

**TÚSLA**

An Ghníomhaireacht um  
Leanaí agus an Teaghlach  
Child and Family Agency

**EARLY  
YEARS**  
INSPECTORATE

# Supporting Quality Early Years Provision Through Registration, Inspection and Enforcement

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## 1. Context

The number of young children attending out-of-home childcare and education settings before starting in primary school and in school age childcare service provision has continually increased and has become the norm for many children in Ireland and in developed countries (Melhuish, 2015; Melia 2020). This has resulted in a definite cultural shift, as this is the first generation in Organisation for Economic Co-operation and Development (OECD) countries where most young children spend a large proportion of their early childhoods in out of home or centre based care (OECD, 2015; Janta et al., 2016). The Pobal, Early Years Sector Profile Report 2019 / 2020 confirms that during the 2019/ 2020 schemes programmes 'a total of 180,149 children were enrolled on at least one Government subsidy programme' (Pobal 2021, p.10).

However, the OECD (2012) suggests that

"Expanding access to services without paying attention to quality will not deliver good outcomes for children or the long-term productivity benefits for society. Furthermore, research has shown that if quality is low, it can have long lasting detrimental effects on child development, instead of bringing positive effects". (OECD, 2012, p.9)

Paying attention to quality is not straight forward. However, we do know that strong political leadership and targeted investment in high quality early years provision pays dividends in terms of children's lifelong learning, development and wellbeing. The Department of Children Equality Disability and Youth (DCEDY) have confirmed their commitment to an effective early childhood system of services and supports *in First 5 –A Whole –of –Government Strategy for Babies, Young Children and their Families 2019-2028* (Government of Ireland 2018) with building block 2 specifically identifying a commitment to ensure robust, regulation, inspection and quality assurance to enforce and raise standards. This visionary strategy for babies, young children and their families is being implemented through a coordinated policy approach together with unprecedented increased investment '141% over the past five budgets' (Pobal 2021, P.3).

## 2. Quality Early Years Provision

Defining what quality early years provision looks like in practice is, according to Penn (2009), complex and often contradictory. Moss and Pence (1994) suggest that individuals construct their own opinions or ideas of what quality looks like in practice and as such quality early years provision is subjective and 'in the eye of the beholder' (Moss and Pence, 1994, p.72). There has however, been a shift in thinking and there is general agreement with (Dahlberg et al., 2013) that our understandings of what quality early childhood provision looks like in practice is based on the 'discourse of quality' (p.92), access to national and international research and increased knowledge and understanding. Certainly our understanding as individuals of what quality early years provision looks like in practice is based on our values, beliefs and the principles which guide our thinking. As Pajares (1993, p.307) suggests, the individual's values and beliefs are based on his or her knowledge and experiences and these are 'the best indicators of the decisions individuals make'.

### 3. Why is the quality of the early year's provision important?

Quality early years experiences and provision are associated with more equitable child outcomes, a reduction in poverty, increased intergenerational social mobility and better social and economic development (Council of the European Union, 2010). Equally, poor quality early years provision can have a negative impact on young children with long term effects such as deficits in language and cognitive development, particularly for children from low income families (Penn, 2009; Cabell et al., 2015; Melhuish, 2015). The importance of quality early years provision cannot be over emphasised, as we know that if quality is low, it can have long lasting detrimental effects on child development, instead of bringing positive effects (OECD, 2012). Equally, from a benefit to society perspective research by Heckman, The Lifecycle Benefits of an Influential Early Childhood Program,

“...shows that high quality birth-to-five programs for disadvantaged children can deliver a 13% per year return on investment realised through better outcomes in education, health, social behaviours and employment”.  
(Heckman, cited in Garcia et al., 2016, p.54)

Longitudinal research conducted by Philips and Lowenstein (2011) also demonstrates that the benefits from quality early childhood education and care experiences cannot transform children's lives without additional educational and social supports. They suggest that the benefits can only accrue for children in early childhood education and care settings when the provision is of high quality. They refer specifically to the importance of process quality, such as relationships, interactions, the active learning environment and the curriculum.

