TUSLA

An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

Annual Report 2015 of
Tusla - Child and Family Agency's Early Years Inspectorate

Contents

Foreword

I am delighted to present the 2015 Annual Report of the Early Years Inspectorate. Many positive benefits of regulation in early years services have been identified. These include: safeguarding children against harmful practices; ensuring minimum standards are met; supporting the translation of quality standards into practice; providing parents and the public with assurance that services are of a consistent quality; and setting benchmarks against which service providers can develop, enhance and maintain services for children. The Early Years Inspectorate is the independent statutory regulator of early years services in Ireland and has overall responsibility for regulation in this area. At the end of 2015, there were 4,465 early years services registered in Ireland.

Our service is underpinned by core values of courage and trust, respect and compassion, and empathy and inclusion. We work in close collaboration with a range of stakeholders to promote and monitor the safety and quality of care and support for the child in early years provision in accordance with the regulations. This is reflective of Tusla's mission, vision and values which place the child at the centre of the service and strive to ensure positive outcomes for children. In 2015, we worked closely with organisations such as the Department of Children and Youth Affairs, Pobal, national voluntary childcare organisations, Childcare Committees Ireland, and educational providers in the early years sector.

The establishment of Tusla – Child and Family Agency enabled a national approach to governance and delivery of early years inspections. I am pleased to draw your attention to a number of quality improvement projects implemented over the last year including:

- A national approach to the management of the Early Years Inspectorate which enables a more harmonised approach across the country;
- Centralising of functions relating to inspections;
- Evidence-based quality improvements;
- Managing legal issues arising, including complaints against services.

Based on research conducted on behalf of Tusla in 2014, we used a focused approach to inspection in 2015 and there was an increase in outputs over previous years. Key outputs for 2015 include:

- 2,302 services inspected using a focused, evidence-based model of inspection;
- 258 complaints about services investigated;
- Two prosecutions taken;
- 137 new service notifications received.

While we identified much good practice and there were high levels of overall compliance, it is clear that there are still some areas that require further attention from early years services. These include Garda vetting, child safety and record keeping, and these areas will be further addressed in 2016 by the Inspectorate.

Finally, I would like to thank the National Manager, Fiona Mc Donnell, and all members of the Early Years Inspectorate for their commitment and flexibility in 2015.

Brian Lee
National Director of Quality Assurance
Tusla – Child and Family Agency

1. Introduction

Good quality early years care and education has been consistently shown to have lasting benefits for children and achieving high quality in this area has been a Government priority since the introduction of the Pre-School Regulations 20 years ago. The Early Years Inspectorate has been in place since that time and there have been many developments in the intervening years. These include the publication of the 'Child Care (Pre-School Services) Regulations 2006'; substantial strategic, operational and educational developments in the early years sector; changes in societal working patterns resulting in a greater focus on out-of-home care in the early years; and, more recently, the creation of Tusla – Child and Family Agency, which came into being on 1st January 2014.

Tusla, through the Early Years Inspectorate, is the independent statutory regulator of early years services in Ireland and has responsibility for inspecting pre-schools, play groups, nurseries, crèches, day-care and similar services which cater for children aged up to six years.

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.

Many positive benefits of regulation in early years services have been identified and these are highlighted in the 'Report of the Expert Advisory Group on the Early Years Strategy' (Department of Children and Youth Affairs, 2013). They include:

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

Key achievements by the Inspectorate in 2015

Throughout 2015, the Early Years Inspectorate has implemented a range of initiatives that have focused on achieving benefits for children in early years settings (Figure 1). These include the establishment of the Inspectorate as a nationally led and nationally delivered service delivery unit with a central governance structure. There has been an increase in service outputs since 2014:

- 2,302 services were inspected using a focused, evidence-based model of inspection;
- 258 complaints received about services were investigated;
- Two prosecutions were taken;
- 137 new service notifications were received.

A number of quality improvement projects have been implemented, including consultation on, and revision of Standard Operating Procedures, policies and guidelines; progression of a "Thresholds of Evidence" project across Early Years National Standards; and the implementation of a programme of Continuous Professional Development for inspectors. Preliminary developments in respect of a national ICT system have commenced in collaboration with Pobal and this will ensure a more systematic approach to the collation and analysis of information regarding early years.
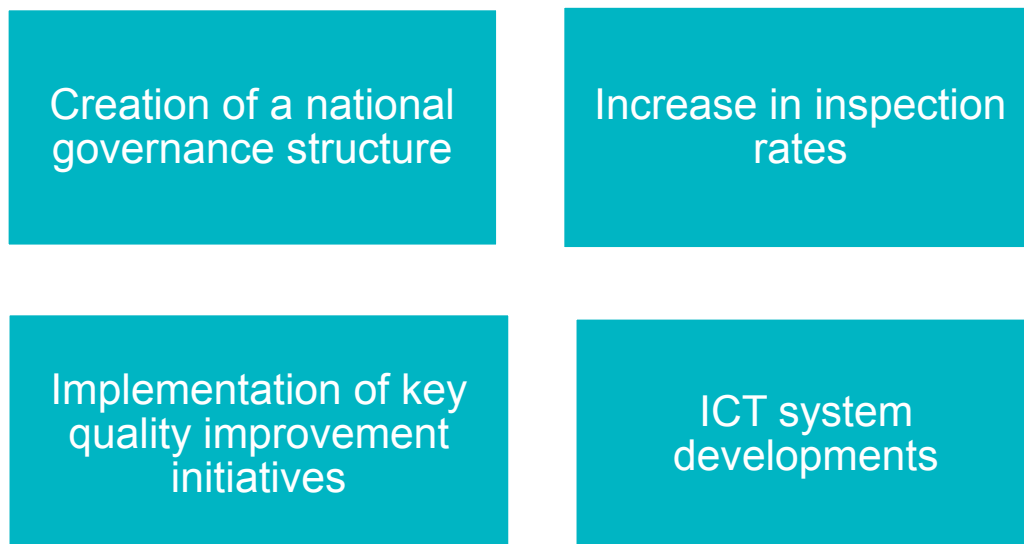
Creation of a national governance structure	Increase in inspection rates
Implementation of key quality improvement initiatives	ICT system developments

Figure 1.1: Key areas of achievement in 2015

Key messages from analysis of 500 inspection reports

In preparation for this report, an analysis of 500 randomly selected inspection reports was conducted. The key findings are:

- The overall level of compliance across regulations was 72% and the remaining 28% were assessed as non-compliant;
- Safety issues around children continue to be problematic and were identified in 54% of all services included in the analysis;
- Cord blinds were particularly highlighted as a hazard to children's safety and 35 specific instances were cited in reports;
- There are ongoing challenges in respect of Garda / police vetting with 38% of services identified as having a problem with compliance in this area.

Priorities for 2016

Six key priorities have been identified for 2016; these are to:

1. Identify and implement processes and systems for the expected revised regulations;
2. Establish a Central Registration Office;
3. Implement the first of four phases of an ICT system to support an intelligence-driven inspectorate;
4. Under Article 58E of the 'Child and Family Agency Act 2013', re-register all services that were deemed registered on 1st January 2014;
5. Move the publication of inspection reports from Pobal to the Tusla website;
6. Develop a Quality and Regulatory Framework.

2. Role and function of the Early Years Inspectorate

The Early Years Inspectorate came into being in 1997, following the introduction of the Pre-School Regulations in 1996. Until the establishment of Tusla – Child and Family Agency, this service was delivered through the Health Services Executive (HSE). The regulatory service provided by the Early Years Inspectorate takes place within a broader context that includes:

- Policy initiatives such as 'Right from the Start' and 'Supporting Access to the Early Childhood Care and Education (ECCE) Programme for Children with a Disability';
- Significant funding provided through the Department of Children and Youth Affairs (estimated to be approximately €260 million) and disbursed through a number of different schemes;
- Support for the implementation of quality and curriculum standards as described in Síolta, the National Quality Framework for Early Childhood Education, and Áistear, the Early Childhood Curriculum Framework;
- An increasing commitment to improving quality of care and education through agreement on recognised qualifications in the area;
- Implementation of supports and mentoring for services by the 'Better Start Mentoring Service'.

Quality in the early years sector is being driven by changes across four broad areas:

- Funding (financial / commissioning changes);
- Informing (educational and professional development / public opinion and lobbying);
- Structuring (policy making and legislation /performance improvement);
- Regulatory change.

All four areas are necessary to ensure improvements in the quality of services. As highlighted in Figure 2.1, regulatory change is one of the key areas.
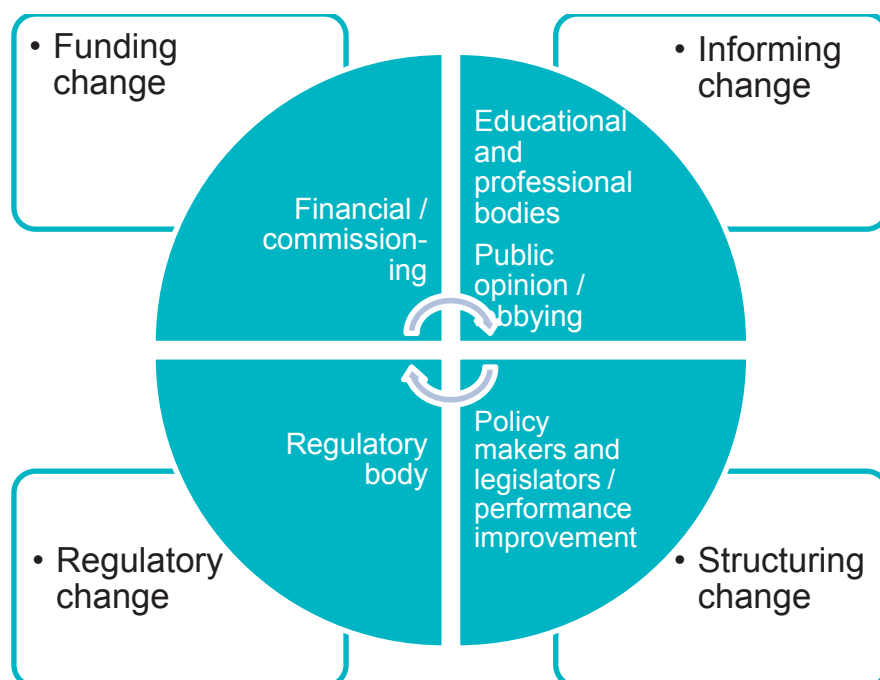
Figure 2.1: Driving quality improvement in the early years sector

Legal context for the Early Years Inspectorate

The Early Years Inspectorate operates within a legal framework based on the obligations of pre-school providers to take all reasonable measures to safeguard the health, safety and welfare of pre-school children attending pre-school services. These obligations were first set out in the 'Child Care Act 1991' and are reflected in the current 'Child Care (Pre-School Services) (No 2) Regulations 2006' and the 'Child Care (Pre-School Services) (No 2) (Amendment) Regulations 2006'. These regulations set down the minimum standards that must be in place. It is anticipated that the Minister for Children and Youth Affairs will introduce revised regulations in 2016. The purpose of these regulations is to:

- Improve the quality of early years services;
- Ensure the health, safety and welfare of pre-school children;
- Promote the development of pre-school children while attending early years services.

The service, however, also conforms to the requirements of a number of additional legal and regulatory standards and guidance (see Box 2.1).

