

# Escalation & Enforcement

## Review 2023

### Executive Summary



The Early Years Inspectorate, (part of Tusla’s Children’s Services Regulation), is the independent statutory regulator of early years services in Ireland and has responsibility for registering and inspecting pre-schools, play groups, nurseries, crèches, day-care, and similar services that cater for children aged 0 to 15 years. The role of the Early Years Inspectorate is to promote and monitor the safety, quality of care and support of the child in early years provision in accordance with the Child Care Act 1991 (Early Years Services) Regulations 2016 and Child Care Act 1991 (Early Years Services) (Registration of School Age Services) Regulations 2018. There are two types of early years services; pre-school services which cater for children aged 0 to 6 years and school age services which cater for children under the age of 15 years enrolled in a school providing primary or post primary education. School age services operate outside of school hours.

The Early Years Inspectorate’s Enforcement and Escalation Team oversee required enforcement activity initiated under legislation where deemed necessary. In 2022, this was via two registration fora: the National Registration and Enforcement Panel and Early Years Conditions Panel. In 2023, these panels were merged and there was an additional stream for enforcement action in relation to services who did not complete the required 3-yearly renewal of registration.

Services are commonly referred to the National Registration and Enforcement Panel when there is;

- Consistent and persistent non-compliance with regulation,
- Operation without or contrary to approved registration,
- Failure to meet requirements renewal of registration,
- High or critical concerns following inspection, that present or pose a risk of ongoing harm to children.

Each year, a small number of early years services are assessed as requiring escalation for consideration of enforcement action. This report presents an analysis of services escalated for enforcement actions and the outcomes of those actions in 2023. The report follows the [2022 report](#) which was the second of its kind in Early Years Regulation and is available on the Tusla website.

In 2023 most services who engaged with the National Registration and Enforcement Panel avoided enforcement sanctions. 23 services remained at panel from the 2022 period, 31 services were referred in 2023 with 28 services accepted as meeting the threshold for acceptance. Provider engagement with escalation and enforcement actions in the majority of cases resolved the concerns and the non-compliance previously highlighted on inspection.

The trend of positive and proactive engagement between services and the Early Years Inspectorate has continued in 2023. There remains a good level of engagement from services considered for enforcement action which has consistently resulted in lower levels of sanctions being placed on services. No service met the threshold for removal from the register in 2023.