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Child and Family Agency

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**EARLY
YEARS**
INSPECTORATE

Key findings arising from early
years inspection reports:

March 2020 to December 2021

This report has been prepared by Research Matters Ltd (www.researchmatters.eu) on behalf of Tusla – Child and Family Agency.

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Foreword

I am pleased to present this report which provides, an analysis of key findings arising from early years inspection reports between March 2020 and December 2021.

Inspections and regulations included in this analysis took place between March 2020 and December 2021, a period that included significant challenges due to the Covid-19 pandemic which was further compounded by a Cyber-attack on Tusla IT infrastructure in May 2021.

Tusla – The Child and Family Agency, through the Early Years Inspectorate, is the independent statutory regulator of early years services in Ireland and has responsibility for registering and inspecting preschools, play groups, nurseries, crèches, day-care and similar services that cater for children aged 0–6 years.

The Early Years Inspectorate is committed to ensuring that children attending early years services are safe, that they receive appropriate care and have a positive experience where they can develop and learn in a quality early years' service. This is achieved through the registration, inspection and enforcement processes prescribed by law and implemented by the Early Years Inspectorate.

This report presents an analysis of 19,599 regulations assessed on inspection in 3,520 Inspection reports following inspection of 3,035 individual services. This report identifies that the majority of providers are compliant with most of the regulations inspected. About half of all inspection reports identified the service as compliant on all regulations inspected while more than 20% were reported to have only one noncompliant regulation.

The analysis in this report will assist the early years inspectorate in informed decision making, regulatory practice development and continuous improvement in inspection processes. Such analysis helps to provides parents and the public with assurances that services are of a consistent quality and that regulations are met. This ultimately safeguards children and supports service improvement that positively impacts children and families.

I would like to extend my sincere thanks to Dr Sinéad Hanafin, Managing Director of Research Matters Ltd, for producing this report.

Fiona McDonnell
National Service Director of Children's Services Regulation

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Context

Tusla, through the Early Years Inspectorate, is the independent statutory regulator of early years services in Ireland and has a responsibility for inspecting pre-schools, playgroups, nurseries, crèches, daycare and similar services which cater for children aged up to six years. The role of the Inspectorate is to:

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

The Early Years Inspection service was introduced in 1997, under *Part VII of the Child Care Act 1991*, which gave effect to the *Child Care (Pre-School Services) Regulations 1996*. The regulations were subsequently revised in 2006 and placed greater emphasis on the health, welfare and development of the child. The Minister for Children and Youth Affairs published the *Child Care Act 1991 (Early Years Services) Regulations 2016* and the *Child Care Act 1991 (Early Years Services) (Amendment) Regulations* on 4th July and 30th December 2016 respectively.

These revised regulations build on *Part 12 of the Child and Family Agency Act 2013*, provide for the inclusion of school-aged services within the definition of early years, and also enhance the enforcement powers of the Inspectorate. This legislation and these regulations provide the basis for inspections carried out by the Tusla Early Years Inspectorate.

All early years services in Ireland strive to achieve full compliance across the 33 early years regulations.

The purpose of this report

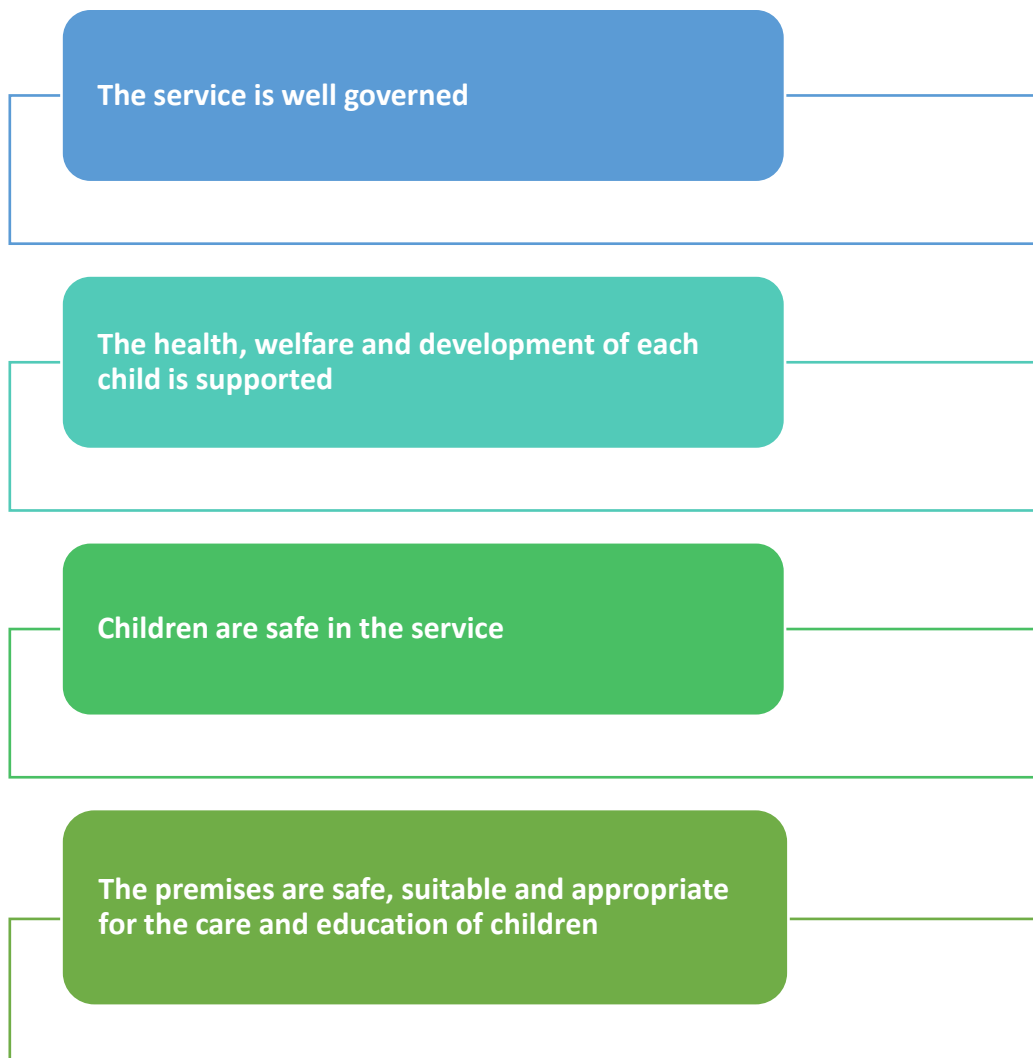
This report sets out key findings of analysis of 3,520 early years inspection reports compiled by the Inspectorate between March 2020 and December 2021. The report identifies key areas of compliance and non-compliance across inspection reports and regulations assessed during this period.