- Child Care Act 1991
- Data Protection Acts 1988 and 2003
- Children Act 2001
- Child Care (Pre-School Services) (No2) Regulations 2006 S.I. No. 604 of 2006
- Child Care (Pre-School Services) (No2) (Amendment) Regulations 2006 S.I. 643 of 2006
- Child Care (Pre-School Services) (No2) Regulations 2006 and Explanatory Guide to Requirements and Procedures for Notification and Inspection (DoHC 2006)
- Disability Act 2006
- Criminal Justice Act 2006 Part 15 - Miscellaneous - Section 176 - Reckless endangerment of children
- Child Care (Amendment) Act 2007
- Protections for Persons Reporting Child Abuse Act 1998
- National Standards for Preschool Services (Department of Health and Children 2010)
- Child Care (Amendment) Act 2011
- Children First: National Guidance for the Protection and Welfare of Children (DCYA 2011)
- Child Protection and Welfare Practice Handbook (HSE 2011)
- Health Act 2004 and 2007
- Our Duty to Care: The principles of good practice for the protection of children and young people (Department of Health and Children 2004)
- Child and Family Agency Act 2013
- Freedom of Information Act 2014

Box 2.1: Legal and regulatory standards and guidance

Principles underpinning the Early Years Inspectorate

The Early Years Inspectorate takes account of best practices in regulation and inspection. The principles under which it operates are set out in Figure 2.2.
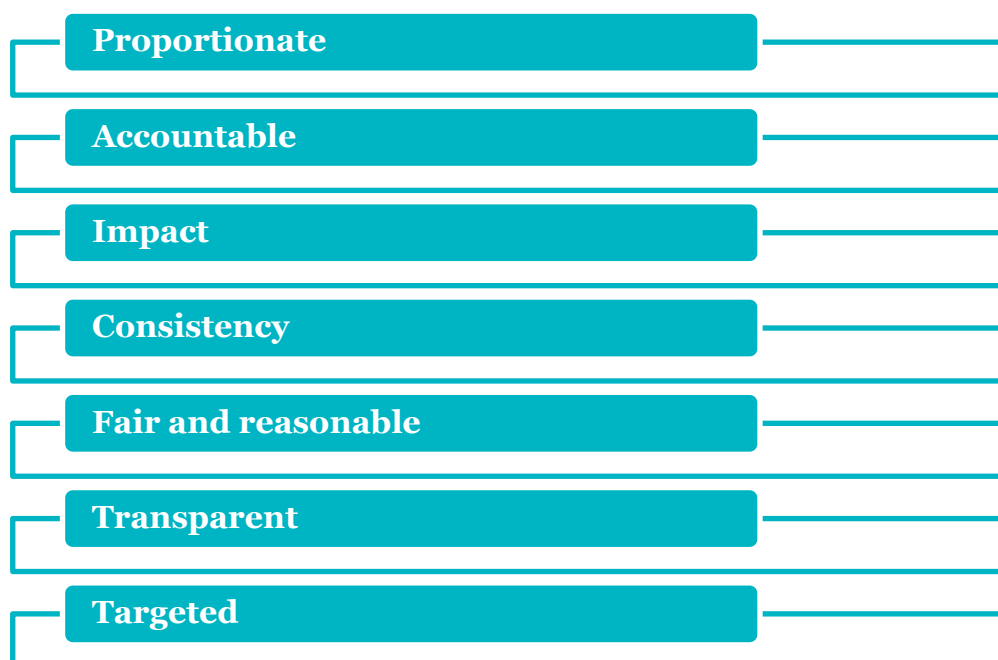
Proportionate

Accountable

Impact

Consistency

Fair and reasonable

Transparent

Targeted

Figure 2.2: Principles underpinning the Early Years Inspectorate

3. Early Years Inspectorate developments in 2015

A number of important developments have taken place in the Early Years Inspectorate in 2015. These include the development of a national governance structure; the establishment of regional and national fora; evidence-based improvements in the inspection processes; establishment of a stakeholder consultative forum; preparations for a shift to a model of responsive regulation; and the establishment of a national registration system. Further information on each of these iss presented below.

Development of a national governance structure

On 1st January 2014, Tusla – Child and Family Agency became an independent legal entity under the 'Child and Family Agency Act 2013'. This resulted in a merging of the HSE's Children and Family Services, the Family Support Agency and the National Educational Welfare Board. Since that time, Tusla has been the independent statutory regulator of early years services in Ireland and has overall responsibility for regulation in this area. The creation of Tusla has facilitated the Early Years Inspectorate in moving from a local and regionally based structure to become in 2015 a nationally-led Inspectorate. This nationally-led Inspectorate includes:

- A new line management structure;
- Centralised functions relating to inspections;
- The use of evidence-based quality improvements;
- The management of legal issues arising, including complaints against services.

Working within Tusla's Quality Assurance Directorate, the National Manager for the Early Years Inspectorate leads four Inspection and Registration Managers who manage inspection teams.

Early Years Inspectorate Organisation Structure

Figure 3.1: Organisational chart: Early Years Inspectorate

The inspection teams are divided into four areas, each with an Inspection and Registration Manager. Three of the four Inspection and Registration Managers were appointed in 2015. In December 2015, there were 46.4 whole time equivalent Early Years Inspectors. This includes nine new Inspectors who were recruited in 2015 along with the recruitment of three Inspection and Registration managers.

Development of a national registration system

A key weakness in the regulatory system identified in the past by many stakeholders is that under the 'Child Care Act 1991', anyone may open an early years service subject to notifying the appropriate authority and the only recourse to dealing with an unsuitable service has been prosecution. The introduction of the 'Child and Family Agency Act 2013' which provides for substantial amendment to Part VII of the 'Child Care Act 1991' has led to important changes in this. The amendment:

- Changes the definition of a "pre-school service" to "early years service" which is more comprehensive and includes all Montessori and out-of-school care provided in an early years setting;
- Includes a requirement for all early years services to be registered and it will be deemed an offence if they are not registered;
- Prescribes increased direct powers of enforcement to Tusla;
- Allows the Minister for Children and Youth Affairs to stipulate the level of qualification required by the sector.

These legislative changes will replace the current notification system. Early years services are required to register every three years and within the Act there is a right of reply for providers to challenge proposed registration decisions. It should be noted that all services notified to the Inspectorate on the commencement of the 'Child and Family Agency Act 2013' were deemed under a transitional clause Article 58B to be registered until 1st January 2017.

The primary enforcement powers will lie with Tusla and this will not require recourse to the courts. Non-compliance with regulation is an automatic offence and can be addressed by either alteration of registration by attaching conditions to the registration or removal from the register which will essentially deem the service to be closed.

Developments to support this change in legislation are both timely and necessary, although the task is challenging and complex. However, preparatory work is well underway at this point to establish a National Registration Office for all early years services. These developments include:

- Creating new Standard Operating Procedures for registration;
- Developing a new ICT system;
- Communicating and consulting with services;
- Continuing and enhancing ongoing reforms;
- Movement towards risk-based and intelligence-led regulation.

Improvements in the inspection processes based on evidence

Research based on an analysis of over 3,000 inspection reports published by Tusla in 2014 identified key learnings and important findings relating to the process and outcomes of inspection. Key research findings are presented in Box 3.1.

- Identified the onerous responsibility on the regulator to inspect the considerable number of criteria under the regulations, with which the provider is expected to comply;
- Identified a need for clearer communication of inspection outcomes and evidence to support these for providers;
- Recommended more consistent interpretation of thresholds of practices to meet the regulations;
- Supported the greater inclusion of the voices of parents, children and providers in service development;
- Recommended the development of more enhanced data collection and inspection practice research;
- Identified the need for enhanced professional development for inspectors;
- Recommended the development of an ICT system.

Box 3.1: Research findings in relation to the process of inspection

These findings are being used to underpin developments in the Early Years Inspectorate and in respect of the inspection process the following priorities were identified:

- Greater standardisation of inspection practices to enable consistent judgements;
- Improved quality assurance for reports;
- Additional professional development of inspectors;
- Sharing of information and best practice garnered through inspections.

Based on these priorities, the Early Years Inspectorate has implemented a number of key developments and these are now presented.

Standardisation of practices, policies and protocols

The Early Years Inspectorate has been working towards the development of a suite of Standard Operating Procedures and these are now being implemented nationally. This has been possible due to the national structure now in place and it is expected that over time this will address inconsistencies and provide greater clarity and transparency to early years services. Standard Operating Procedures are designed to assist Early Years Inspectorate personnel in undertaking their work when engaging with early years service providers and their employees. These Standard Operating Procedures are currently available on the Tusla website (www.tusla.ie) and include:

- The process for fixing the maximum number of children that can be catered for in a service;
- Early Years Notification of a Preschool Service, Change in Circumstances and Cessation of Service;
- Early Years Inspection of Services;
- Action Plan for Service Providers to respond to Inspection Outcome Report;
- Management process for complaints about services.

Improvements in the quality assurance process for inspection reports

Inspection reports are now published and available on Pobal Maps (www.pobal.ie). The search function on Pobal Maps contains a full list of facilities by county for all preschool inspection reports that have been uploaded and, as inspection reports are uploaded by the Early Years Inspectorate on a daily basis, this list is constantly expanding.

The Pobal Maps system also contains information relating to 4,370 early years facilities and it allows users to search for a facility on a county by county basis or by zooming in using the background maps. Since the first reports were published, a number of accessibility improvements designed to improve the user experience and ensure that accessing the reports is as simple as possible have been made.

This development had been supported by a number of improvements to ensure standardisation including the use of editorial boards to manage the publication process. This process has now been replaced by a system of peer review and over the last 12-18 months a revised style of report has been developed. All these processes are aimed at providing reports that are user-friendly, consistent and provide clarity for stakeholders.

Where relevant and available, replies by services are attached. All reports are subject to a data protection review so that areas which require redaction (anything that might identify a child or staff member) are removed. In the longer term, further national policy development relating to the promotion of high-quality early years services will continue to stimulate change and support development to statutory inspection systems and processes. The ultimate goal will be to achieve national consistency, clarity and to ensure high-quality early childhood experiences for children and their families.

Additional professional development of inspectors

All inspectors come to their role with professional training and expertise relevant to the inspection of early years services. In addition, a programme of ongoing professional development has been put in place. This programme incorporates theoretical components as well as mentoring and supervision to assess competency levels. Components of the training programmes delivered in 2015 are presented in Table 3.2.

Programme component
Infection control in early years settings
Child safety in early years settings
Children First seminar
Health welfare and development of the child (Regulation 5)
Implementation of the focused inspection tool
Adult-child ratio workshop regulation
Space requirements workshop
Better Start, Áistear and Síolta practice guides
Assessment practices on inspection
Induction training
Supervision training
HR policies, people management and legal framework
Manual handling
IT training
National Incident Management Systems
Preceptorship teaching and assessment training
Leadership development programme
Freedom of information

Table 3.1: Training programme implemented for Early Years Inspectorate personnel in 2015

Sharing of information and best practice garnered through inspections including completion of the threshold project

Findings from the research studies published by Tusla highlighted challenges in decision-making around the threshold of compliance and non-compliance and different practices were identified. For some regulatory areas, very clear boundaries were identified (e.g. Garda / police vetting, records not in place, specific safety hazards, poor nutrition and when children were not adequately cared for within the service). For other areas, however, the boundaries were more blurred and, consequently, the threshold of compliance varied. In order to develop common understandings across individual areas, a quality improvement process is now in place and this focuses on progressing higher levels of consensus across inspectors across each of the Early Years National Regulations. Exemplars based on current findings are being used to inform discussions and these ensure the balance between practice and theory is maintained.

The development of a "Thresholds of Evidence Framework" will facilitate all early years inspectors to objectively assess their findings against a desired and achievable level of compliance. The framework will be informed by best evidence nationally and internationally and the intention is to introduce a rating system in due course. It is intended to build on this in 2016 and develop a Quality and Regulatory Framework. This framework will be a guidance document setting out the requirements for each regulation. This will support early years services in achieving compliance.

Establishment of a Stakeholder Consultative Forum

The Early Years Inspectorate established a Stakeholder Consultative Forum in 2015 for the purpose of providing opportunities for relevant representatives and stakeholders to contribute to the ongoing reform and development of the Early Years Inspectorate.

Objectives of the Consultative Forum

The objectives of the Consultative Forum are:

1. To provide advice, recommendations and input where appropriate that will support the functions and operations of the Early Years Inspectorate. It is important to highlight that decisions relating to practice, policy and protocols remain within Tusla governance.
2. To develop and strengthen multiagency and multidisciplinary connections between statutory, voluntary and community agencies working within the early years sector.
3. To facilitate the pooling of knowledge that is representative, relevant and reflective of policy direction, evidence-based practice and current thinking with respect to the inspection and quality assurance mechanisms.
4. To offer information, advice and input that supports the strategic direction of the Inspectorate.
5. To support the development of a transparent, robust and quality assured Early Years Inspectorate that ensures better outcomes for children.

Membership of the Stakeholder Consultative Forum

Membership of the Stakeholder Consultative Forum, which can have up to 14 members, is drawn from a range of organisations including:

- Early Years Inspectorate
- Department of Children and Youth Affairs
- Representatives from groups including, but not limited to:
  - National voluntary childcare organisations (five members)
  - Childcare Committees Ireland (one member)
  - Association of Childcare Professionals (one member)
  - PLÉ Network (Early Education and Care) (one member)
  - National Disability Authority (one member)
  - Parent representative (one member)

Preparation for a shift to a model of responsive regulation

The current regulatory model is framed around compliance, non-compliance and specific actions required to be undertaken by stakeholders. The Early Years Inspectorate is now moving towards a system of responsive regulation which is based on a commitment to continuous improvement and which explicitly places the child at the centre of decisions. Services which are not meeting regulations receive proportionately more attention. Services which refuse or do not effectively engage with the Inspectorate to rectify non-compliance identified through inspection are referred to senior management for escalation measures. This shift is supported by a number of developments, including:

- Specific, consistent measurement tools;
- Use of regulation interventions hierarchy;
- Intelligence-led assessments;
- Research which informs inspection practice development and approaches;
- Applied principle of parsimony;
- Engagement with other agents of quality assurance to empower providers to meet requirements.

4. Early years services

The 'Child Care (Pre-School Services) (No 2) Regulations 2006' defined the characteristics of pre-school services and identified five different types: sessional, part-time day care, full day care, childminders, and drop-in. These are described in Table 4.1.

