

**TÚSLA**

An Ghníomhaireacht um  
Leanaí agus an Teaghlach  
Child and Family Agency

**EARLY  
YEARS**  
INSPECTORATE

# Early Years Inspectorate

## Regulatory Notice

|               |                               |
|---------------|-------------------------------|
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| Ref           | 01/26                         |

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## 1.0 Context

The Childcare Amendment Act 2024 made some changes to the Child Care Act 1991 (the Act) as the primary legislation governing the early years sector in Ireland.

Many of the changes in the amended Act were commenced in September 2024, with the expanded definition of an Early Years Service to include childminders, changes to the definition of premises, powers of entry by Tusla inspectors, and other amendments you will be aware of.

Contained within the amendments were several additional and expanded powers that until recently were not commenced. This means that they were in the law, but not yet live and in use.

On 16 December 2025 the Minister for the Department of Children, Disability and Equality signed a commencement order appointing 01 January 2026 as the day that the remaining amendments to the Act were to come into operation.

This notice is to give you a brief overview of the new powers and should not be taken to be a legal interpretation of the legislation. The Early Years Inspectorate will commence using the new powers on dates as stated below in the individual powers sections. All powers listed will be in use from **30 March 2026**.

Inspectorate has developed procedures, including appropriate oversight of the use of the powers. The powers will be used in line with the legislation and fair procedures, in the best interest of children. The new powers are:

- Improvement Notice and Improvement Order
- Immediate Action Notice and Immediate Action Order
- Temporary Prohibition Order
- Closure Order
- Publication of enforcement related decisions and actions

## 2.0 Improvement Notice and Improvement Order

An improvement notice is a written notice that may be issued to a registered provider or the person in charge of a service at the time of issuing. This notice may be issued where an inspector identifies **an issue of significant concern that in their opinion will or is likely to pose a risk of harm to a child if the issue persists**.

An improvement notice will identify the issue, require that action is taken to address the issue, and specify a time limit to address the issue.

An improvement notice is an acknowledgement that the Inspectorate has identified an issue that is likely to cause, or will cause, a risk of harm to children, and gives the registered provider an opportunity to address and remedy the issue.

Where an improvement notice is not complied with, the Inspectorate may seek an improvement order from the District Court to compel a registered provider to comply with the notice. Failure to comply with an improvement order issued by the District Court is an offence.

Improvement notices will generally be issued on site at the time of inspection. The Inspector will explain the contents at the time of issue. Improvement notices will not be issued before **30 March 2026**.

### 3.0 Immediate Action Notice and Immediate Action Order

An immediate action notice is a written notice that may be issued to a registered provider or the person in charge of a service at the time of issuing. This notice may be issued where an inspector is of the opinion that **immediate action** is required by the registered provider in order to address **an issue that poses an immediate risk of harm to a child**.

An immediate action notice will identify the issue, require that action is taken to address the issue, and specify a time limit to address the issue.

An immediate action notice is an acknowledgement that the Inspectorate has identified an issue that is causing a risk of harm to children, and gives the registered provider an opportunity to immediately address and remedy the issue.

Where an immediate action notice is not complied with, the Inspectorate may seek an immediate action order from the District Court to compel a registered provider to comply with the notice. Failure to comply with an immediate action order issued by the District Court is an offence.

Immediate action notices will generally be issued on site at the time of inspection. The Inspector will explain the contents at the time of issue. Immediate action notices will not be issued before **30 March 2026**.

### 4.0 Temporary Prohibition Order

A temporary prohibition order is a written notice issued by the Inspectorate where we are of the opinion that the early years service must close temporarily.

A temporary prohibition order will only be issued if the Inspectorate is of the opinion that there is an **immediate and grave risk to the health, safety, or welfare of children** should the service remain open.

A temporary prohibition order will identify the issue and require that the service remains closed until the issue is remedied. The length of time that the service must remain closed will also be specified. The initial closure may be for a maximum of six weeks, but may be extended at the discretion of the Inspectorate up to a maximum of 12 weeks.

Temporary prohibition orders will contain information on the opportunity to appeal and will be accompanied with an explanatory letter with further information on process. The decision to issue a temporary prohibition order may be appealed to the District Court within 7 days of receipt.

A service issued with a temporary prohibition order may only reopen once the Inspectorate is satisfied that the issue causing the closure has been resolved. Operating in contravention of a temporary prohibition order, or failing to remedy the issue that gave rise to the risk identified within the timeframe given is an offence.

The Inspectorate acknowledges that the ability to temporarily close a service is a significant power. A temporary prohibition order will only be issued where senior management, in consultation with a person designated by the Tusla CEO, are satisfied it is necessary in the best interest of children attending the service. Temporary prohibition orders became available for use as of **01 February 2026**.

## 5.0 Closure Order

A closure order is an order issued by the District Court which prohibits the continuance of an early years service, whether that service is registered or not. The Inspectorate may seek a closure order in three circumstances:

- Where a registered service is issued with a temporary prohibition order and fails to close as ordered
- Where a registered service is issued with a temporary prohibition order and fails to remedy the issue in the timeframe given
- Where the Inspectorate can show that the service is an unregistered service

The seeking of a closure order may be in addition to any consideration to prosecute offences. Registered services under a temporary prohibition order will be informed of any decision to seek a closure order.

Where a closure order is granted by the Court, the service will have to cease operation as directed. Registered providers issued with a closure order will be proposed for removal from the Register. Closure orders issued by the District Court may be appealed to the Circuit Court.

Closure orders became available for use as of **01 February 2026**.

Services issued with a closure order may (*subject to the wording of the order granted by the Court*) make a new application for registration. Such an application will be considered as a new application in full.

## 6.0 Publication

The Child Care Act now explicitly directs the Inspectorate to consider publication of decisions made regarding early years services, where doing so is in the interests of the health, safety and welfare of children attending early years services.

Publication of enforcement actions may be considered in the interest of children attending services across Ireland to a) inform parents and guardians about specific actions and, b) inform the early years sector of issues and resulting actions to aid in developing services.

Decisions listed below will be included in Inspection Reports where appropriate, published on our website, or both.

- Removal of a registered provider from the register
- Attachment, amendment, or revocation of a condition attached to a registration
- Issuing of an improvement notice
- Granting of an improvement order
- Issuing of an immediate action notice
- Granting of an immediate action order
- Issuing of a temporary prohibition order
- Granting of a closure order

## 7.0 Enforcement and Registration Decisions

In the registration, reregistration and enforcement processes, the Inspectorate may make decisions in relation to the registration of a provider and service, including:

- Approval to registration

- Approval registration with conditions
- Refusal of registration
- Removal from the register
- Attachment of a condition to a current registration

In considering any application and decision related to the Register, the Inspectorate will have regard to any orders issued in respect of a service previously or currently provided by the applicant/registered provider, and any failures to comply with such orders.

## 8.0 Additional Information

The use of the above powers is governed by multi-step processes subject to appropriate oversight and audit. All orders are appealable to the relevant Court.

These new powers are additional tools available to the Inspectorate and will not replace constructive engagement. The Early Years Inspectorate acknowledges the intent of Government in providing these additional powers and will ensure that they are used appropriately and proportionately to the benefit of the childcare sector as a whole, and the children that use these vital services in particular.

- Further information on the work of the Inspectorate, including links to guidance documentation may be accessed on our [website](#).

## 9.0 Timeframe

Effective dates are listed above