

TÜS LA

An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

**EARLY
YEARS**
INSPECTORATE

Corrective and Preventive Action Process



Contents

1. Introduction.....	3
2. Scope and purpose.....	3
3. What is a Corrective and Preventive Action?.....	3
4. Submitting a CAPA Form.....	3
5. Review of CAPA Form.....	4
6. Adequate CAPA Submissions.....	4
7. Inadequate CAPA Submissions.....	4
8. No Response.....	5
9. Adequate CAPA 2 Submissions.....	5
10. Inadequate CAPA 2 Submissions.....	6
11. No response.....	6
12. Escalation.....	6
13. Inspection Findings Review.....	7
14. Key Timeframes.....	7
15. Further Information.....	7

1. Introduction

Tusla's Early Years Inspectorate is responsible for inspecting early years services, playgroups, day nurseries, crèches, day care, and services catering for children aged 0–6 years in Ireland. Collectively, these organisations are referred to as 'early years services' and are described in legislation as 'preschool services'.

The Early Years Inspectorate is committed to the safeguarding and well-being of all children who attend early years services. This is achieved through the registration, inspection and enforcement processes prescribed by law and implemented by the Tusla Early Years Inspectorate.

2. Scope and purpose

This guidance document has been developed in order to offer guidance to the early years sector in relation to Tusla's Corrective and Preventive Action (CAPA) process.

3. What is a Corrective and Preventive Action?

The Early Years Inspectorate require registered providers to submit a corrective action and a preventive action, with supporting evidence, to address all non-compliances identified in the Draft Inspection Report issued to them.

Corrective Action: A corrective action will correct the non-compliance which was identified.

Preventive Action: A preventive action will prevent the non-compliance from reoccurring.

4. Submitting a CAPA Form

Following an inspection of an early years service, the registered provider is issued with a draft inspection report. If there were non-compliances identified on the inspection report, the registered provider will be issued a CAPA Form which they are required to complete in full and submit in Word format.

What?

A corrective action and a preventive action must be submitted for each non-compliance identified.

Evidence must be provided to demonstrate that the corrective and preventive action you submitted has been implemented.

Who?

The registered provider or designate must return the CAPA Form to the email address which issued the Draft Inspection Report.

How?

The form must be submitted in Microsoft Word format (not returned in PDF or photograph format) with supporting evidence.

When?

The CAPA 1 Form must be submitted within **10 working days** from the date of issue of the Draft Inspection Report.

5. Review of CAPA Form

The Early Years Inspector will review the CAPA 1 Form and assess whether the corrective action and the preventive action has adequately addressed the non-compliance(s).

6. Adequate CAPA Submissions

If the CAPA submitted adequately addresses the non-compliance(s), the Inspection Report will be finalised and issued to the registered provider.

It will be noted on the Inspection Report that the corrective and preventive actions submitted by the registered provider addressed the non-compliances.

7. Inadequate CAPA Submissions

If the corrective action and/or the preventive action does not adequately address the non-compliance, or there was no evidence submitted to demonstrate that the action has been implemented, the action(s) will be assessed as having not addressed the non-compliance.

The CAPA Outcome will be issued to the registered provider, detailing a rationale for why the action(s) was not accepted, e.g.:

Completed by Registered Provider		Office use only
1. Corrective Action and Preventive Action (Using SMART: Specific, Measurable, Achievable, Realistic and Timely)	2. Evidence Submitted (e.g. photo, policy etc.)	3. Addresses NC
What actions have you taken to correct the non-compliance? A lock has been secured to the gate.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
What actions have you taken to prevent the non-compliance in the future? A member of staff will walk the outdoor area every morning before the children arrive in the service to ensure that all gates are locked securely.	See copy of morning task list for staff and completed and signed copy of last week's.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
(For office use only): Rationale for why non-compliance has not been <u>accepted</u>	No evidence of a lock secured to the gate was provided.	