Service Type	Description
Sessional	Playgroups, crèches, Montessori groups, playschools, Naíonraí and childminders looking after more than three children offer sessional pre-school services. Services normally offered are planned programmes, consisting of up to 3.5 hours per session (for example, a morning or an afternoon). They generally cater for pre-school children under the age of six.
Part-time day care	This type of service offers a structured day care service for pre-school children for more than 3.5 hours and less than five hours per day.
Full day care	This is a structured day care service for more than five hours per day. Providers include day nurseries and crèches.
Childminders	Childminders care for children in their own home. (Only childminders caring for more than three children are covered by the 'Child Care Act 1991'.) Throughout the year, they offer this service for the full working day or for different periods during the day. Parents and childminders negotiate their own terms such as hours, rates and duties.
Pre-school service in a drop-in centre	A pre-school service in a drop-in centre refers to a service where a pre-school child is cared for over a period of not more than two hours while the parent or guardian is availing of a service or attending an event. Such services are mainly located in places such as shopping centres or leisure centres.

Table 4.1: Description of types of services provided for under legislation

Number of early years services

Overall, 4,465 early years services were operating in 2015 distributed across different regions: Dublin Mid Leinster (DML), Dublin North East (DNE), South and West. DML (n=1,228) had the highest number of services, while DNE (n=1,023) had the lowest (Figure 4.1).
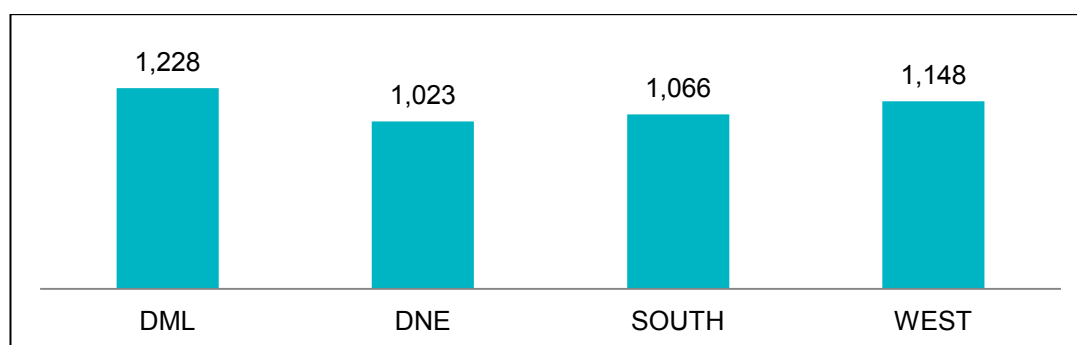

Figure 4.1: Overall number of early years services notified to the Early Years Inspectorate in 2015

Number and percentage of services by type

The 4,465 services differ according to the type described outlined in Table 4.1. Sessional services accounted for just over half (55%; n=2,476) of all services notified, followed by full day care services (34%; n=1,514). The remainder, including part-time (6%; n=276), childminders (4%; n=156) and drop-in (1%; n=43) services, account for the remaining 11% of services (Figure 4.2).
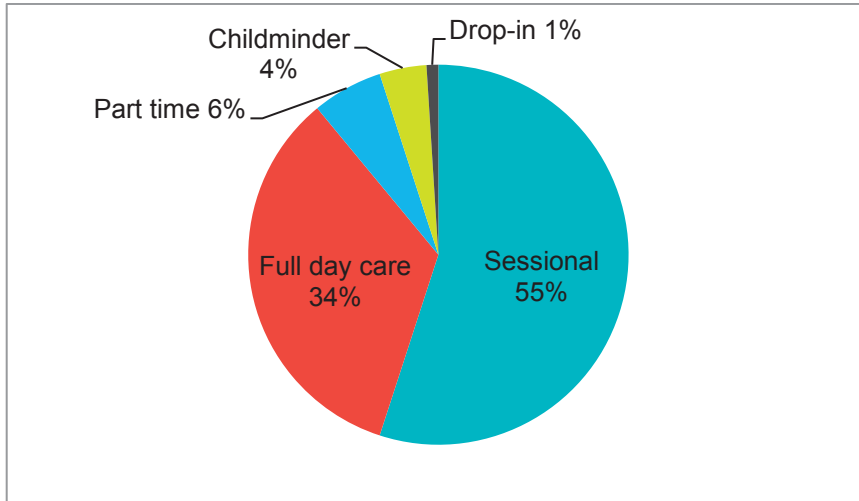

Figure 4.2: Percentage of services by type

Type of services by region in 2015

The distribution of services varied according to the four regions (Figure 4.3). While drop-in services accounted for less than 1% of all services, the proportion of full day care services ranged from 30% (South) to 38% (DML). Similarly, 60% of notified services in the South were sessional services compared with DML where this type of service accounted for only 51%. Childminding services accounted for between 2% (DML) and 7% (West) of all registered services. Just over half (53%) of all notified childminding services are based in the West (n = 83). Between 5% (West) and 8% (DML) of services were part-time (Figure 4.3).
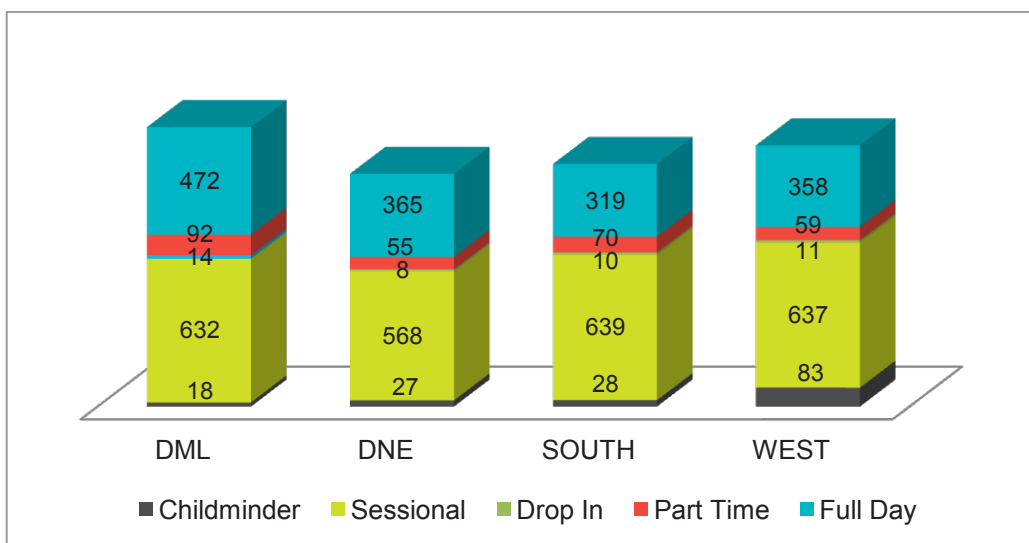

Figure 4.3: Number and type of services by region

19

Number of new services notified in 2015

The total number of new services notified in 2015 was 137. These were spread evenly across three of the four regions where between 40 and 45 new services were notified. Only eight new services were notified in the DNE region (Figure 4.4).
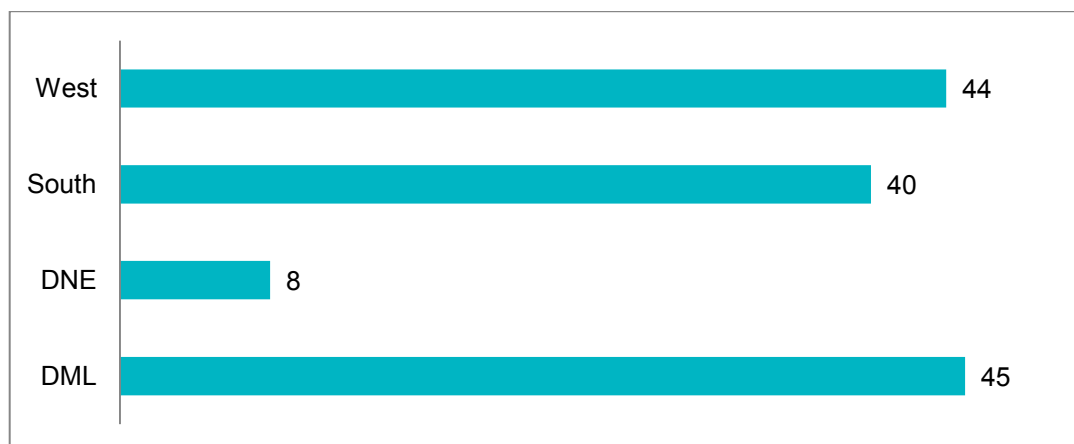

Figure 4.4: Number of new services notified by region in 2015

Types of new services notified in 2015

Of the 137 new services notified in 2015, about half (n=69) were identified as sessional services. Full day care services accounted for about one-quarter of all new services notified (25%; n=34) and part-time services and childminders for just over 10% each (n=17; 12%) (Table 4.2).

Service Type	DML	DNE	South	West	Total
Childminder	2	1	3	11	17
Sessional	19	3	22	25	69
Drop-in	0	0	0	0	0
Part-time	5	2	8	2	17
Full day	19	2	7	6	34
Total	45	8	40	44	137

Table 4.2: Types of new services notified in 2015

The number of services closed in 2015 amounted to 254. About one-third of those services were based in the Western region (33%) while about one-fifth were based in the South (19%) and DNE (21%) areas. The remaining 27% of services were based in the DML area (Table 4.3).

Region	No. of services closed	% of services closed
DML	68	27%
DNE	53	21%
South	49	19%
West	84	33%
Total	254	100%

Table 4.3: Number and percentage of services closed in 2015 by region

Reasons given for closures

The reason for closure of the service was unknown in approximately one-third of cases (32%; n=82). Of the remaining closures, the three most common reasons, accounting for 60% of the remaining responses, were:

1. Personal (29%; n=75);
2. The service is not viable / is unsustainable (18.5% n =47);
3. Other (13%; n=34).

Only three services are reported to have closed because of the Regulations. An additional five services identified "planning" as the reasons for closing (Figure 4.4).
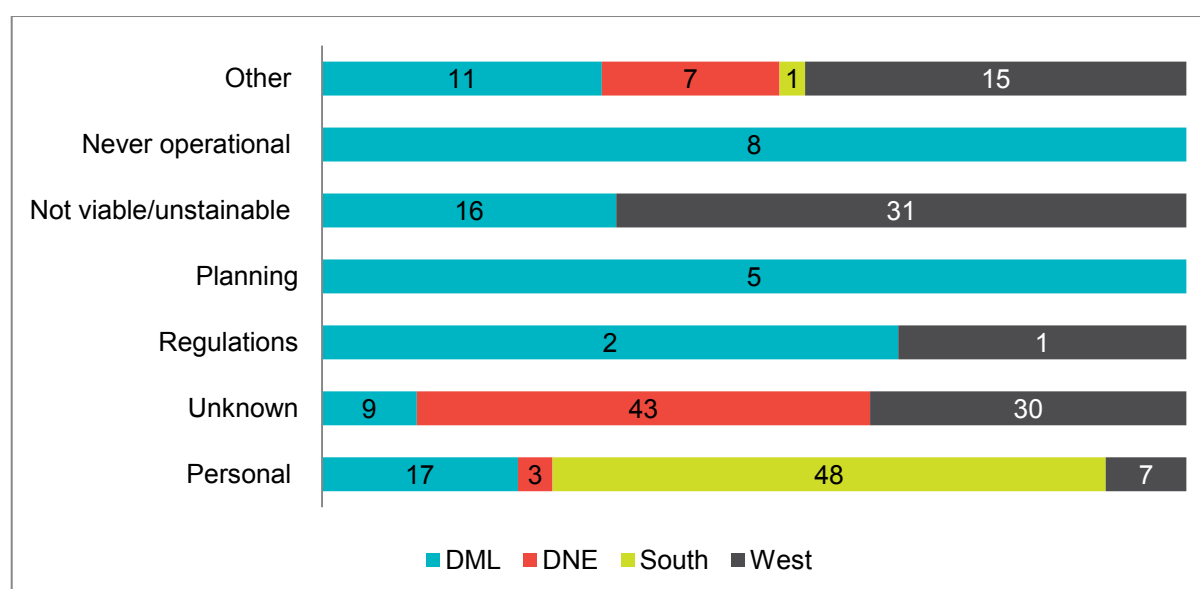

Figure 4.5: Number of services reporting reasons for closure by region

Types of services closed in 2015

Almost two-thirds (64%; n=162) of all services that closed were sessional services; these also accounted for the highest number of closures in each region. This was followed by full day care services which accounted for about 15% (n=38) and childminders which accounted for 13% (n=32). Closures of childminding services in the West accounted for two-thirds (n=21) of all closures of this type of service (Table 4.5).