### 4. Measuring Quality

Tusla is the dedicated State agency responsible for improving wellbeing and outcomes for children. Under the Child and Family Agency Act 2013, Tusla is charged with supporting and promoting the development, welfare and protection of children and the effective functioning of families. As outlined in our paper on inspection Tusla EYI - Guide to Early Years Inspections a key area which Tusla is responsible for is the registration of early years and school age childcare provision and the inspection of early years services such as preschools, crèches, child-minding, drop in services and similar services which cater for children aged 0-6 years. Tusla early years inspectorate is empowered by legislation to enforce standards and the relevant regulations subject to fair procedures. For further details, please see Tulsa's policy of enforcement [Tusla EYI - Enforcement Policy](#).

Tusla early years inspectorate inspect early years services based on the requirements of the *Child Care Act 1991* (Government of Ireland 1991) and the *2016 Regulations* (Government of Ireland 2016). The inspectorate is guided in relation to quality early years provision by national and international literature and research such as; *The European Quality Framework* (2014); *The United Nations Convention on the Rights of the Child* (UNCRC) (UN 1989); *First 5: A Whole-of-Government Strategy for Babies, Young Children and their Families 2019-2028* (Government of Ireland 2018) other national strategies and practice frameworks and the inspection and pedagogical principles which

guide our work, see Tusla EYI - Underpinning Pedagogical Principles. The child is central to the Tusla inspection process and as such is seen from a bio ecological perspective where the child influences and is influenced by a suite of complex relationships from the micro to the macro level (Bronfenbrenner and Morris 2006). When considering quality early years provision Melhuish (2015) identifies two key indicators of quality; structural quality indicators, which outline how the early years service is designed and organised in relation to the rules and regulations or accreditation system (European Commission, 2014) and process quality indicators. Process quality is difficult to measure and refers to the practices, relationships, interactions and the pedagogical approach. Sylva (2010) also identified a third indicator, 'outcome quality' which Laevers (2017) suggests can be measured by measuring children's levels of wellbeing and involvement in their play and learning. Leavers (2017) suggests if we want to know what it feels like to be a child in an early years setting and if we want to measure the quality of provision, we need to measure children's levels of wellbeing and involvement.

Historically there has been an emphasis on ensuring the safety of children and measuring compliance with tangible factors which influence quality provision, such as the space requirements and adult / child ratios, referred to as the structural elements of quality. Increasingly, the importance of the quality of the relationships, interactions and pedagogical approach or process quality is recognised as critical for children's holistic development, learning and wellbeing (OECD 2021). In 2018 Tusla early years inspectorate developed a Quality and Regulatory Framework which is further supported by the Quality Regulatory Framework eLearning programme developed in 2020/2021. The aims as identified by Fiona Mc Donnell, National Service Director, Childrens Services Regulations in the Quality and Regulatory Framework eLearning programme, are to support early years service providers to comply with the 2016 Regulations and to further promote quality in early years services. The framework sets out the early years inspectorate's interpretations of the regulations in a transparent way, by presenting the scope of how the early years inspectorate assess services for compliance. The Quality and Regulatory framework gives visibility to what quality looks like in practice under four themes; governance, health welfare and development of the child, safety and premises. The eLearning programme provides opportunity and resources for early years providers and staff to reflect, self-assess and evaluate their practice individually or as a team.

## 5. Measuring Structural Quality

When assessing those regulations which come under the theme of governance the inspectorate considers both structural and process quality. Under Regulation 9 – Management & Recruitment, the inspectorate considers whether the early years service is operating effectively and if staff are qualified, competent, vetted and are provided with appropriate training and on-going professional development. The policies and procedures of the service are reviewed under Regulation 10 - Policies, procedures etc. of pre-school service. Children's records and the records of the service are reviewed under Regulation 15 - Record of pre-school child and Regulation 16 - Record in relation to pre-school service and all incident records are inspected under Regulation 31 - Notification of incidents. All early years services must provide information to parents of the type of service they provide and this is inspected under Regulation 17 - Information for parents. Equally individuals who wish to make a complaint must have clear guidance on how to do so; the complaints policy and procedure is inspected

under Regulation 32. The importance of reflection and on-going evaluation is critical to ensuring quality early years provision, Regulation 14: Review of a preschool focuses on this area.

