

TÚSLA

An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

**ALTERNATIVE
CARE
INSPECTION &
MONITORING**

**Alternative Care Inspection and Monitoring Service-
A Guide to Change in Ownership of a Children's
Residential Centre**

TÚSLA

An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

Contents

1.0	Change in Ownership of a Children’s Residential Centre	3
1.1	Changes to Registration within the registration cycle	3
1.2	Purchase of Registered Settings during registration cycle.....	3
1.3	Subcontracting by registered providers	4

1.0 Change in Ownership of a Children’s Residential Centre

Pursuant to Part VIII, Child Care Act 1991

1.1 Changes to Registration within the registration cycle

Part VIII of the Childcare Act 1991 sets out the basis and rules governing the regulation of a children’s residential centre (CRC) that is provided by any entity other than Tusla the Child & Family Agency.

Tusla is required Subject to Section 61(1) to maintain a register of children’s residential childcare centres. This obligation is administered through the receipt and processing of applications from registered providers who may wish to change the particulars of their registration.

1.2 Purchase of Registered Settings during registration cycle

Where registered centres are to be sold or taken over as a going concern, the most common method of takeover are via contract of undertakings whereby the entire company and all its assets including staffing and accrued service level contracts. In this instance the company name will usually change.

The other not dissimilar method is via transfer of shares in one company to another, where simply one company or person buys another. In this instance the trading name and company name of the existing residential care provider will not alter.

It is also possible where a new provider wants to make significant changes to existing registered services to make new applications for existing services and synchronise the dates of their new registrations with the cessation of those of the vendors. This, however, is a highly complex process.

Voluntary providers or charitable organisations equally may seek to amalgamate with or transfer the management of their centres with another similar organisation for reasons of financial viability.

Proprietors thinking of selling or otherwise devolving the ownership or management of their centres are advised to speak with the office of the Head of Registrations and Regulatory Enforcement, Children’s Services Regulation, prior to proceeding to contract of sale or takeover. Assistance can be provided as to the best options to retain the registration of the centres during and after the transfer of ownership.

A centres registration is granted by Tusla and cannot be transferred to another party or automatically considered as an asset in a sale or commercial transaction.

The existing registered proprietors should not assume that approval will be given to the new entity to take over their centres from the perspective of registration. The new entity must demonstrate to the registration body that they and their representatives are suitable persons to be entered on to the register of centres. At no time can a registered centre be without an Tusla approved registered provider or be operated by any person who is not listed on the register of centres as its proprietor. These are prescribed offences. Retrospective regularisation is not guaranteed to result in a successful transfer of

registration. However, if a proprietor has for any reason failed to notify ACIMS of a change they should do so without further delay.

The following staged process is prescribed for transfer of ownership.

1. The current registered proprietors must advise ACIMS at least 60 days in advance of the takeover of the intention to sell or transfer the company to another corporate entity.
2. ACIMS will notify the Office of Head of Registrations and Regulatory Enforcement, CSR, Child & Family Agency.
3. The Head of Registration will separately seek to meet with existing registered proprietor and the proposed incoming one and their representatives.
4. Both parties must provide written confirmation of the terms of transfer of ownership. This can be either a signed copy of a transfer of undertakings or a written statement of confirmation from the legal representative of either party setting out the details of the takeover transaction.
5. The existing provider must complete the CIC application and present any documentation required.
6. The incoming organisation must provide Garda and Police vetting (if required), three referees with contact details, photographic id (passport or driving licence), and proof of address in respect of the named provider and any other named owner.
7. In addition to above a statement of the individual's history as either a registered professional or involvement in the management of a registered social care setting must be provided.
8. Once all necessary submissions are received their content will be validated.
9. It should be considered that a transfer of ownership during the registration cycle does not serve to extend the registration period of the centre or centres. The new provider entity will inherit any regulatory liability accrued by the previous owners if any.
10. Further amendments to the centre's registration can only occur post the transfer of registration.
11. Once the transfer has occurred the Head of Registrations & Regulatory Enforcement will convene a meeting if deemed necessary to address any matters of regulatory liability with the new registered proprietors.

1.3 Subcontracting by registered providers

Subcontracting refers to provisions in commissioning arrangements which allows a contract holder to subcontract some of its service delivery responsibilities to another party. In this instance the provider of registered centres make enter a contract with another provider of services to carry out work on its behalf.

Subcontracting arrangements must only be entered into with providers of registered centres. The contracted party must ensure that the proposed sub-contractee has both registered centres and has sufficient capacity therein to meet the service delivery

demand. Further information concerning subcontracting and registration can be found by direct enquiry to the Office of Head of Registration & Regulatory Enforcement.

QMS Reference:	ACIMS-GDE06.2
Version:	V1.0
Date:	01/01/2026