Service Type	DML	DNE	South	West	Total
Childminder	4	4	3	21	32
Sessional	40	38	38	46	162
Drop-in	0	3	0	3	6
Part time	9	3	0	4	16
Full day	15	5	8	10	38
Total	68	53	79	84	254

Table 4.4: Number and types of services closed in 2015 by region

5. Complaints about early years services

Complaints are an important way of monitoring quality in early years services. In 2015, 258 complaints were received by the Early Years Inspectorate. The highest number of complaints were received about services in the DNE area (37%; n=95), about four times the number of complaints received about services in the South region (9%; n=24) which had the lowest level of complaints. There were 82 (32%) complaints about services in the DML area and 57 (22%) about services in the West (Figure 5.1).
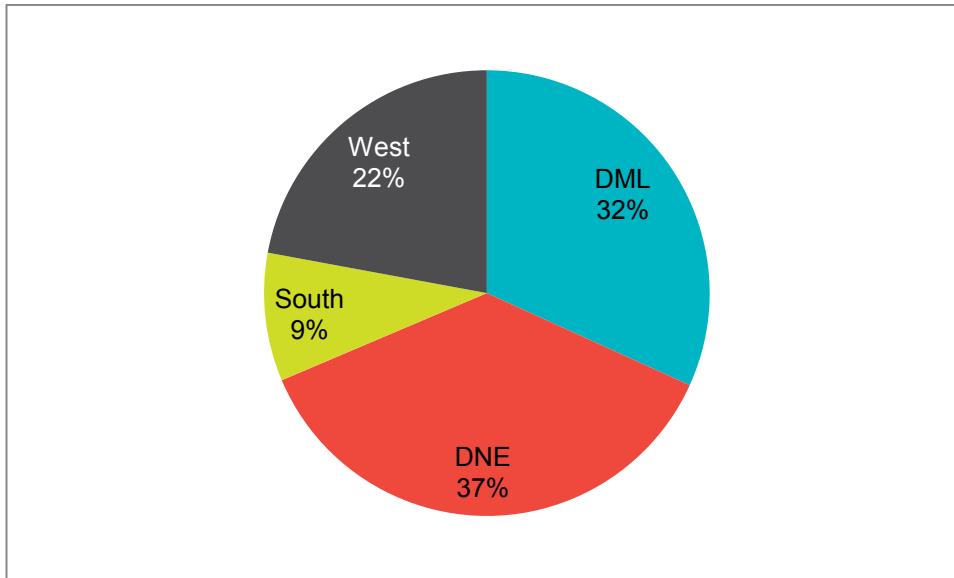

Figure 5.1: Percentage of complaints about services by region

Focus of complaints

Complaints were categorised according to the four broad areas of inspection as follows:

- Governance (32%; n=169);
- Health, welfare and development of the child (28%; n=150);
- Safety (25%; n=130);
- Facilities (15%; n=79).

The highest number of complaints about governance were in the DML area (35%; n=59), followed by the West (27%; n=45) and DNE (26%; n=44) areas. The lowest number of complaints about issues relating to governance were in the South (12%; n=21).

The second highest number of complaints were in the area of the health, welfare and development of the child (28%; n=150). In this area, the highest number of complaints were from the DNE area (n=76), accounting for just over half (51%) of all complaints received about this aspect of early years services. This was followed by DML (26%; n=39) and the West (19%; n=2). Only six (4%) complaints were received in this area from the South region (Figure 5.2).
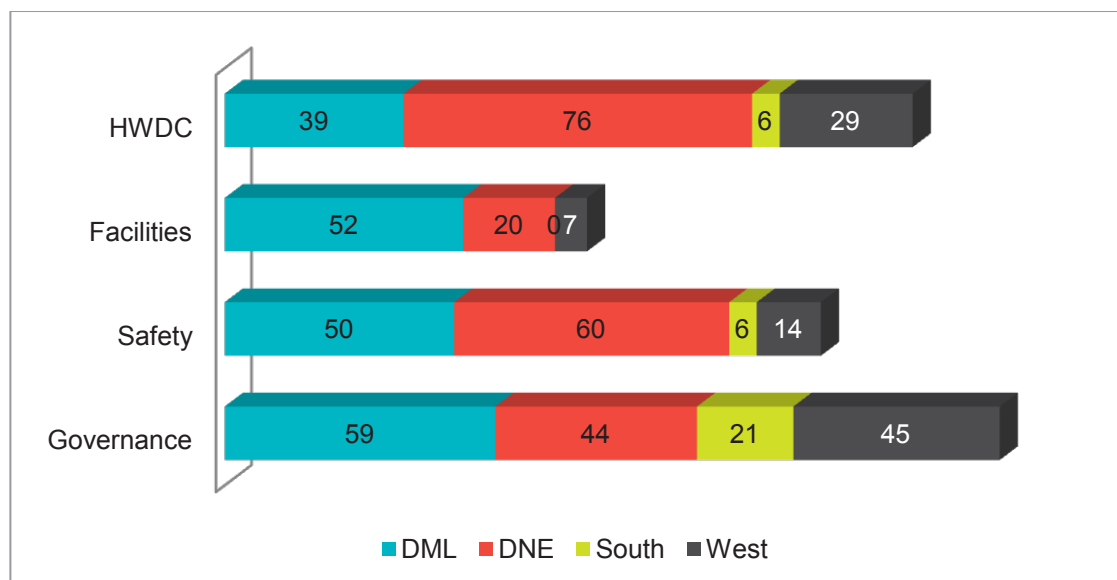
Figure 5.2: Focus of complaints received by region

130 complaints (25%) were received about safety concerns in early years settings and the pattern in terms of regional distribution is identical to that in the category of health, welfare and development of the child. The highest number of complaints were about services in the DNE area, accounting for almost half (46%; n=60) of all complaints received about this aspect of care. The second highest number of complaints were about services in the DML area (38%; n=50) followed by the West (11%; n=14) and the South where only six complaints about safety in early years services were made.

Complaints about facilities provided accounted for the smallest number of complaints (15%; n=79). There were no complaints about services in the South relating to this area and only seven in the West. 20 complaints (25%) were received about facilities in services in the DNE area.

Sources of complaints

The source of complaints was available in 253 cases and, of these, parents accounted for just over half (55%; n=143). Complaints were also received in 2015 from care workers (n=12) and students (n=4) about early years services. About 36% (n=94) of sources of complaint were categorised as "other", including, for example, grandparents and neighbours (Figure 5.3).
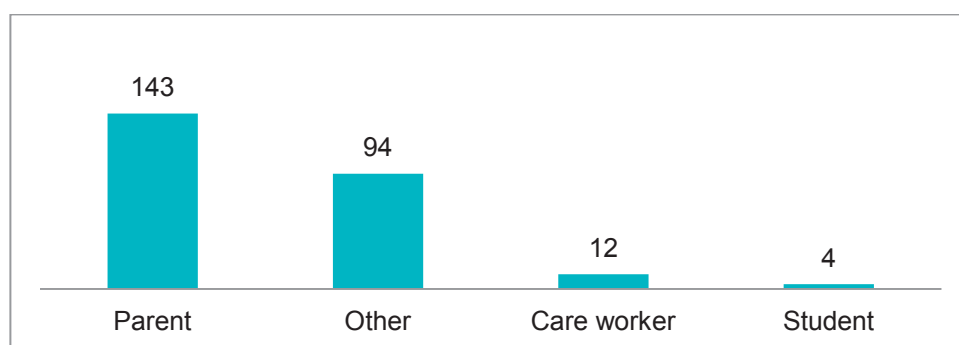

Figure 5.3: Sources of complaints about early years services

Investigation and outcome of complaints received

There are three main outcomes arising from complaints investigated. The complaint can be:

- **Upheld:** There is evidence to support the complaint received.
- **Not upheld:** There is insufficient evidence to support the complaint received.
- **Partially upheld:** Identifies areas of the complaint that were upheld and those that were not upheld.

Half of complaints were either upheld (32%; n=83) or partially upheld (18%; n=45), while about 43% (n=112) were not upheld (Figure 5.4).
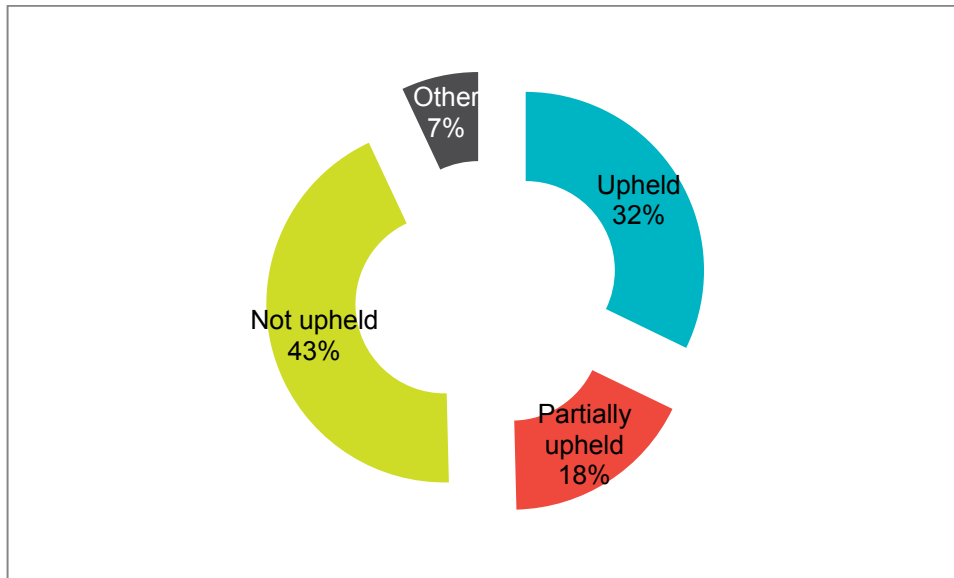
Figure 5.4: Outcome of complaints investigated

6. Summary of findings from inspections

This section presents an overview of the findings from 500 inspection reports carried out by early years inspectors in 2015. A more detailed analysis is available in Appendix 1.

The focus of the analysis is on:

1. Describing the extent to which early years services overall are in compliance with the regulations;
2. Identifying key issues arising in respect of non-compliance;
3. Comparing findings across key service and geographic characteristics.

A clustered random sample of 500 pre-school inspection reports, based on the four regional boundaries, was drawn including 125 reports from each of the four regions.

Overview of reports included

The 500 reports included an assessment of 4,752 regulations. The focused approach to inspections adopted in 2015 is evident with 93% of those assessed accounted for by the nine regulations in Table 6.1.

Regulation no.	Title (short)
5	Health, welfare and development of the child
6	First aid
8	Management and staffing
9	Behaviour management
14	Records
16	Fire safety measures
27	Safety measures
28	Facilities for rest and play
30	Insurance

Table 6.1: Main regulations included in analysis

Levels of compliance and non-compliance

In this analysis, regulations were reported as being compliant or non-compliant. The findings show that 72% (n=3,426) of regulations were compliant and the remaining 28% were reported to be non-compliant (Figure 6.1). This is a very positive finding for the sector and demonstrates high levels of compliance with these regulations.
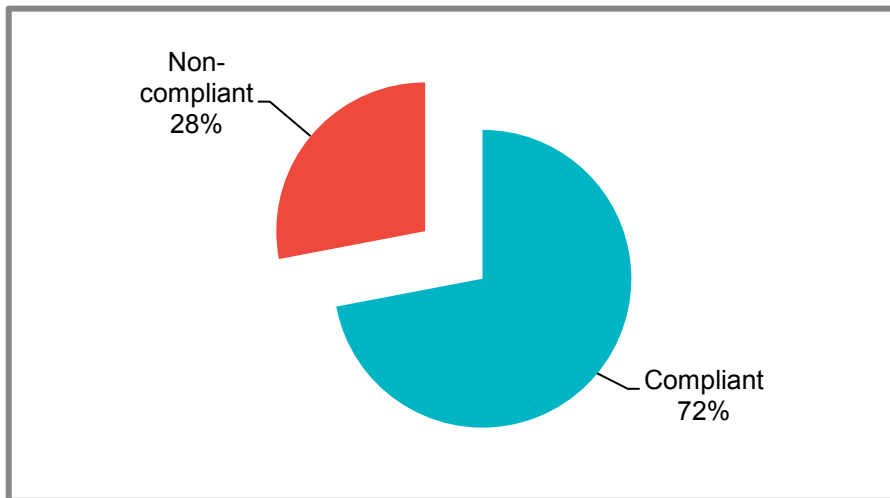
Figure 6.1: Percentage of compliant and non-compliant regulations

Regional differences in levels of compliance and non-compliance

Some regional differences were identified in respect of levels of compliance. The level of compliance ranged from 90% (n=1,168) of regulations in the West to just over half (55%; n=656) in DNE (Figure 6.2). Almost three-quarters (74%; n=832) of regulations were assessed as compliant in DML, with slightly less than that in the South (68%; n=770).