Purpose of inspection

Under legislation, the Early Years Inspectorate is obliged to ensure that inspections are carried out regularly and with appropriate frequency in early years services, in order to verify that the relevant requirements of the appropriate legislation are adhered to in full.

The primary function of the inspection process is to verify that the relevant requirements of the legislation are fulfilled by registered service providers operating early years services. Regulatory inspections under the Child Care Act 1991 (Early Years Services) Regulations 2016 and the Child Care Act 1991 (Early Years Services) (Amendments) Regulations 2016 aim to determine extent to which the services meet the four outcomes presented in **Figure 1**.

Figure 1 Early years service outcomes



Principles

The work of the Early Years Inspectorate is guided by the Vision, Mission, Values and Behaviours of Tusla, as set out in the *Corporate Plan 2021–2023*. The Inspectorate’s vision is for all services regulated by the Early Years Inspectorate to be safe and happy places for children to play, learn and develop.

Inspections are aimed at assessing compliance with all relevant legislation. The purpose of the inspection is to gain a greater understanding of a service’s processes, to identify issues, and to measure these against recognised legislation and regulatory best practice. Inspections are designed to ensure the health, safety and welfare of children; the promotion of their development; and to ensure compliance with relevant statutory requirements.

The implementation of the inspection takes account of best practice in regulation and inspection. It is guided by a core set of principles as set out by the Organisation for Economic Co-operation and Development (OECD) in *Best Practice Principles for Regulatory Policy: Regulatory Enforcement and Inspections* (Figure 2).