A second CAPA Form will be issued to the registered provider. They have 5 working days to submit the CAPA 2 Form.

What?

A corrective action and a preventive action must be submitted for each non-compliance that was not adequately addressed in the first CAPA form.

Evidence must be provided to demonstrate that the action has been implemented.

Who?

The registered provider or designate must return the CAPA Form to the email address which issued the Draft Inspection Report.

How?

The form must be submitted in Microsoft Word format (not returned in PDF or photograph format) with supporting evidence.

When?

The second CAPA Form must be submitted within **5 working days** from the date of issue request for CAPA 2.

8. No Response within 10 days

If no CAPA form is submitted by the registered provider within 10 working days of issue of the Draft Inspection Report, they will be issued with a final notice and provided with a further 5 working days to submit a CAPA form.

Please note that, if the registered provider submits a CAPA Form following the issuance of a final notice, they will have no further opportunity to submit a CAPA Form as the timeframe for submission has been fully utilised.

9. Adequate CAPA 2 Submissions

If the CAPA submitted adequately addresses the non-compliance(s), the Inspection Report will be finalised and issued to the registered provider.

It will be noted on the Inspection Report that the corrective and preventive actions submitted by the registered provider addressed the non-compliance(s).

10. Inadequate CAPA 2 Submissions

If the corrective action and/or the preventive action does not adequately address the non-compliance or there was no evidence submitted to demonstrate that the action has been implemented the action will be assessed as having not addressed the non-compliance.

Completed by Registered Provider		Office use only
1. Corrective Action and Preventive Action (Using SMART: Specific, Measurable, Achievable, Realistic and Timely)	2. Evidence Submitted (e.g. photo, policy etc.)	3. Addresses NC
What actions have you taken to correct the non-compliance? A lock has been secured to the gate.		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
What actions have you taken to prevent the non-compliance in the future? A member of staff will walk the outdoor area every morning before the children arrive in the service to ensure that all gates are locked securely.	See copy of morning task list for staff and completed and signed copy of last week's.	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
(For office use only): Rationale for why non-compliance has not been <u>accepted</u>	No evidence of a lock secured to the gate was provided.	

It will be noted on the Inspection Report that the corrective actions and preventive actions submitted by the registered provider did not adequately address the non-compliance(s).

The registered provider is required to ensure that corrective and preventive actions are implemented.

The finalised Inspection Report will be issued to the registered provider. The inspection finding will be reported as:

11. No response

If no CAPA form is submitted within the timeframe, it will be noted on the Inspection Report that no corrective actions and preventive actions were submitted by the registered provider and that the registered provider is required to ensure that corrective and preventive actions are implemented.

The finalised Inspection Report will be issued to the registered provider.

12. Escalation

If the corrective actions and/or preventive actions do not address the non-compliance(s), or where no CAPA response was received, the registered provider may be subject to the escalation and/or enforcement process (see 'A Guide to Regulatory Enforcement' <https://www.tusla.ie/services/preschool-services/early-years-providers/early-years-enforcement/a-guide-to-regulatory-enforcement-2/>).

13. Inspection Findings Review

If inspection findings are subject to an Inspection Findings Review (IFR), they will not be subject to the CAPA process for the duration of the review.

All inspection findings which remain non-compliant following the outcome of the Inspection Findings Review will be subject to the CAPA process.

Once the outcome of the Inspection Findings Review is issued, the timeframe for the CAPA process will start.

The timeframe for all non-compliant inspection findings which are not subject to the Inspection Findings Review begins from the date of issue of the Draft Inspection Report.

14. Key Timeframes

CAPA Form: 10 working days from the date of issue of the Draft Inspection Report.

CAPA 2 Form: 5 working days from the date of issue of the CAPA 1 Outcome.

15. Further Information

Please refer to the Tusla website for further information and assistance relating to the Corrective and Preventive Action process.

<https://www.tusla.ie/services/preschool-services/early-years-providers/early-years-inspections-2/inspection-tools-and-templates-2/>

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