Figure 6.2: Number and percentage of regulations assessed as compliant and non-compliant by region

Differences by type of service inspected
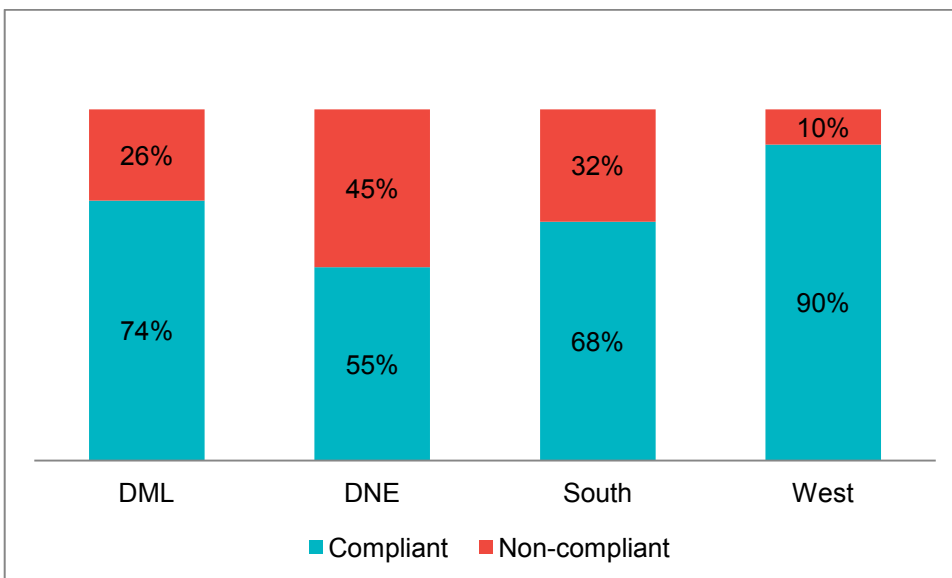
Some differences were also identified in respect of the type of service inspected. Sessional and full day care services accounted for 87% (n=2933) of all regulations assessed and the findings show that those in sessional services were more likely to be assessed as compliant (74%) compared with full day care services (62%). While 77% (n=189 assessed) of regulations in childminding and 39% (n=41 assessed) in drop-in services were assessed as compliant, the numbers of regulations assessed in each of these were small. About 70% of regulations in part-time services were assessed as compliant although again the number of regulations assessed was relatively small (n=239). No conclusions should be drawn from these results (Table 6.2).

	Childminding	Drop-in	Full day care	Part-time	Sessional
No. of regulations assessed	189	41	1177	239	2981
% compliant	77 %	39%	62 %	70%	74%

Levels of non-compliance by the nine most commonly inspected regulations

This section reports on levels of non-compliance across the nine most commonly inspected regulations which accounted for almost 90% of the overall inspections. The level of non-compliance varied from 3% (Regulation 30; insurance) to 50% (Regulation 14; records) across these areas. In addition to Regulation 14, almost half of reports identified non-compliance in respect of Regulation 8 (management and staffing; 48.5%) and Regulation 27 (safety measures; 46%). The lowest levels of non-compliance across the nine regulations were in respect of first aid (15%) and insurance (3%).

The remaining four regulations were reported as non-compliant in 20% (Regulation 28; facilities for rest and play) to 24% (Regulation 16; fire safety measures and Regulation 9; behaviour management) of services. Regulation 5 (health, welfare and development of the child) was identified as non-compliant in 21% of reports (Figure 6.3).
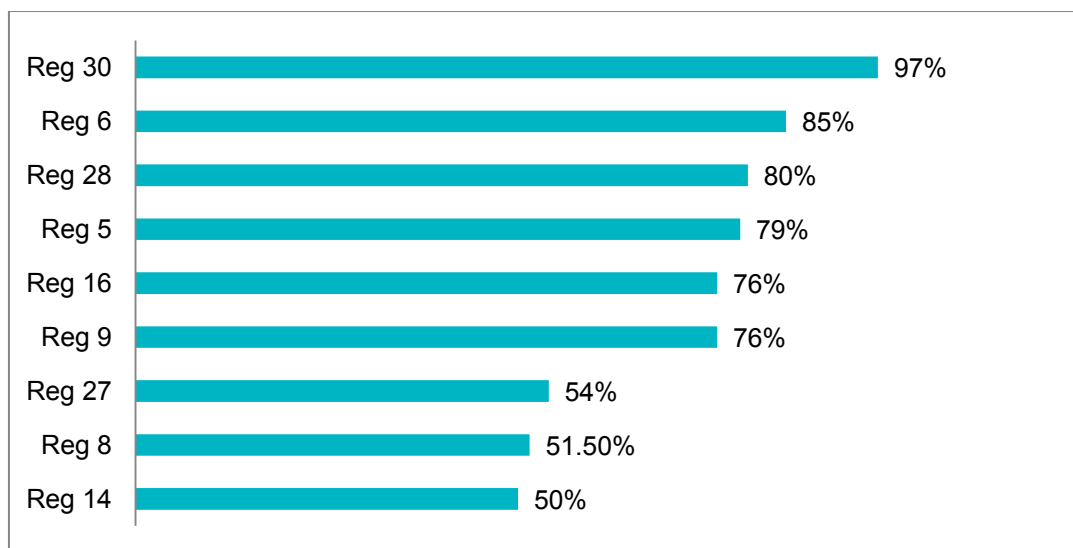
Figure 6.3: Percentage of services assessed as compliant across individual regulations

7. Key issues arising in respect of individual regulations assessed

A qualitative analysis was conducted on the non-compliant findings relating to the individual regulations and these findings are now presented. A summary of key issues arising in respect of the nine regulations which formed the focal point for inspections in 2015 is provided in Table 6.3. While a wide range of issues were identified under each of the regulations in terms of non-compliance, attention is drawn to two key areas which are particularly problematic.

> Level of non-compliance in respect of Garda / police vetting (38% of all services assessed)

> Safety risks in respect of cord blinds identified in 35 reports

Regulation	% services non-compliant	Main areas of concern
5: Health, welfare and development of the child	21%	• Basic needs of children • Supporting relationships around children • Extent to which the environment supports children • Insufficient play activities • Inadequate or unsuitable play area and equipment • Children unable to choose • Outdoor play • Curriculum
6: First aid	15%	• First aid box not adequately equipped • Staff not trained • Out of date / expired contents of first aid box • Storage
8: Management and staffing	48.5%	• Garda / police vetting • References • CV not available • Photo ID • Adult-child ratio • Designated person

Regulation	% services non-compliant	Main areas of concern
9: Behaviour management	24%	• Behaviour management policy • Designated person • Time out • Staff training • Mention of corporal punishment in policies • Child protection policy
14: Records	50%	• Generally inadequate • Administration of medication • Behaviour management • Child protection records • Outings policy • Safe sleep policy
16: Fire safety measures	24%	• Records not available • Fire drills not conducted • Display of fire evacuation procedures • Other fire safety concerns
27: Safety measures	46%	• Multiple and diverse issues identified both inside and outside the service • Specific risks include cord blinds (35 references) which are highlighted as particularly dangerous for small children
28: Facilities for rest and play	20%	• Inadequate or inappropriate sleep and rest accommodation • Challenges in observing children while asleep • Safety issues • Absence or inadequacy of a sleep policy
30: Insurance	3%	• No insurance • Inadequate level of insurance • Insurance certificate • Insurance requirements not adhered to

Table 7.1: Summary of key issues arising in inspections according to Regulations

8. Priorities for 2016

A number of key priorities have been identified for 2016. These priorities will assist in achieving the following outcomes:

- A fit-for-purpose, intelligence-based Early Years Inspectorate;
- A dedicated Central Registration Office;
- Continued improvements in the model of inspection;
- Availability of a dedicated and centralised Complaints Office;
- Sufficient staff will be in place for the initial stages of revised Regulations;
- Reduced processing times and equity of service;
- Development of standard application and registration processes;
- Strengthened governance structure.

Overview of priorities

Priority 1: Implement processes and systems for new Regulations

Actions to achieve priority 1:
- Produce and implement a judgement framework (to be named Quality and Regulatory Framework) and new Inspection Policy and procedure based on the proposed pending revised Regulations.
- Develop and implement new processes and systems to support its legislation responsibilities (primary legislation and forthcoming Regulations).

Priority 2: Establish a Central Registration Office

Actions to achieve priority 2:
- Establish an appropriately resourced Registration Office and implement processes to register new and existing services.
- Establish a system to centralise the receipt of complaints and significant event notifications.

Priority 3: Commence implementation of an ICT system to support an intelligence-driven Inspectorate

Actions to achieve priority 3:
- Commence implementation of phase 1 of implementation.
- Continue to develop an ICT system developed to support intelligence-driven inspections.

Priority 4: Re-register all services which were deemed registered on 1st January 2014

Actions to achieve priority 4:
- Implement the necessary processes to ensure all services deemed registered on 1st January 2014 are re-registered.
- Conduct extensive engagement with the early years services regarding the new registration and inspection system.

Appendix 1: Findings from a random sample of 500 inspection reports

Overview

Informed by the evidence from research published by Tusla in 2014 on the quality of early years service provision, the Early Years Inspectorate adopted a focused approach to inspections in 2015 that concentrated attention on those areas identified as being most likely to be non-compliant. The Early Years Inspectorate conducted an assessment on 4,670 services in 2015 and these inspections were guided by the areas identified as problematic in the 2014 research. Those services that had not been inspected over the previous three years were prioritised for inspection. This required a significant mobilisation of staff so that areas that had a large backlog due, in part at least, to a moratorium on the employment of staff in the public sector, could increase their level of inspection.

While the inspection protocol and process remained unchanged, a revised inspection tool and documentation was developed to support the implementation of these focused inspections. In addition, services were encouraged to review the documentation, evaluate their own performance in these areas and put in place remedial actions to ensure they were compliant with the regulations.

Due to these changes, direct comparisons between the findings presented in 2014 and those in this analysis cannot be made.

Focus of this analysis

This section presents the findings from 500 inspections carried out by early years inspectors in 2015. The focus of the analysis is on:

- Describing the extent to which early years services overall are in compliance with the regulations;
- Identifying key issues arising in respect of non-compliance;
- Comparing findings across key service and geographic characteristics.

Methodology

A clustered random sample of 500 early years inspection reports, based on the four regional boundaries, was drawn including 125 from each of the four regions, Dublin Mid Leinster (DML), Dublin North East (DNE), South, and West. A customised IT programme was created to import data from the individual reports into analysable formats. Both qualitative and quantitative analysis was carried out. Ethical considerations relating to anonymity and good practices in data protection have been addressed.

Summary of findings

An overview of findings from the analysis of 500 randomly selected Early Years inspection reports from 2015 are presented in Box 1 and 2.

Most services were found to be compliant with most regulations and overall 72% of all regulations inspected were reported to be compliant. High levels of compliance were identified in respect of:

- Regulation 30 (97% compliant) relating to insurance
- Regulation 6 (85% compliant) relating to first aid
- Regulation 28 (80% compliant) relating to facilities for rest and play
- Regulation 5 (79% compliant) relating to the health, welfare and development of the child
- Regulation 9 (76% compliant) relating to behaviour management

The highest level of compliance with regulations (77%) was reported among childminders, although the numbers of services inspected was low (n=21). This was followed by sessional services (n=313), where almost three-quarters of all regulations assessed were compliant.

The highest level of compliance was in the West.

Box 1: Findings in respect of high compliance in 2015

Compliance levels in respect of Garda / police vetting remain low (38% non-compliance). This has been addressed by the Department of Justice and Equality in recent legislation.

Safety hazards were also identified with issues arising in respect of cord blinds noted in 35 reports.

Other areas where there were low levels of compliance relate to:

- Regulation 14 (50% non-compliant) relating to records
- Regulation 8 (48.5% compliant) relating to management and staffing
- There were higher levels of non-compliance in drop-in services
- Lower levels of compliance were identified on follow up inspections
- The highest level of non-compliance was in the Dublin North East area

Box 2: Findings in respect of low compliance in 2015

Services included in the analysis

The following section presents information on the services included in this analysis.

Types of services

While inspection reports are included for the full range of services, the vast majority are drawn from sessional services (63%; n=313) followed by full day care services (24%; n=119). Only 24 part-time, 21 childminding and 5 drop-in services were included in this analysis. Information on the type of service inspected was not included in 18 reports (Table 1).

Type of Service	Frequency	Percentage
Sessional	313	62.6%
Full day care	119	23.8%
Part-time	24	4.8%
Childminding	21	4.2%
Drop-in	5	1.0%
Information not provided	18	3.6%
Total	500	100.0%

Table 1: Number and percentage of types of service included in this analysis

Size of services

Information on the number of places for children at the service being inspected was provided and the findings showed that almost three-quarters of services had fewer than 20 places. About 30% (n=146) reported having between one and 10 places and 44% (n=218) reported to have between 11 and 20 places. The remaining 131 services where information was provided had between 21 and 100 places and only two had more than 100 places (Figure 1).
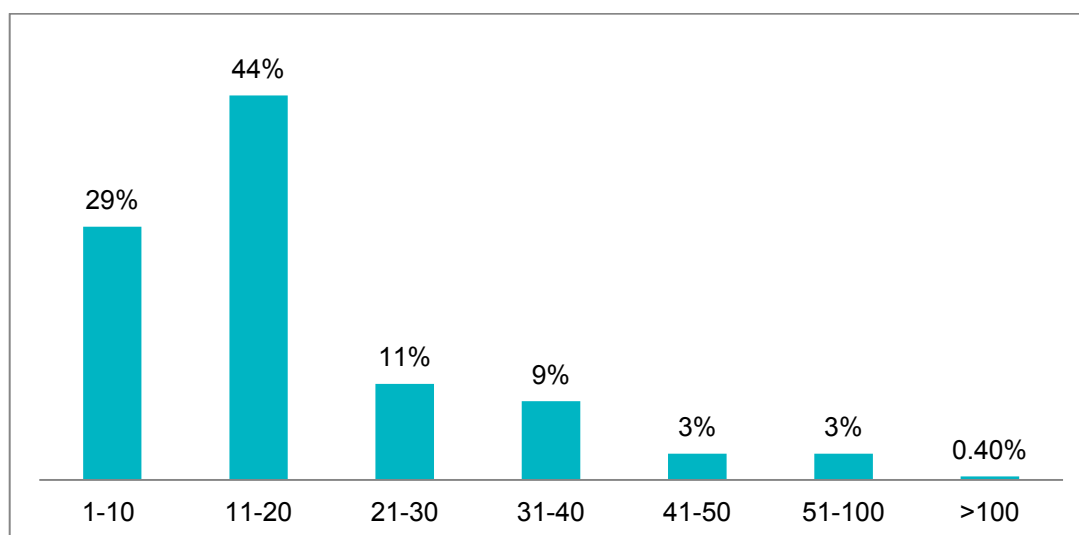

Figure 1: Percentage of services inspected according to the number of places

Regional breakdown

The number of reports included in this analysis from each region is 125 and the mean average number of regulations inspected in each report ranged from nine to 10 depending on the region involved (Table 2).