Figure 2 Principles of inspection

Evidence-based

Selectivity

Risk focus and proportionality

Responsive regulation

Long-term vision

Coordination and consolidation

Transparent governance

Information integration

Clear and fair process

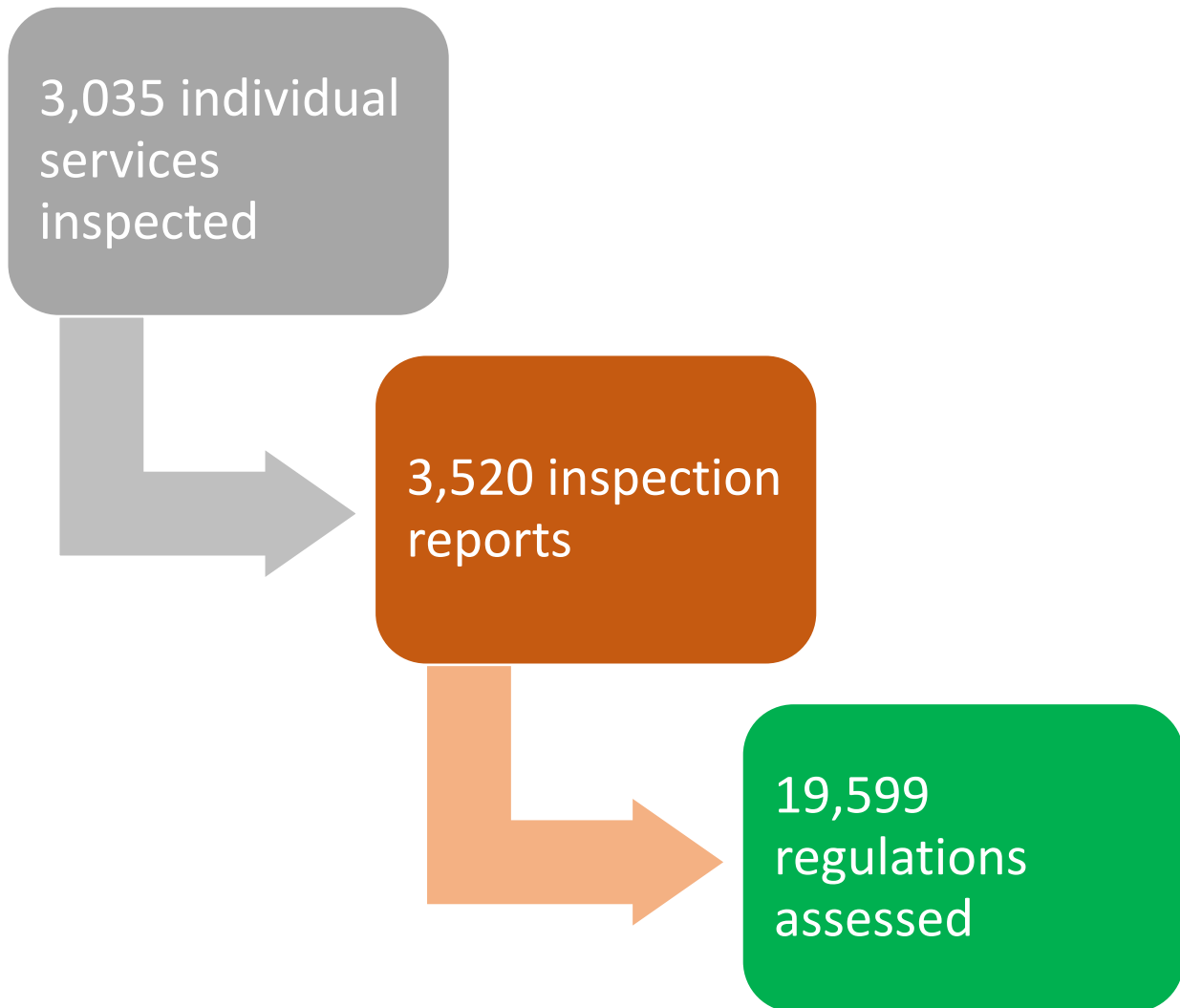
Compliance promotion

Professionalism

Inspections and regulations analysed in this report

Inspections and regulations included in this analysis took place between March 2020 and December 2021, a period that included significant challenges due to the Covid-19 pandemic. In total 19,599 regulations were assessed across 3,520 inspection reports from 3,035 individual services inspected.

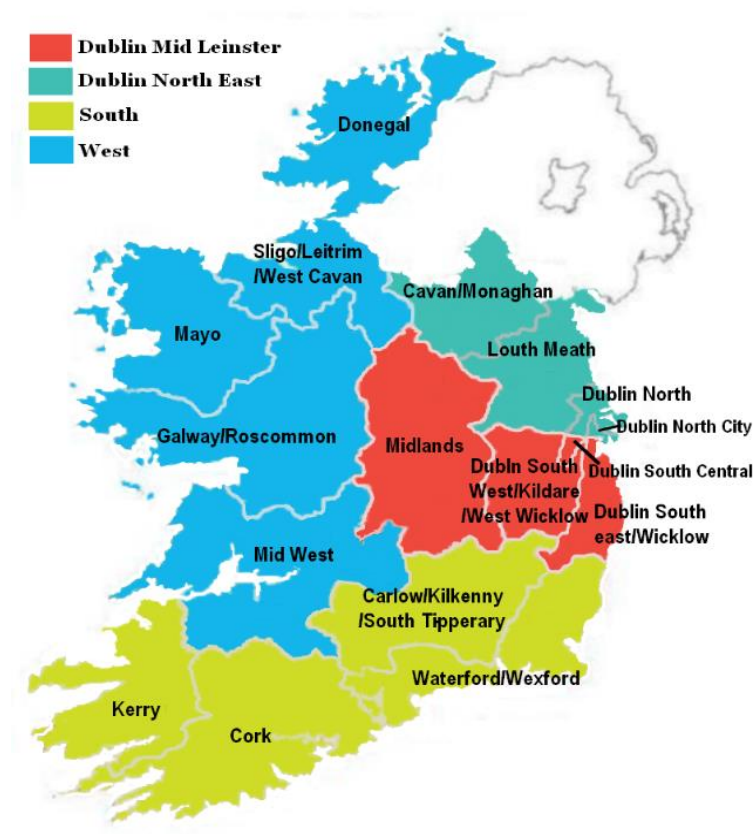
Figure 3 Inspections and regulations included in this report



Tusla regions

The Early Years Inspectorate has a legal responsibility for the inspection of services nationally. Inspections are carried out in each of the four Tusla regions (**Figure 4**).

Figure 4 Map of Tusla regional structure



Regional distribution of services inspected

The number of inspection reports varied according to the Tusla region and this is similar to previous years.

The West (n = 695; 19.7%) accounted for the lowest proportion of inspection reports and this was followed by Dublin North East (DNE) (n = 807; 22.9%) and Dublin Mid-Leinster (DML) (n = 936; 26.6%).

The region reporting the highest number of inspection reports was the South which accounted for just over 30% (n = 1082; 30.7%) of all inspections that took place.

