European Quality Framework

- DCYA Legislation Regulation
- Tusla Regulator
- Operations Systems Alignment Group
- Síolta Quality Framework
- Baseline Audit
- Better Start National Quality Development Service
- DES Inspectorate
- CHILD
Tusla Child and Family Agency

**Vision**

All children are safe and achieving their full potential.

**Mission**

With the child at the centre, our mission is to design and deliver supportive, coordinated and evidence-informed services that strive to ensure positive outcomes for children.

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An Ghníomh aireacht um Leanaí agus an Teaghlaigh
Child and Family Agency
Type of Service Provision (2015)

- Sessional: 55%
- Full Day Care: 34%
- Part Time: 6%
- Childminder: 4%
- Drop In: 1%
<table>
<thead>
<tr>
<th>Category</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inspections</td>
<td>2,302</td>
</tr>
<tr>
<td>Complaint Investigation</td>
<td>258</td>
</tr>
<tr>
<td>Prosecutions</td>
<td>2</td>
</tr>
<tr>
<td>New Notifications</td>
<td>137</td>
</tr>
</tbody>
</table>
Operations and Provider Feedback
Survey Feedback Analysis

- 1399 online responses (> 30% of all services responded)
- Distribution of response
- Qualification and Professional experience
- Service Types
- Comments, Compliments and Concerns
Principles of Inspection

- Targeted/Intelligent
- Proportionate
- Accountable
- Transparent
- Effective
- Fair and Reasonable
The Inspectorate's inspection process is rigorous and robust enough to ensure the quality and the safety of the service provided to children utilising the Services.
Accountable

It is clear to the Service how the Inspectorate has reached its findings as detailed within the Inspection Outcome Report.
Effective

The Inspectorate is becoming more effective in its assessment of Services being provided via the inspection process
Fair and Reasonable

The assessment of the Service's compliance to the Regulations is applied consistently by the Inspectorate.
There is clear, easy to access information available to the Service regarding the inspection process and non-compliance.
Targeted/Intelligent

The Inspectorate's inspection process is correctly focused. All areas of risk, that could impact on the quality and safety of the service provided to children, receive adequate review.
Questions
Legislation and Regulation Changes 2013 -2016

Regulatory Role

Legislation Change

Regulation Change
Regulatory Roles

• Tusla is the Independent Statutory Regulator of Early Years Services
• Tusla is the largest Regulator of children’s services in Ireland
• Our role is to promote the quality, safety and appropriate care of children by robust Inspection of the sector
## Legislation Change

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Power of regulation to then Health Board</td>
<td>Power of regulation to Tusla</td>
</tr>
<tr>
<td>Providers required to first notify and inspected later</td>
<td>Providers required to register and be approved to open</td>
</tr>
<tr>
<td>Regulations set by Minister</td>
<td>Regulations set by Minister but includes registration application process and sets minimal qualifications for staff</td>
</tr>
<tr>
<td>Enforcement through the courts</td>
<td>Tusla can attach conditions and or refuse to register or de-register</td>
</tr>
<tr>
<td>Provider only right of reply through court enforcement process</td>
<td>Provider has statutory right of reply to registration matters direct to Tusla</td>
</tr>
<tr>
<td>Definition of services limited to 0-6 year olds</td>
<td>Definition of service expanded to include school age service / after school.</td>
</tr>
</tbody>
</table>
Changes to the Regulations (2016)

- Requirements to Register
- Qualifications
- Supervision of staff
- Lists the policies and procedures and introduces an annual review of the service
Changes to the Regulations (2016)

- Notification to Agency of Incidents
- Outdoor Area
- First Aid for Children
- Complaints Procedure
Registration Process
New Services (30.06.2016)

1. Registration form

2. New services have an initial registration inspection visit

3. Registration Panel decision
Registration Process (continued)

4. Placed on Register/Certificate of Registration

5. Full Inspection within 3 months

6. Registration Panel confirms Registration Status
Questions
Re -Registration prior to June 30\textsuperscript{th} 2016

Existing Providers

Article 58 E Transition Process

• Correspondence to all existing providers
• Required to return Statutory Declaration Form (SDF)
• Required to be returned before June 15\textsuperscript{th} to remain registered with Tusla
• If SDF not returned service will be required to register as a new service and complete 2016 registration form and initial registration inspection to continue to operate
Existing Registered Providers

- New Inspection Tool to be introduced from June 30\textsuperscript{th} 2016
- Reflects the new Regulations
- Focused on Regulations similar to the current focus which reflects research findings
Existing Registered Providers

Process of Inspection
Opening & Closing Meeting

Opportunity to address non-compliances

Inspection Report Draft

Factual Accuracy Sheet
Response to non compliance issues corrective and preventative actions returned

Engagement until Tusla agree corrective and preventative actions

Registration Panel & Final report Issued

Report Published

Registration Continues
Existing Registered Providers

Escalation Steps
Tusla Steps

Option 1: On inspection the registered provider is obliged to put immediate controls in place

Option 2: Registered Provider issued an Immediate Action Notice

Option 3: Regulatory Compliance Meeting

Option 4: Escalate to Registration Panel

Option 5: Prosecution
Registered Provider Steps

- Rectify serious non compliance
- Registered with conditions or not registered can be challenged
- 21 days to make Representation to Tusla or Courts
- Decision by Tusla or Courts implemented
- Follow up Inspections can be expected where conditions are attached to Registration

Tusla & Courts

Registered providers

Registered Provider

Registered providers

Registered Provider

TU SLA An Ghniomhreacht um Leanaí agus an Teaghlach Child and Family Agency
Future Developments

• Quality Regulatory Framework
• Parental Questionnaires
• Increased engagement with staff and children in services
• Notification of Incidents centralised
• Unsolicited Information will be centralised
• Trends and findings from Inspections will be published more frequently
• All registered providers will be requested to complete the detailed registration form
• National Vetting Bureau Children and Vulnerable Persons Act (2012)
National Vetting Bureau
Children & Vulnerable Persons Act 2012

2006 & 2016 Regulations:

– The Registered Provider ensures all staff are Garda Vetting & Police Vetted prior to commencement of employment or activity with children.

National Vetting Bureau Act, 2012

– From April 29th 2016 it is a criminal offence not to have Garda Vetting when working with children and vulnerable adults.
Current Staff in Services

• If a person was in the service before April 29th and on Inspection there is no Garda vetting it will result in:
  – A non compliance on the Inspection report
  – conditions will be added to the Registration
New Staff commenced after April 29th

If a person commenced work after April 29th 2016 and has no Garda Vetting on Inspection then Tusla will be asking the registered provider to remove them from the service until the Garda vetting disclosure is received to the Inspectorate.
Key Messages

• Existing providers must re-register before June 15th.
• Existing providers will continue to receive inspections similar to the existing format.
• New services who register for the first time will be required to complete a registration application and will receive an inspection prior to opening.
• Registered providers must ensure that all staff are Garda Vetted.
• Our goal is to ensure that all services are successfully registered please engage with the process.
Tusla, Mission and Values
Governance Structure

Operational Activity (2015)
Principles of Inspection
Early Years Provider Survey

Child Care Regulations 2016 &
Impact on New and Existing Providers