	DML	DNE	South	West
Mean average number of regulations assessed at each inspection	9	9.5	9	10

Table 2: Regional breakdown on the average number of regulations inspected

Overview of regulations

The purpose of the inspection process is to assess the overall quality of the service by making judgements about compliance and non-compliance in respect of 27 pre-school regulations (Table 3). However, as noted earlier, inspections in 2015 focused on key areas of non-compliance identified in research published in 2014 and this is reflected in the 4,752 regulations assessed in the 500 reports included in this analysis.

About 93% of the regulations inspected related to nine regulations and these took account of: the health, welfare and development of the child (Regulations 5, 9); safety (Regulations 6, 16, 27); management and governance (Regulations 8, 14, 30); and premises and facilities (Regulations 28). These nine regulations were included in between 97% and 99% of inspections conducted (Table 3). The remaining 18 regulations accounted for only 7% of the overall regulations inspected and where a risk was identified to children, this regulation was also incorporated.

Regulation	Number of regulations	% of regulations inspected
5: Health, welfare and development of the child	**494**	**10.4%**
6: First aid	**492**	**10.4%**
8: Management and staffing	**487**	**10.2%**
9: Behaviour management	**491**	**10.3%**
14: Records	**494**	**10.4%**
16: Fire safety measures	**490**	**10.3%**
27: Safety measures	**497**	**10.5%**
28: Facilities for rest and play	**491**	**10.3%**
30: Insurance	**487**	**10.2%**
18: Premises and facilities	45	0.9%
19: Heating	26	0.5%
25: Equipment and materials	25	0.5%
20: Ventilation	24	0.5%
22: Sanitary accommodation	23	0.5%
13: Register of pre-school children	21	0.4%
26: Food and drink	19	0.4%
7: Medical assistance	17	0.4%
24: Waste storage and disposal	16	0.3%
29: Furnishing of information to the HSE	16	0.3%
15: Information for parents	15	0.3%
21: Lighting	15	0.3%
11: Notification of change in circumstances	14	0.3%
12: Number of pre-school children who may be catered for	13	0.3%
17: Copy of Act and Regulations	13	0.3%
23: Drainage and sewage disposal	13	0.3%
31: Annual fees	13	0.3%
10: Notice to be given by person proposing to carry on pre-school service	1	0.0%
Total	**4,752**	**100.0%**

Table 3: Number of inspections by individual regulation

Key findings in respect of compliance and non-compliance

The findings are presented according to:
- Levels of compliance and non-compliance;
- Comparison of findings across key service and geographic characteristics;
- Key issues arising in respect of non-compliance.

Levels of compliance and non-compliance

In this analysis, regulations were identified as being either compliant or non-compliant. 72% (n=3426) of those inspected were assessed as compliant and the remaining 28% as non-compliant (Figure 2).
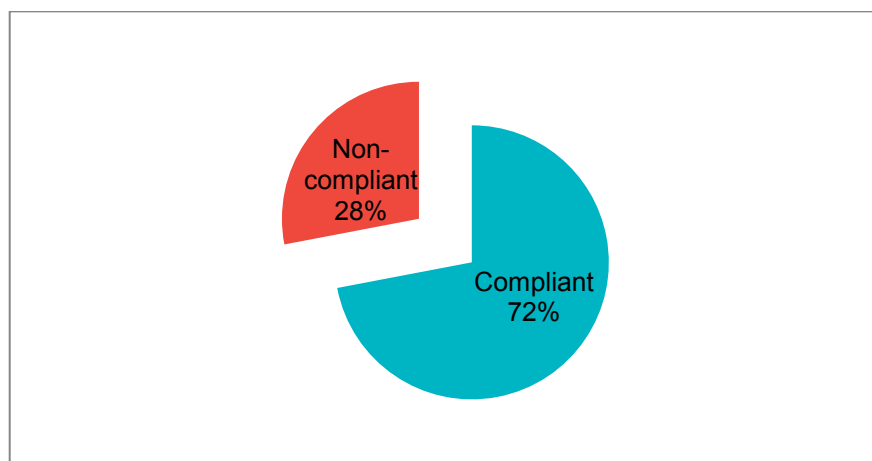

Figure 2: Percentage of regulations assessed as compliant and non-compliant

Regional differences in levels of compliance and non-compliance

Some regional differences were identified in respect of levels of compliance. The level of compliance ranged from 90% (n=1,168) of regulations in the West to just over half (55%; n=656) in DNE (Figure 6.2). Almost three-quarters (74%; n=832) of regulations were assessed as compliant in DML, with slightly less than that in the South (68%; n=770) (Figure 3).
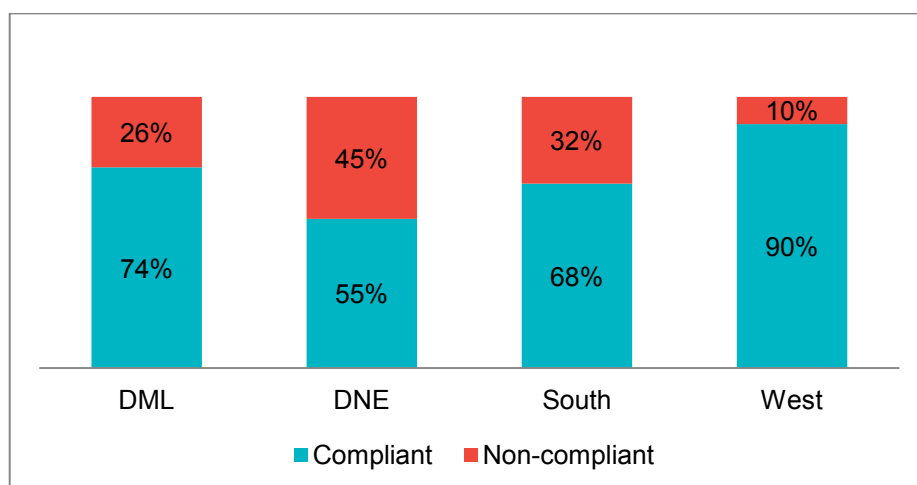

Figure 3: Number and percentage of regulations assessed as compliant and non-compliant by region

Differences by type of service inspected

Some differences were also identified in respect of the type of service inspected. Sessional and full day care services accounted for 87% (n=2933) of all regulations assessed and the findings show that those in sessional services were more likely to be assessed as compliant (74%) compared with full day care services (62%). While 77% (n=189 assessed) of regulations in childminding and 39% (n=41 assessed) in drop-in services were assessed as compliant, the numbers of regulations assessed in each of these were small. About 70% of regulations in part-time services were assessed as compliant although again the number of regulations assessed was relatively small (n=239). No conclusions should be drawn from these resultss (Table 4).

	Childminding	Drop-in	Full day care	Part- time	Sessional
Total no. of regulations assessed	189	41	1177	239	2981
% compliant	77.2%	39.0%	61.7%	70.3%	74.0%

Table 4: Total number and percentage of regulations assessed as compliant according to type of service

Levels of non-compliance by the nine most commonly inspected regulations

This section reports on levels of non-compliance across the nine most commonly inspected regulations which accounted for almost 90% of the overall inspections. The level of non-compliance varied from 3% (Regulation 30; insurance) to 50% (Regulation 14; records) across these areas. In addition to Regulation 14, almost half of the reports identified non-compliance in respect of Regulation 8 (management and staffing; 48.5%) and Regulation 27 (safety measures; 46%). The lowest levels of non-compliance were in respect of first aid (15%) and insurance (3%).

The remaining four regulations were reported as non-compliant in 20% (Regulation 28; facilities for rest and play) to 24% (Regulation 16; fire safety measures and Regulation 9; behaviour management) of services. Regulation 5 (health, welfare and development of the child) was identified as non-compliant in 21% of reports (Figure 4).
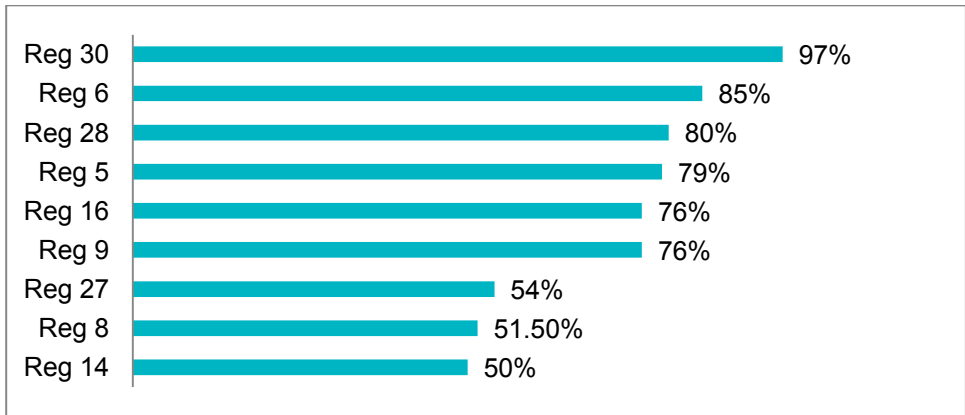

Figure 4: Percentage of services assessed as compliant across individual regulations

Other regulations where non-compliance was recorded in more than 40% of services were:

- Regulation 18 (premises and facilities): 53% (n=24) recorded as non-compliant
- Regulation 19 (heating): 45% (n=12) recorded as non-compliant
- Regulation 25 (equipment and materials): 40% (n=10) recorded as non-compliant

The numbers of services inspected, however, were very small relative to the overall situation and no conclusions should be drawn from these findings.

Key issues arising in respect of individual regulations

A qualitative analysis was conducted on the non-compliant findings relating to the individual regulations and these findings are now presented. A summary of key issues arising in respect of the nine regulations which formed the focal point for inspections in 2015 is provided in Table 5.

Regulation	% services non-compliant	Main areas of concern
5: Health, welfare and development of the child	21%	• Basic needs of children • Supporting relationships around children • Extent to which the environment supports children • Insufficient play activities • Inadequate or unsuitable play area and equipment • Children unable to choose • Outdoor play • Curriculum
6: First aid	15%	• First aid box not adequately equipped • Staff not trained • Out of date / expired contents of first aid box • Storage
8: Management and staffing	48.5%	• Garda / police vetting • References • CV not available • Photo ID • Adult-child ratio • Designated person
9: Behaviour management	24%	• Behaviour management policy • Designated person • Time out • Staff training • Mention of corporal punishment in policies • Child protection policy
14: Records	50%	• Generally inadequate • Administration of medication • Behaviour management • Child protection records • Outings policy • Safe sleep policy
16: Fire safety measures	24%	• Records not available • Fire drills not conducted • Display of fire evacuation procedures • Other fire safety concerns

Regulation	% services non-compliant	Main areas of concern
27: Safety measures	46%	• Multiple and diverse issues identified both inside and outside the service • Specific risks include cord blinds (35 references) which are highlighted as particularly dangerous for small children
28: Facilities for rest and play	20%	• Inadequate or inappropriate sleep and rest accommodation • Challenges in observing children while asleep • Safety issues • Absence or inadequacy of a sleep policy
30: Insurance	3%	• No insurance • Inadequate level of insurance • Insurance certificate • Insurance requirements not adhered to

Table 5: Summary of key issues arising in inspections according to regulations

Regulation 5: Health, welfare and development of the child

Regulation 5, which relates to the health, welfare and development of children, is assessed under four broad themes, namely: the extent to which the service meets children's basic needs; the physical and material environment; the programme of activities; and the relationships around children. While non-compliance was identified across each of these four areas, the analysis shows that most comments made related to the basic needs of children. This was followed by comments on the physical and material environment, the programme of activities and, finally, relationships around children.

Comments in respect of the basic needs of children are presented in Table 6.