Table 1 Number of services inspected by region

Region	Number of inspection reports	%
Dublin Mid-Leinster (DML)	936	26.6%
Dublin North East (DNE)	807	22.9%
South	1082	30.7%
West	695	19.7%
Total	3,520	99.90%

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

Number of regulations assessed at inspection

In total, the 3,520 reports included an assessment of 19,599 regulations and an average number of 5.6 regulations were included in each inspection report. About two-thirds (66.1%; N = 2749) of reports included an assessment of between three and six regulations (**Table 2**).

Table 2 Number of regulations assessed at inspection

No. of regulations assessed	Number of reports	% of inspection reports
1	2	0.0%
2	21	0.2%
3	311	4.8%
4	677	13.8%
5	1,258	32.1%
6	503	15.4%
7	191	6.8%
8	102	4.2%
9	193	8.9%
10	186	9.5%
11	67	3.8%
12	5	0.3%
13	1	0.1%
14	1	0.1%
15	1	0.1%
17	1	0.1%
Total number of reports	3,520	100.20%

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

Compliance and noncompliance: Key findings

Inspection reports

- About half of all inspection reports (n = 1,776; 50.4%) identified the service as compliant on all regulations inspected.
- A further 748 (21.3%) were reported to have only one noncompliant regulation.
- The findings relating to service compliance in 2020/2021 is higher than 2019 where only 36.5% of inspection reports were reported to be compliant on all regulations assessed.

Regulations

- The number of noncompliant regulations in reports ranged from 0-10.
- The mean average number of noncompliant regulations was only 1.
- Of the 19,599 regulations that were inspected, 81.1% (n = 15,895) were assessed as being compliant.
- The remaining 18.9% (n= 3,704) were noncompliant.
- The proportion of regulations reported as compliant in 2020/2021 is higher than in previous years where between 69% (2019) and 75% (2017) of regulations were assessed as compliant.

Service compliance

Full compliance according to type of service

Almost 60% of inspection reports referring to sessional (59.8%) and part-time services (57.7%) were reported to be fully compliant. Full daycare services (FDC) were less likely to be fully compliant in inspection reports. Of the 1,535 FDC inspection reports less than 40% (38.9%) were reported to be compliant. Although no drop-in services were identified as fully compliant it should be noted that only five inspection reports are included in the analysis.

Table 3 Type of service according to the % reported to be fully compliant

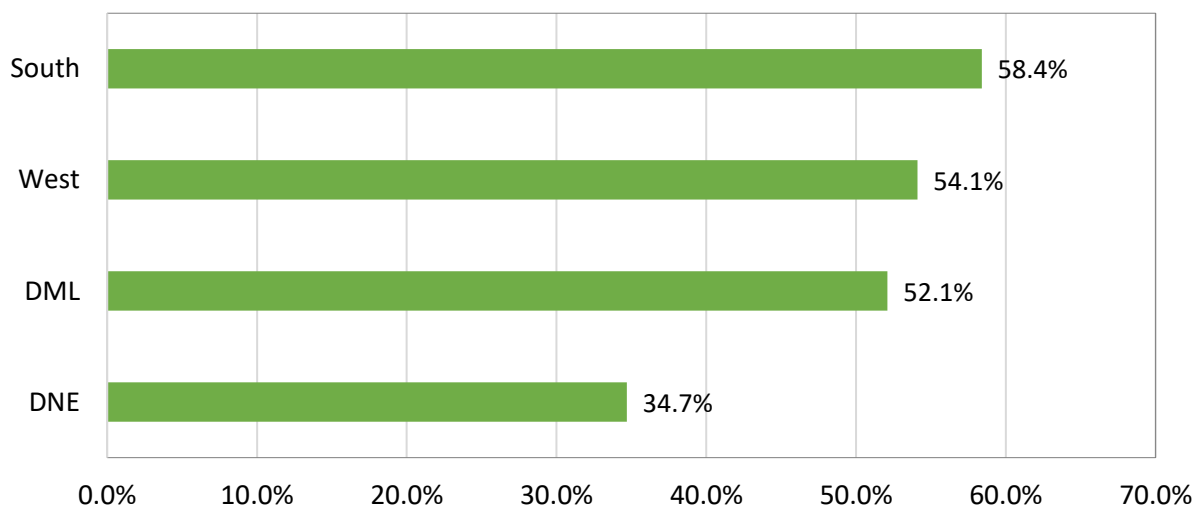
Type of service	Number of services inspected	% of services compliant on all regulations assessed
Childminding	66	62%
Sessional	1,561	59.8%
Part-time	353	57.7%
Full daycare (FDC)	1,535	38.9%
Drop-in	5	0%

Regional differences in full compliance

Figure 5 illustrates differences in the level of compliance according to different regions.

The Dublin North East (DNE) region (34.7%) is identified as having the lowest level of services who are in full compliance at inspection. The South region (58.4%) as having the highest level of services who are in full compliance.

Figure 5 Percentage of inspection reports identifying full compliance according to region



Compliance and noncompliance of regulations by type of service and region

In total, 19,599 regulations were reported on in inspection reports.

Overall, about 81% of regulations were reported to be compliant although the proportion of regulations assessed as compliant varied according to the type of service.

