7. Any work or activity as a minister or priest or any other person engaged in the advancement of any religious beliefs which would or could bring that minister, priest or other person, as the case may be, into contact with a child.	18
Section 8. Any work or activity as a driver of, or as an assistant to the driver, or as a conductor, or as a supervisor of children using a vehicle which is being hired or used only for the purpose of conveying children who are unaccompanied by a parent or guardian.	5

Appendix 5: Enforcement Process



TUSLA

An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

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