Area	Examples
Feeding and drinking	• Feeding utensils not appropriate • Children who could self-feed were fed by staff • Potable water not available *It was observed that two children under two years of age were put to sleep, lying down in cots sucking milk from feeding bottles, which may lead to a risk of choking or aspiration.*
Sleeping and resting	• Infant sleeping in a swing • Inadequate number of cots • The routine checking of sleeping children was not recorded
Temperature of the room	• The room temperature was 14°C in the main play room • The nappy changing area and the hallway that links the toilets with the pre-school room was very cold during the inspection
Hygiene	• Staff were observed not to wash or dry their hands following nappy changing procedures. Nappies were not disposed of correctly • There was ineffective hand-washing throughout the service on the day of inspection which could present an infection control hazard.
Nutrition	• Timings of the snacks and meals provided to the pre-school children were not as recommended by the Food and Nutrition Guidelines for Pre-School Services *Some children did not have suitable and nutritious food for lunch time, eating, for example, sugary cereal bars, buns and chocolate rice cakes.*
Toileting	• Pre-school children were not afforded privacy while using the toilet as other pre-school children were observed washing their hands in the same room

Area	Examples
Supervision	• There were five toddlers sitting at the rectangular table alone without any supervision while the staff member was in the nappy changing room

Table 6: Comments in respect of key areas of non-compliance around the basic needs of children

Supporting relationships around children

There were a number of references to the relationships around children with several comments relating to the interaction and communication between staff and parents. Other references were made to the interaction between staff and children, adult-child interaction and to the key worker system. Examples are presented in Table 7.

Area	Examples
Adult-child interation	• While adults supervised children at lunch time there was little evidence of adult-child social interaction throughout the lunch break. It was observed that staff did not support relationships around children at times during the inspection. • A staff member in the toddler room was observed not to interact with the children and stand with her hands in her pockets during the inspection.
Interaction with parents	• Parents did not have open access to any of the pre-school rooms. Children were dropped off and collected from the lobby area. Access to this internal area was through the locked external door which on the day of inspection was not unlocked until 12.00pm although parents/guardians were visible assembling outside the premises before this time. • On the day of inspection there was limited feedback provided to parents at collection time, the children were escorted from their rooms primarily by the designated person in charge to the lobby area for collection. • There was no written evidence to support the exchange of information between the pre-school service and the parents on the child's daily experiences, development and interests. • There was no clear system of recording the daily events for the individual children. Information for all the children was recorded on one piece of paper.

Table 7: Examples of comments in respect of non-compliance in around relationships around children

Comments relating to play, including the extent to which the environment supports this in terms of children's development

There were several references related to play and these focused mainly on the inadequacy or absence of play equipment, insufficient activities taking place, lack of a formal curriculum, lack of opportunities for child-led activities and issues relating to outdoor play (Table 8).

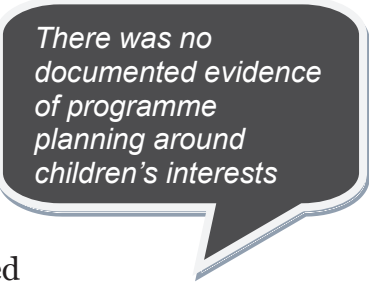| Area	Examples
Insufficient activities	• On different occasions the children were observed wandering around the room appearing bored. For example, one child was in the blocks area and started throwing blocks around. • The documented daily plan did not reflect the activities in the room on the day of inspection. The children were observed free playing for the majority of the inspection *Children had limited or no options of play and became unsettled or upset and needed the*
Insufficient, inadequate or unsuitable play area and equipment	• There were no areas of defined interest in the Wobbler room • The interest areas were poorly defined and resourced for example there were insufficient play materials in the kitchen/home corner to support imaginative play • There were inadequate gross motor play toys including push-along and pull-along toys to support the physical development of the pre-school children
Limited opportunities for children to choose or initiate activities	• Staff did not support the children at play or give them a choice of outdoor toys or equipment to play with • The activities were adult-directed and the children were working mainly in large group activities • The opportunities to work in smaller groups choosing an activity independently was not encouraged and supported *Most of the play materials were located on mobile shelving which were turned inwards and not accessible to the children.* • Puzzles in the senior Montessori room were on a high shelf out of reach to the children • Of the play equipment that was provided it was not readily accessed by the children but stored in presses or out of the reach of children • In the toddler room children were not offered choices in relation to the activities they undertook, they were directed by the staff as to what they could play with
Outdoor play	• Babies did not go outdoors or have a change of environment during the inspection • The outdoor play area at the service contained a number of damaged toys and they showed obvious sign of exposure to inclement weather posing a risk to children • The outdoor play area was used by two large dogs and a risk assessment had not been carried out in relation to the presence of these dogs in the pre-school service

Curriculum	- There were no documented curricula available based on the children's individual profile which should be established through systematic observation and assessment for learning - While there was a curriculum plan in the service, the documented curriculum in each playroom was inadequate - A documented curriculum was not available	*There was no documented evidence of programme planning around children's interests*

Table 8: Examples of comments in respect of non-compliance around play and the environment around children

Regulation 6: First aid

Regulation 6 (first aid) deals specifically with having a fully equipped first aid box and there were 76 services found to be non-compliant in this area. While some comments included more than one issue, the main areas included:

1. Staff not being appropriately trained or qualified;
2. First aid boxes not being fully equipped or stocked;
3. Inclusion of material in first aid box that had expired;
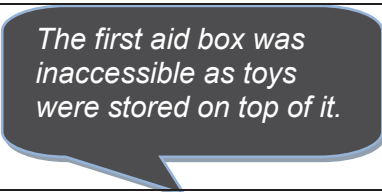4. Material located in a place considered unsafe or unsuitable.

Area	Examples	
Box not adequately equipped	- The first aid box was not fully equipped as per Appendix C of the Child Care (Pre-school Services) (No 2) Regulations 2006 - A suitably equipped first aid box was not available. Triangular bandages or eye pads were not included. - The first aid box was not suitably equipped. There were no small or medium sterile dressings available; there were no plasters, and no eye-pads or antiseptic cream.	
Staff not trained	- A staff member with current first aid certification was not on the premises. - A person qualified in first aid was not available on the premises.	*All staff had expired first aid qualifications.*
Out of date / expired material included	The first aid box contained some out of date supplies	
Storage	- A bottle of anti-febrile syrup was stored in the first aid box - Some medications were stored in the first aid box which could lead to spills and contamination	*The first aid box was inaccessible as toys were stored on top of it.*

Table 9: Examples of comments in respect of Regulation 6 non-compliance

Regulation 8: Management and staffing

Regulation 8 is set out in three parts. Part 1 refers to the staff-child ratio; the designated person in charge and a deputy; and the person in charge being on the premises. Part 2 refers to appropriate vetting of all staff, students and volunteers through references to past employers, reputable sources and An Garda Síochána. Part 3 refers to ensuring vetting procedures take place prior to a person being appointed or assigned.

Overall, 48.5% (n=236) of services inspected in this area were identified as being non-compliant. Given the nature of the regulation, which incorporates a number of discrete elements, a more detailed content analysis was conducted. This analysis provides some insight into the extent to which specific areas of the regulation were problematic.

The findings show that while commentary in respect of this regulation reflected all the issues outlined in the regulation, the two areas of Garda / police vetting and references accounted for the highest level of commentary.

Garda / police vetting was identified as a problem in 188 services, amounting to 80% of the services reported to be non-compliant in Regulation 8, and 38% of the overall reports analysed. These findings are similar to previous concerns raised in the research findings published by Tusla in 2014. The absence of Garda / police vetting is of concern and will be further addressed by the Department of Justice and Equality in 2016 through forthcoming legislation.

This was closely followed by issues arising in respect of references, with 76% (n=179) of non-compliant services being reported to have a problem in this area. The adult-child ratio was identified as a problem in 20 services (8%) and the absence of a designated person in charge in nine services (4%). The information presented in Figure 5 is based on all services included in the analysis as well as those found to be non-compliant in respect of Regulation 8.

	80% 38%	76% 37%	22% 11%	22% 11%	8% 4%	4% 2%
	188	179	53	52	20	9
	Garda/Police vetting	References	CV	Photo ID	Adult/child ratio	Designated person

■ % of non-compliant services
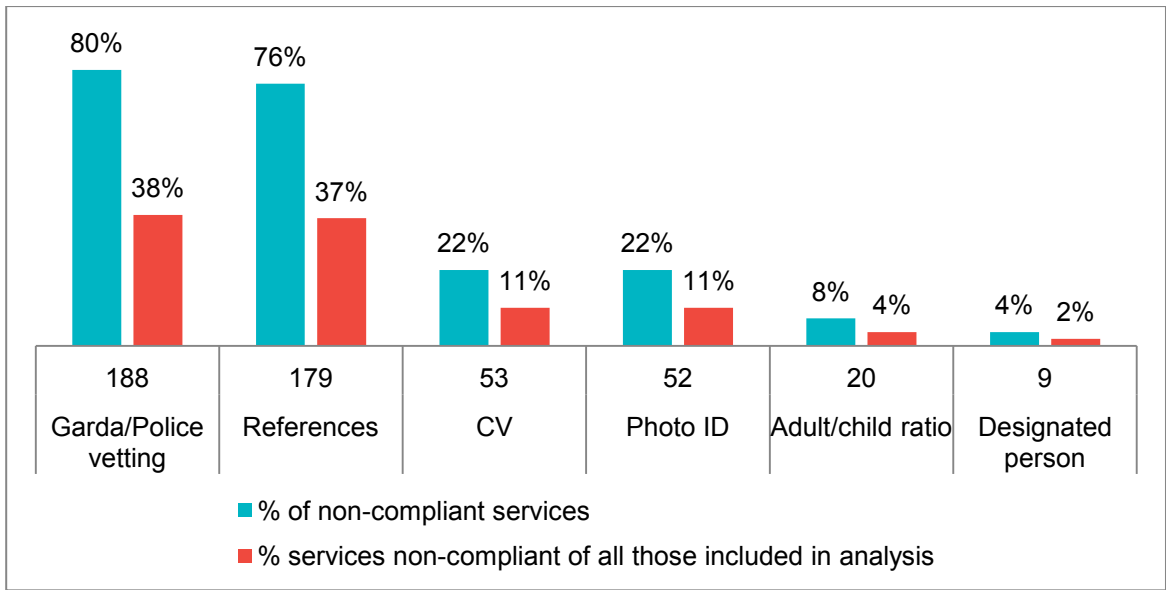■ % services non-compliant of all those included in analysis

Figure 5: Percentage of non-compliance across all services included in the analysis and those specific to Regulation 8

Examples of information included in reports that are non-compliant across the different areas are presented in Table 10.
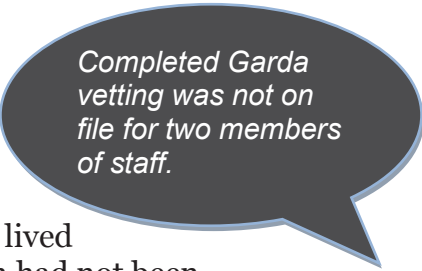
Area	No. of comments	Examples
Garda / police vetting	188	• Police vetting was not available for four staff members who required out of jurisdiction vetting • Police vetting for one staff member who had lived outside the jurisdiction had not been acquired. A completed processed Garda vetting form was not available in respect of one relief staff member.
References	179	• Two validated references were not available for all staff members. Two written validated references were not available in respect of two relief staff members There was no record of validation of staff references. • A record of validation was not provided for the two references for the volunteer. Two written validated references from the most recent past employer and a reputable source were not available for the two adults working in the service.
Adult-child ratio	20	• There was one staff member working directly with the seven pre-school children present which is not within the recommended adult-child ratio for a childminding service
Designated person in charge	9	• The designated person in charge was not on the premises when the Inspectors arrived to the service and there was no named deputy

Completed Garda vetting was not on file for two members of staff.

Table 10: Examples of comments in respect of Regulation 8 non-compliance

Regulation 9: Behaviour management

24% of services included in the analysis were reported to be non-compliant in respect of Regulation 9. This regulation relates to behaviour management and areas arising in respect of non-compliance included: a failure to explicitly exclude corporal punishment in the behaviour management policy; absence of, or inadequacies in, a child protection policy; and a lack of a designated person to report child protection concerns to (Table 11).

Area	Examples
Corporal punishment not explicitly prohibited	• The behaviour management policy did not state that corporal punishment was not used in the service.
Child protection policy	• There were no clear written guidelines on reporting child protection concerns. *There was no child protection policy available.* • The child protection policy was incomplete and lacks clear guidance on reporting child protection concerns. • The child protection policy that was in place in the service was not based on 'Children First: National Guidance for the Protection and Welfare of Children' (2011).
Behaviour management policy	• Written policies and procedures were not in place to deal with and to manage a child's challenging behaviour appropriate to the age and stage of development of the child *There was no behaviour management policy in the service.* • The behaviour management policy did not include strategies for managing a child's challenging behaviour and to assist the child in managing their own behaviour.
Designated person	• The service did not have a designated liaison person / child protection officer • A designated liaison person for reporting child abuse and deputy were not documented on the child protection policy.
Time out	• On the day of inspection a staff member used time out to manage the behaviour of a child. A child was instructed to sit alone for three minutes while all other children moved to the large play centre room next door. • The service had a "time out" behaviour management policy and a "red table". These are not methods of positive behaviour management and could be degrading and isolating for a child.
Staff training	• There was no evidence to support that staff had training in Children First *No staff member had up-to-date child protection* • Staff had no training on behaviour management and a staff code of conduct was not documented

Table 11: Examples of commentary relating to different areas of non-compliance under Regulation 9

Regulation 30: Insurance

While only a small number of services were identified as non-compliant in respect of insurance, it is nevertheless an important issue. The main comments related to not having a certificate available, a certificate being out of date, the requirements of the insurance not being adhered to and having inadequate insurance for the number of children present are listed below (Table 12).