Regulations assessed in full daycare (8,637), sessional (8,509) and part-time services (1,991) accounted for 98% (19,137) of all regulations assessed.

Of these, regulations assessed in part-time services were most likely to be reported as compliant (87%) and those in full daycare services least likely (75.1%).

Table 4 Compliance and noncompliance of regulations according to the type of service

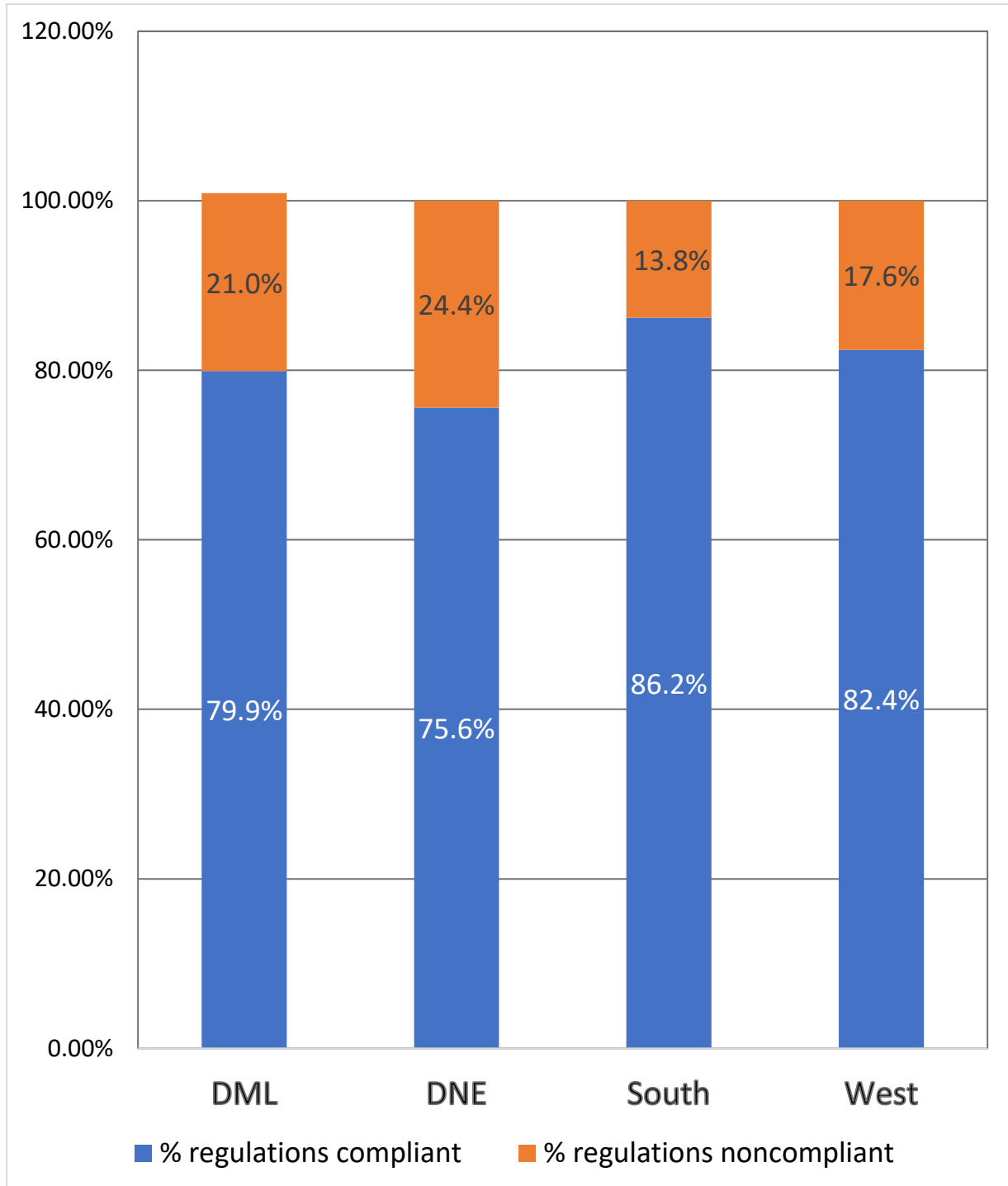
Type of service	Number of regulations assessed	% of regulations compliant	% of regulations noncompliant
Childminding	430	87.40%	12.60%
Sessional	8,509	85.50%	14.50%
Part-time	1,991	87.00%	13.00%
Full daycare	8,637	75.10%	24.90%
Drop-in	32	62.50%	37.50%

Percentage of compliant and noncompliant regulations

The number of regulations assessed varied according to the geographic region where the assessment took place. The highest number of regulations were assessed in reports of services in the South (6,000), followed by DML (5,219), DNE (4,513) and the West (3,867).

The percentage of regulations identified as compliant ranged from 75.6% (DNE) to 86.2% (South).