Under the theme of safety Tusla early years inspectorate also inspect both structural and process quality to ensure that children are safeguarded and that the early learning and care environment is safe for children to play, learn and develop. Under Regulation 23 - Safeguarding the health, safety and welfare of the child, the inspectorate considers; the general safety of the service, safe sleep, the processes for the administration of medication, infection control, risk management, accident and incident prevention and fire safety.

The regulations inspected under the theme of premises, primarily measure structural quality. These include Regulation 19 - Equipment and Materials, Regulation 29 - Premises and Regulation 30 - Minimum space requirements.

## 6. Measuring Process Quality

The most significant and far reaching theme that the inspectorate inspects under the 2016 regulations is: Health, Welfare and Development of the Child. This theme primarily considers process quality under three regulations; Regulation 19 - Health Welfare and Development of the Child, Regulation 20 - Facilities for Rest and Play and Regulation 22 - Food and Drink. Under Regulation 19 -Health, Welfare and Development of the Child, the early years inspectorate inspect the provision to ensure that children's basic care needs for food and drink, personal care, sleep and rest, warmth, safety and security are met on a daily basis. The inspectorate considers the quality of the relationships between the educator and children, the children and their peers, the educators working in the service and the educators and parents. The inspectorate also considers the quality of children's transitions within the service and the procedures in place for children coming into and moving out of the early years service to school.

A primary focus for the inspectorate is the pedagogical approach in a service. Practice is observed to ensure that it is inclusive and that children's identity and belonging is supported. The early years inspectorate seeks to establish that the pedagogical approach is autonomy supportive, where there is a balance of child and adult-initiated activities. In an autonomy supportive learning environment, the inspectors expect to observe children; actively participating in their play and learning, having autonomy and choice and engaging in activities which are meaningful for them. The inspectorate also considers if children's emerging interests are supported and if their play opportunities and experiences bring them joy, wonder and delight (Mardell 2016). Most importantly the inspectors hear the sounds and voices of children. This implicit listening to children's sounds and voices significantly influences the early years inspectorate's decisions and opinions in relation to the quality of the service provision.

Listening to young children at play, where there are shrieks of laughter and delight, when children are exuberant and sound happy, reassures the inspector that children's basic needs are being met and that they have high levels of wellbeing and involvement in their play. Hearing children cry and using their voices and sounds to convey that they are hungry, thirsty, tired, that they do not feel safe or nurtured, alerts the inspector that all is not well in the early years service. While Tusla early years inspectorate do not explicitly ask children in early years services about their experiences as part of the inspection process. Listening to children, hearing their sounds and voices is implicit to Tusla early years inspection process.

Findings from Deirdre Molloy, Tusla Early Years Inspector, master's research: *Taking account of the voice of the child within the regulatory inspection process of early years services* (Molloy 2018), highlights children's competence and delight in their opinions being invited. Tusla early years inspectorate have committed to including the voice of children in the inspection process as a next step, having already initiated the inclusion of parents in 2020.

## 7. Supporting Quality

Tusla early years inspectorate is committed to supporting and empowering early years providers to meet regulatory compliance. We do this in a number of ways, such as through the Quality and Regulatory Framework and eLearning programme, through which providers can reflect on and evaluate their own practice. Providing opportunities for parents to access and engage with us has significantly enhanced the work of the inspectorate. Working in collaboration and networking with the Consultative, Regulatory support and Educational establishments fora, provides opportunities to discuss, debate and stay informed of changes or developments across the sector.

Our commitment to reviewing and evaluating our work in our research and reports and on-going professional development and learning of the inspectorate, supports enhanced practice, learning and development. The spiral of quality is constantly evolving and Tusla early years inspectorate have identified many priorities to meet the needs of a rapidly changing environment. The work of the early years inspectorate is underpinned by Tulsa's philosophy to improve wellbeing and outcomes for children and families. Tusla early years inspectorate does this through the registration, inspection and enforcement of regulations in early years services, to ensure quality early years provision and quality early childhood experiences for young children.

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