Area	Examples
No insurance	• There was no insurance certificate available on the day of inspection • There was no evidence of current insurance cover available for the number of the pre-school children attending the service • The service provider did not have an insurance policy for this premises. The policy that the inspector was shown covered a different risk address; It was for a sister service.
Inadequate level of insurance	• The service provider did not have adequate insurance cover for the 26 pre-school children who were present on the day of inspection • There was no evidence to demonstrate that the pre-school children are adequately insured against injury *There was not adequate insurance cover for the number of children attending the pre-school service.*
Insurance certificate	• The insurance certificate for the service was not available for inspection. • The insurance certificate for the service was out of date.
Insurance requirements not met	• The requirement by the insurers for a second adult to be present at all times was not adhered to.

Table 12: Examples of comments on non-compliance with insurance requirements

Regulation 27: Safety

Extensive commentary was provided in relation to 229 services (46%) which were reported to be non-complaint in respect of Regulation 27 and multiple, diverse issues were identified. Specific hazards were identified in 95 reports and there were 35 references to window blind cords, which it was noted are a strangulation hazard for children.

> Cord blinds were not secured to the wall.

> In the pre-school room three windows had cord blinds hanging down which pose a potential risk of strangulation to a child.

> The cords on some of the vertical blinds in both pre-school rooms were noted to be hanging loosely and within the reach of children.

> One blind cord was not secured to the wall and posed a strangulation risk to children.

- Broken patio slabs were noted in one corner outdoors and one slab was upright and could cause a tripping hazard.
- Children had access to the first aid boxes, electric kettles and a toaster stored in unlocked cupboards under the sink in each of the pre-school rooms.
- This area has unrestricted access to the hotel car-park and building works which were in progress on the day of the inspection and as such presents as a safety hazard to the pre-school children.
- The store / sluice room was unlocked and contained a mop bucket with residual dirty water and plastic bags. These hazards were accessible to the pre-school children and presented as a choking hazard and a risk of spread of infection.
- The blind cord in the upstairs sleep room was unsecured.
- The outdoor area was not secure to prevent a child from accessing the main road or to prevent unauthorised access to the outdoor play area. There were no gates or fencing in place.
- Some toys were hazardous and were at risk of causing injury, such as sharp exposed edges on a plastic table and seat unit, cracked and a broken worktop on another play bench and plastic tape covering defects previously noted.
- A rodent dropping was present on the hot water unit in a locked press under the adult height sink in the pre-school room.
- Antibacterial spray bottles and a plastic bag were accessible to the children in the pre-school room and presented as a poisoning and suffocation hazard to the children.

- The door to the kitchen area was unlocked and was accessible to children. There were staff handbags, cleaning chemicals in an unlocked press and two kettles, one of which contained hot water which posed a risk of injury, poisoning and burning to children.
- The stair gate situated at the kitchen door was broken and not fit for purpose leading to a potential risk of pre-school children entering the kitchen and accessing hazardous items stored in the kitchen.
- A specific hazard was present in the outdoor play area in the sense that two large, barking dogs were loose and running aggressively around the play area and the entrance way.
- The side entrance gate was not secured when the inspector arrived unannounced. It was noted that the gate could not be closed and securely bolted, which meant a pre-school child could gain unsupervised access to the roadway and unauthorised access to the external play area could not be prevented.

Box 1: Examples of other safety risks identified

Regulation 14: Records

Regulation 14 was reported to have the highest level of non-compliance and 50% (249 services) of services were reported to be non-compliant in this analysis. Key issues arising under this regulation included the absence of records required in respect of the overall service, records about staff and records about the children. Some commentary stated that all the required documentation was not available in respect of a specific clause or sub-clause of the regulation.

References were made to the absence or inadequacies of policies and specific areas mentioned included:

- Administration of medication;
- Behaviour management;
- Child protection;
- Outings policy;
- Safe sleep.

Some services were found to be non-compliant across more than one policy area. Examples of comments are provided below in Table 13.

Area	Examples
General comments	• The written policies and procedures were minimal and had not been reviewed or revised in recent years *All polices were outdated and noted not to be reviewed in seven years since July 2008.* • All records referred to in paragraph (5) of this Regulation were not open to inspection on the premises by an authorised person.

Area	Examples
Administration of medication	• A written protocol for the administration of medication was not available • Details of medication administered to a pre-school child attending the service with signed parental consent was not available for the service • There was no medication policy developed for the service • The records reviewed did not indicate that signed parental consent was requested prior to the administration of all medication *Signed parental consent was not on file for all medications administered to a child attending the pre-school service.*
Behaviour management	• A positive behaviour management policy was not available for inspection on the premises • The behaviour management policy for the service needs to be updated to include how a child's challenging behaviour is managed. The behaviour management policy did not have adequate detail on how the service manages a child's challenging behaviour and how to assist the child to manage his or her behaviour as appropriate to the age and stage of development of the child. *The behaviour management policy did not include strategies for managing a child's challenging behaviour and assisting the child in managing their own behaviour.*
Child protection	• The designated liaison person and deputy liaison person were not named on the child protection policy • The child protection policy did not have clear guidelines on identifying child protection concerns • The named designated person for reporting child protection concerns was not in writing. The child protection policy did not give clear guidance on how to report child protection concerns. The child protection policy was incomplete. *There was no child protection policy.*
Outings policy	• There was no outings policy in place in the service • The outings policy was not adequate as no risk assessment was included • There was no policy for the safe conduct of outings other than obtaining the written consent of parents
Safe sleep	• Sleep records had not been recorded since 20/04/2015 • There was no written safe sleep policy in the service • The policy pertaining to safe sleep contained some inaccuracies • The safe sleep policy was inadequate

Table 13: Examples of comments in respect of Regulation 14 non-compliance

Regulation 16: Fire Safety

Reference was made to a small number of services not conducting fire drills on a regular basis and a higher number of services that did not have records of when fire drills took place.Another area identified included the absence of notice of procedures to be followed in the event of a fire (Table 14).

Area	Examples
Records not available	• A record in writing of the fire drills was not maintained by the service • A written record of the number, type and maintenance record of fire-fighting equipment and smoke alarms in the premises was not available • There were no up-to-date records of the number, type and maintenance of fire-fighting equipment and smoke alarms in the premises • The service record of the fire-fighting equipment was carried out in November 2011 *There were no records available of the maintenance record of the smoke alarms on the premises.*
Fire drills not conducted	• Fire drills were not conducted on a monthly basis • There was no record of fire drills carried out in this academic year • The written record provided at time of inspection stated that the last fire drill took place on the premises on 9th December 2014
Display of fire evacuation procedures	• Fire evacuation procedures were not available or displayed *There was no notice of procedures to be followed in the event of fire on display.*
Other fire safety concerns	• The fire exit in the hallway was obstructed • A room at second floor level which was accessed via the main staircase in the house was used on a regular basis by the pre-school children. A referral letter was forwarded to the Local Fire Officer for their advice in relation to fire safety matters while using this room.

Table 14: Examples of comments in respect of Regulation 16 non-compliance

Regulation 28: Facilities for rest and play

While Regulation 28 focuses on facilities for rest and play, all the commentary in this section related to rest with commentary relating to play generally highlighted in the section on environmental support for children's development. 97 services (20%) included in the analysis were identified as non-compliant in this area and four main areas were identified. These related to:

- Inadequate or inappropriate accommodation for sleep and rest;
- Failure to maintain appropriate observation records while children were sleeping;
- Safety issues;
- The absence or inadequacy of a sleep policy.

Area	Examples
Inadequate or inappropriate accommodation for sleep and rest	• Three of the four cots in use were not suitable • A travel cot was used for children under two years of age to sleep in. No sleep mats were provided for older children who required a rest during the day. • Insufficient cots were provided for children under two years of age. Four standard cots were provided, but 13 children under two were present. • The window blinds on the windows in the toddler sleep room were broken and could not be pulled down to dim lighting while the children were asleep • A designated quiet area with soft seating was not provided for the children to take time out and relax from activities when required
Challenges in observing children while asleep	• Sleep records did not include a check of the sleep room temperature and a system of verifying a child's breathing and colour every 10 minutes. • On the day of inspection, it was noted that the staff did not physically check a sleeping child every 10 minutes or have any record of same *The room was very dark and had two viewing windows which were both covered. It was difficult to observe the children asleep and complete the necessary checks.* • Records of sleep checks did not include the colour, position or breathing pattern of the child • A child aged less than two years old was observed in the sleep room asleep in a buggy with a fleece type blanket positioned over the hood of the buggy in a 'drape' like fashion. This is unsafe practice. • It was noted that the baby sleep room was very dark and made it difficult to determine if children were sleeping in cots and to monitor children's breathing, colour and position while sleeping

Area	Examples
Safety issues	• The temperature of the sleep room was recorded at 22.2˚C. This was above the recommended temperature of 16˚C to 20˚C (which is the temperature identified for reducing one of the risk factors associated with sudden infant death). • One cot in the sleep room on the day of inspection was positioned under a shelf with two electric fans which posed a risk of falling on a sleeping child. *The mattress cover was torn exposing foam posing a further risk of choking for a child.*
The absence or inadequacy of a sleep policy	• A safe sleep policy or physical checks of sleeping children was not available for inspection • The safe sleep policy in place in the service contained insufficient detail and needed to be expanded

Table 15: Examples of comments in respect of Regulation 28 non-compliance

Summary of findings

This section has presented findings from an analysis of 500 early years inspection reports from 2015. The focus of the analysis was on describing the extent to which pre-school services were in compliance with the regulations assessed, identifying issues relevant to non-compliance and presenting a comparison of the findings with a similar type analysis conducted in 2014.

The 500 reports were randomly selected according to the four regional boundaries with 125 reports included from each of the four regions. Just over 60% (63%; n=313) of the reports related to sessional services, 24% (n=119) to full day care services and the remainder related to part-time (5%; n=24), childminding (4%; n=21) and drop-in (1%; n=5) services. Information was not available for 18 services. Almost three-quarters of services included in the analysis had fewer than 20 places, 131 services included had between 21 and 100 places and only two had more than 100.

Key overall findings include:

- An overall high level of compliance of 72% was identified.
- The remaining 28% were assessed as non-compliant and require on-going monitoring.
- Regional differences were identified. Services in the West were assessed as having the highest level of compliance (90%), while those in DNE had the lowest (55%).

The analysis also shows that, on average, between nine and 10 regulations were assessed at each inspection and this focus on areas identified as problematic in the 2014 findings is a reflection of the evidence-based approach to inspection. In total, 4,752 regulations were assessed across the 500 reports.

The nine regulations included in almost all reports were Regulations 5 (health, welfare and development of the child), 6 (first aid), 8 (management and staffing), 9 (behaviour management), 14 (records), 16 (fire safety measures), 27 (safety measures), 28 (facilities for rest and play) and 30 (insurance). The level of non-compliance varied across regulations from 3% (insurance) to 50% (records) and the commentary highlighted a substantial and varied number of issues arising. These are summarised below in Table 16.

Regulation	% services non-compliant	Main areas of concern
5: Health, welfare and development of the child	21%	- Basic needs of children - Supporting relationships around children - Extent to which the environment supports children - Insufficient play activities - Inadequate or unsuitable play area and equipment - Children unable to choose - Outdoor play - Curriculum

Regulation	% services non-compliant	Main areas of concern
6: First aid	15%	• First aid box not adequately equipped • Staff not trained • Out of date / expired contents of first aid box • Storage
8: Management and staffing	48.5%	• Garda / police vetting • References • CV not available • Photo ID • Adult-child ratio • Designated person
9: Behaviour management	24%	• Behaviour management policy • Designated person • Time out • Staff training • Mention of corporal punishment in policies • Child protection policy
14: Records	50%	• Generally inadequate • Administration of medication • Behaviour management • Child protection records • Outings policy • Safe sleep policy
16: Fire safety measures	24%	• Records not available • Fire drills not conducted • Display of fire evacuation procedures • Other fire safety concerns
27: Safety measures	46%	• Multiple and diverse issues identified both inside and outside the service • Specific risks include cord blinds (35 references) which are highlighted as particularly dangerous for small children
28: Facilities for rest and play	20%	• Inadequate or inappropriate sleep and rest accommodation • Challenges in observing children while asleep • Safety issues • Absence or inadequacy of a sleep policy
30: Insurance	3%	• No insurance • Inadequate level of insurance • Insurance certificate • Insurance requirements not adhered to

Table 16: Overview of areas of concern around each regulation