Figure 6 Percentage of regulations compliant and noncompliant according to geographic region

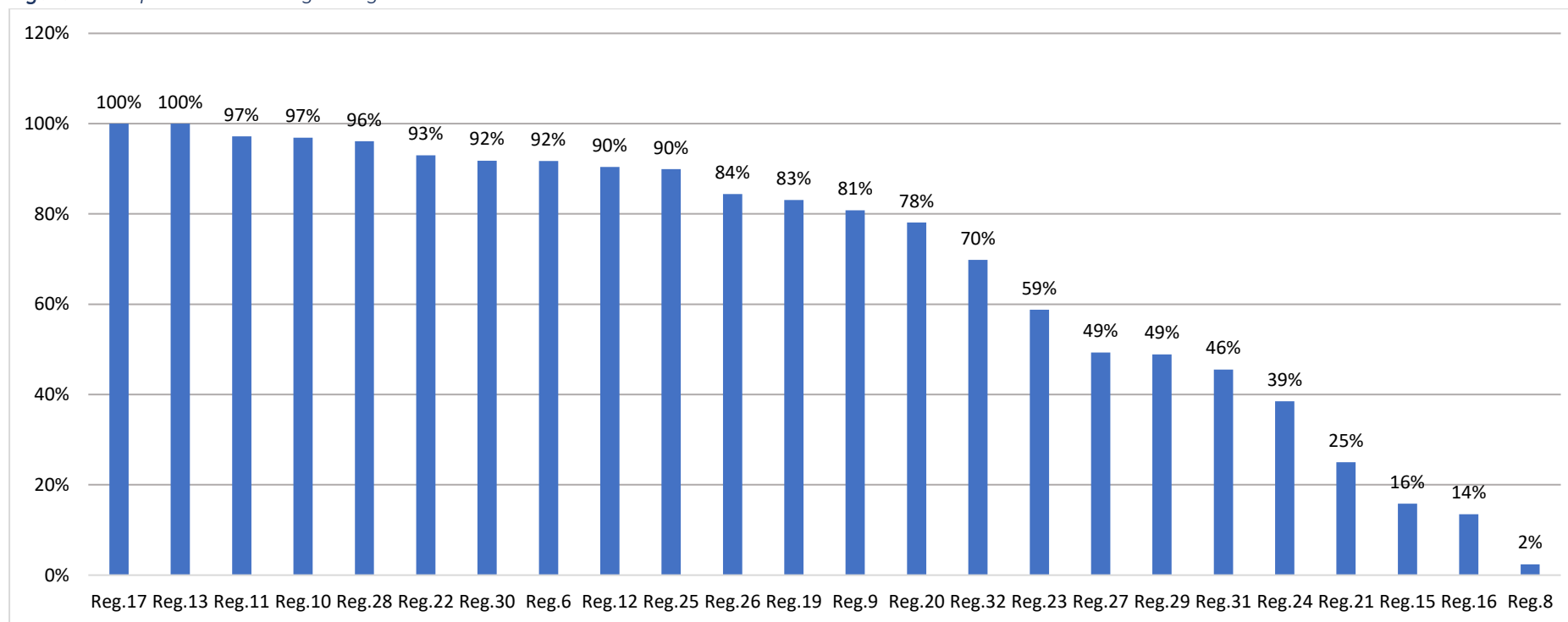


Compliance and noncompliance according to individual regulations

Compliance according to regulation and number of times assessed

Although there is wide variation in the level of compliance according to the regulation assessed, it is noted that these findings are strongly influenced by the number of assessments of the specific regulation. While *Regulation 13* and *Regulation 17* were deemed to be compliant in all inspections, it is noted that only five and two inspection reports respectively included assessments of these regulations. Similarly, *Regulation 8* which was reported to have the lowest level of compliance at 2.4% involved only 124 assessments (See **Appendix 1** for additional information).

Figure 7 Compliance according to regulation number



Compliance and noncompliance of the most commonly inspected regulations

The number of regulations assessed and the proportion reported to be compliant on inspection differs according to individual regulation and it is noted that while there are 33 regulations, seven of these accounted for 83.6% of all regulations included in this analysis (**Table 5**).

