

**EARLY
YEARS**
INSPECTORATE

Early Years Inspectorate Regulatory Notice

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1.0 Context

The Child Care Act 1991 (Early Years Services) (Registration of School Age Services) Regulations 2018 (S.I. 575 of 2018) came into effect in February 2019. As with pre-school services the registration application involves the completion and submission of documents including garda vetting, police vetting, references, CRO information, identification, insurance, fees, policies and statements.

2.0 Inspections of School Age Services

As the statutory regulator, the Early Years Inspectorate undertakes inspections of School Age Services in accordance with legislation. Details of the legislative background which establishes the basis for inspections of School Age Services is set out at point 4.0 below. Inspections are undertaken in response to Feedback and Concerns received into the Early Years Inspectorate and / or where risk is identified, to ensure compliance with regulatory requirements in School Age Services.

3.0 Publication of School Age Service Inspection Reports

From **July 2023 the Early Years Inspectorate will commence the publication of School Age Service inspection reports** in the same way that pre-school service reports are currently published. Publication of these reports will provide regulatory transparency and will allow any interested parties including parents, to access and view reports undertaken in School Age Services.

4.0 Legislative Basis for Inspection in School Age Services

The authority to inspect school age services is derived from an amendment to the Child Care Act 1991 (No.17 of 1991) made in the Child and Family Agency Act (Section 92 of No 40 of 2013). The Child Care Act 1991 (referred here as 'the act') was amended by the insertion of the following PART VIIA,

Definitions are provided in **Section 58 A** of the act as follows;

'early years service' means a service providing—

- (a) a pre-school service, or
- (b) a school age service;

'school age child' means a child who is attending a school age service;

'school age service' means any early years service, play group, day nursery, crèche, day-care or other similar service which—

- (a) caters for children enrolled in a recognised school providing primary education,
- (b) provides a range of activities that are developmental, educational and recreational in manner and which take place outside of school hours, and
- (c) the basis for access to which is made publicly known to the parents and guardians of the children referred to in paragraph (a) of this definition,

The provision for **making Regulations** under the act is provided in Section **58B**.



'(1) The Minister shall, after consultation with the Minister for Education and Skills and the Minister for the Environment, Community and Local Government, make regulations for the purpose of securing the health, safety and welfare and promoting the development of children attending early years services.'

The **responsibility of providers** is provided in **Section 58G**.

'It shall be the duty of every person providing an early years service to take all reasonable measures to safeguard the health, safety and welfare of children attending the service and to comply with regulations made by the Minister under this Part.'

Supervision of early years services is outlined in **Section 58H**.

'The Agency shall cause to be visited from time to time each prescribed early years service in order to ensure that the person carrying on the service is complying with this Part.'

Inspection by authorised persons is outlined in **Section 58J**.

'(1) An authorised person may, at all reasonable times, enter any premises in which a registered provider is providing a prescribed early years service for the purpose of ensuring compliance with this Part.'

(2) A judge of the District Court may, if satisfied on information on oath that there are reasonable grounds for believing that a prescribed early years service is being provided in any premises (including a private dwelling) by a person who is not a registered provider, issue a warrant authorising an authorised person to enter and inspect the premises.'

(3) An authorised person who enters any premises in accordance with subsection (1) or (2) may make such examination into the condition of the premises and the care and attention which the children are receiving in those premises as may be necessary for the purposes of this Part.'

(4) A warrant under subsection (2) may be issued by a judge of the District Court for the time being assigned to the district court district where the premises, in which the prescribed early years service is being provided, are situated.'

The Child Care Act, 1991 (Early Years Services) (Registration of School Age Services) Regulations 2018 (S.I. No. 575 of 2018) were made under 58B of the act (listed above) and came into effect on February 2019. They provide the additional legislative context for inspection of school age services.

Furnishing of information to Agency

'15. A registered provider or proposed registered provider of a school age service shall furnish the Agency with such information as the Agency may reasonably require for the purpose of enforcing and executing these Regulations and the information shall be in such form, if any, as may be specified by the Agency.'

Inspection

'16. The Agency shall take such steps as are necessary to enforce these Regulations in relation to the school age service concerned.'

Enforcement and execution

'17. These Regulations shall be enforced and executed by the Agency.'

The rationale and basis for the **Publication of Reports** is provided in **Section 8(1) (e)** and **Section 8 (5)**



*8 (1) (e) carry on such activities or publish such information concerning the functions specified in paragraphs (a), (b), (c) and (d) as it considers appropriate,
8 (5). The Agency shall, in the performance of its functions, demonstrate high standards of performance, transparency and accountability..'*