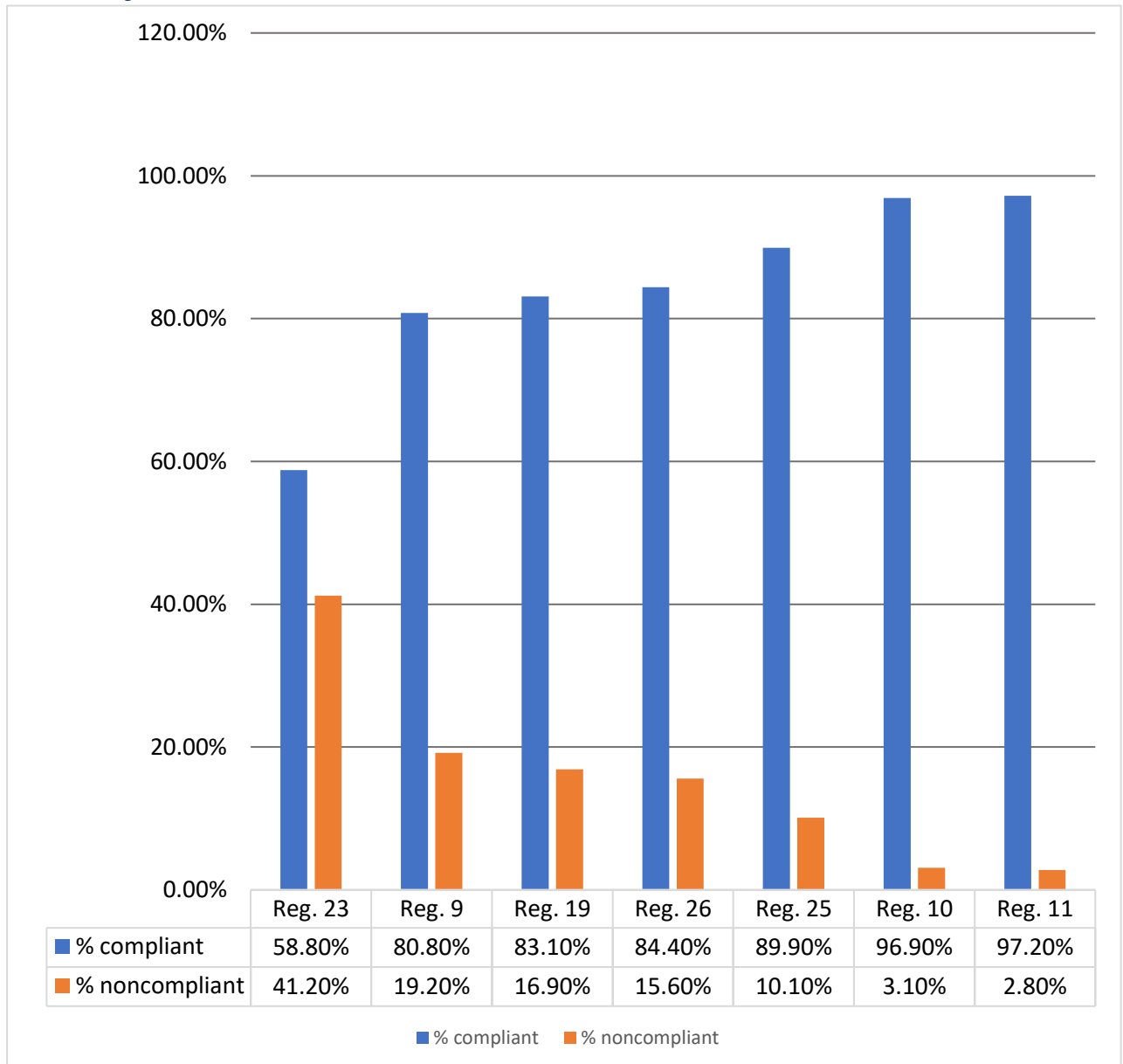
Table 5 Regulation number, focus and number of assessments

Regulation number	Focus of regulation	Number of assessments
Regulation 9	Management and recruitment	1,456
Regulation 10	Policies and procedures of the service	2,062
Regulation 11	Staffing levels	3,497
Regulation 19	Health, welfare and the development of the child	2,992
Regulation 23	Safeguarding health, safety and welfare of the child	3,477
Regulation 25	First aid	1,393
Regulation 26	Fire safety	1,441

Compliance and noncompliance

In general, very high levels of compliance were reported in respect of the most commonly assessed regulations with *Regulation 10* (96.9%) and *Regulation 11* (97.2%) achieving almost full compliance. More than 80% of assessments of *Regulation 9*, *Regulation 19*, *Regulation 26* and *Regulation 25* recorded a compliant finding. Regulation 23 was recorded as having the lowest level of compliance at 58.8%.

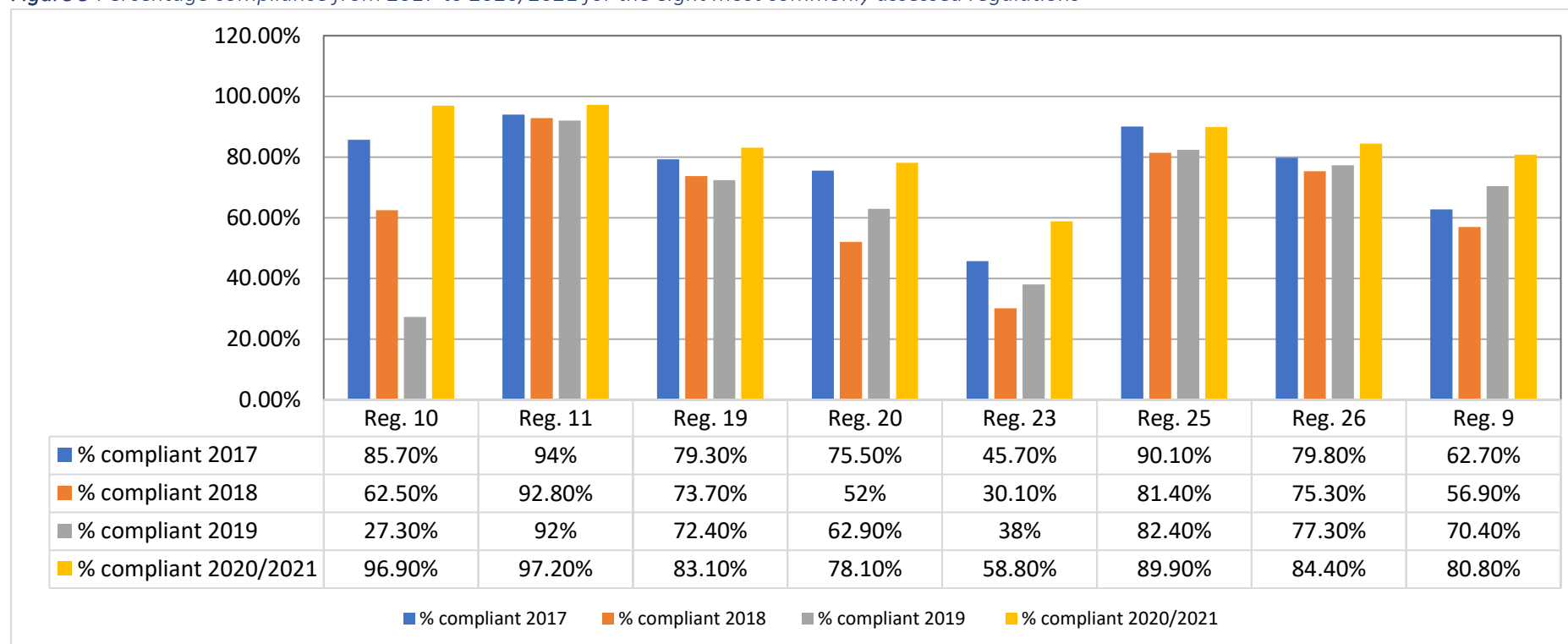
Figure 8 Percentage of compliant and noncompliant services according to the most commonly assessed regulations



Comparison of % compliance of most commonly assessed regulations with previous years

Figure 9 presents a comparison of the percentage compliance for the years 2017, 2018, 2019 and 2020/2021 for the eight most commonly assessed regulations over that period of time. The findings show an increasing level of compliance between 2018 and 2020/2021 for five of these regulations (*Regulation, 20, Regulation 23, Regulation 25, Regulation 26 and Regulation 9*). The data also shows that the percentage compliance is higher in 2020/2021 for seven of the eight regulations than in any of the previous four years.

Figure 9 Percentage compliance from 2017 to 2020/2021 for the eight most commonly assessed regulations



Appendix

Appendix 1

Table A1 Number of regulations assessed and percentage of compliance and noncompliance according to individual regulation

Regulation number	Number assessed	Number of regulations compliant	% compliant	Number of regulations noncompliant	% noncompliant
6	72	66	91.70%	6	8.30%
8	124	3	2.40%	121	97.60%
9	1,456	1,177	80.80%	279	19.20%
10	2,062	1,999	96.90%	63	3.10%
11	3,497	3,400	97.20%	97	2.80%
12	52	47	90.40%	5	9.60%
13	5	5	100.00%		
15	19	3	15.80%	16	84.20%
16	163	22	13.50%	141	86.50%
17	2	2	100.00%		
19	2,992	2,487	83.10%	505	16.90%
20	503	393	78.10%	110	21.90%
21	8	2	25.00%	6	75.00%
22	383	356	93.00%	27	7.00%
23	3,477	2,045	58.80%	1,432	41.20%
24	13	5	38.50%	8	61.50%
25	1,393	1,253	89.90%	140	10.10%
26	1,441	1,216	84.40%	225	15.60%
27	75	37	49.30%	38	50.70%
28	535	514	96.10%	21	3.90%
29	753	368	48.90%	385	51.10%
30	477	438	91.80%	39	8.20%
31	44	20	45.50%	24	54.50%
32	53	37	69.80%	16	30.20%
Grand Total	19,599	15,895	81.1%	3,704	19.9%

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

Table A2 Comparison of compliance and noncompliance from 2017 for most commonly assessed regulations

Regulation no.	Focus of regulation	% compliant 2017	% noncompliant 2017	No. of assessments 2017	% compliant 2018	% noncompliant 2018	No. of assessments 2018	% compliant 2019	% noncompliant 2019	No. of assessments 2019	% compliant 2020/2021	% noncompliant 2020/2021	No. of assessments 2020/2021
9	Management and recruitment	62.7%	37.3%	1,603	56.9%	43.1%	1,172	70.4%	29.6%	1,375	80.8%	19.2%	1,456
10	Policies, procedures										96.9%	3.1%	2,062
11	Staffing levels	94%	6%	1,706	92.8%	7.2%	1,549	92%	8%	1,388	97.2%	2.8%	3,497
19	Health, welfare and the development of the child	79.3%	20.7%	1,423	73.7%	26.3%	816	72.4%	27.6%	1,210	83.1%	16.9%	2,992
20	Facilities for rest and play	75.5%	24.5%	1,429	52%	48%	198	62.9%	37.1%	232	78.1%	21.9%	503
23	Safeguarding health, safety and welfare of the child	45.7%	54.3%	1,594	30.1%	69.9%	1,108	38%	62%	1,097	58.8%	41.2%	3,477
25	First aid	90.1%	9.9%	1,566	81.4%	18.6%	997	82.4%	17.6%	1,014	89.9%	10.1%	1,393
26	Fire safety measures	79.8%	20.2%	1,573	75.3%	24.7%	1,002	77.3%	22.7%	1,021	84.4%	15.6%	1,441

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