



An Ghníomhaireacht um  
Leanaí agus an Teaghlach  
Child and Family Agency

## Children's Services Regulation

# Report of Early Years Inspection Reports 2018–2019: Analysis and Trends.

This report has been prepared by Research Matters Ltd ([www.researchmatters.eu](http://www.researchmatters.eu)) on behalf of Tusla – Child and Family Agency.

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## Foreword

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We are delighted to present this report which provides a detailed analysis of 2018 and 2019 early years inspection reports, as well as a trend analysis of inspection findings from 2017 to 2019.

Tusla – Child and Family Agency, through the Early Years Inspectorate, is the independent statutory regulator of early years services in Ireland and has responsibility for registering and inspecting preschools, play groups, nurseries, crèches, day-care and similar services that cater for children aged 0-6 years. The role of the inspectorate is to promote and monitor the safety, quality of care and developmental support of the child in years provision in accordance with the regulations. At the end of 2019, there were 4,310 early years services registered in Ireland.

There are many identified benefits of regulation. The inspectorate provides parents and the public with assurances that services are of a consistent quality and that regulations are met. This ultimately safeguards children and supports service improvement that positively impacts children and families.

Tusla is required by the Child and Family Agency Act 2013 to undertake or commission research relating to its functions. This is echoed in our research strategy, which states that the accumulation of knowledge gathered through inspection, monitoring and evaluation should be systematically analysed and integrated into daily practice. We present this detailed analysis that will provide the sector with information to support increased awareness of inspection findings, while also providing transparency on our regulatory function carried out for children and families on behalf of the State.

This report identifies that the majority of providers are compliant with most of the regulations inspected. This gives assurance that services are continuously working towards improved compliance with regulations. The report shows that over the three-year period that providers were highly compliant with regulations relating to staffing levels and first aid requirements. Levels of compliance that assess the safety, health and wellbeing of children and the management of recruitment required improvement. The report also indicates that awareness of the inspectorate is improving. Between 2017 and 2019, Tusla received and managed a 215% increase in concerns from the public about services and the number of notifications of incidences doubled. This does not necessarily indicate an increase in concerns but rather reflects an increase in awareness of the standards and knowledge of how to address concerns or issues.

We would like to acknowledge the work of over 4,300 early years service providers, committed to providing safe and quality services to children and families around the country. We thank them for their engagement with our inspectors in meeting their regulatory requirements. We would also like to acknowledge the many stakeholders who work with the sector and provide insight to the inspectorate. Finally, we wish to express our sincere thanks to Dr Sinéad Hanafin, managing director of Research Matters Ltd, for producing this report.

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# Section 1:

## Introduction

Tusla, through the Early Years Inspectorate, is the independent statutory regulator of early years services in Ireland and has a responsibility for inspecting preschools, play groups, nurseries, crèches, day-care and similar services that cater for children aged up to six years. The role of the inspectorate is to:

*Promote and monitor the safety and quality of care and support of the child in early years provision in accordance with the regulations. The inspectorate implements its role by assessing applications for registration and by inspecting registered services.*

Many positive benefits of regulation in early years services have been identified. These are highlighted in the *Report of the Expert Advisory Group on the Early Years Strategy*,<sup>1</sup> as follows:

- Safeguarding children against harmful practices
- Ensuring that minimum standards are met
- Supporting the translation of quality standards into practice
- Providing parents and the public with an assurance that services are of a consistent quality
- Setting benchmarks against which service providers can develop, enhance and maintain services for children.

The Early Years Inspection Service was introduced in 1997, under Part VII of the Child Care Act 1991, which gave effect to the 1996 preschool regulations. The regulations were subsequently revised in 2006 and placed greater emphasis on the health, welfare and development of the child. Significant changes to the legislative basis for the supervision of early years services emerged from Part 12 of the Child and Family Agency Act 2013. Revision of the early years regulations took place to reflect these changes and, on 30 June 2016, a revised set of regulations that placed a strong emphasis on the governance of early years services was commenced. The Child Care Act 1991 (Early Years Services) Regulations 2016 defines the responsibility of a registered provider to ensure the safety and wellbeing of children. This Act also gives Tusla the authority to assess compliance with the regulations which promotes the care, safety and wellbeing of early years children attending services. While services are assumed to be compliant with the current regulations and can be inspected against any of the regulations, the main focus of inspections is generally within the four broad areas of:

- Governance
- Health, welfare and development of the child
- Safety
- Premises and facilities.

This report summarises the findings of reports of inspections carried out in 2018 and 2019 by the Early Years Inspectorate and incorporates data from the findings of a similar type analysis carried out. This report presents the findings of reports of inspections carried out in 2018 and 2019 by the Early Years Inspectorate and

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<sup>1</sup> Department of Children and Youth Affairs (2013) *Right from the Start: Report of the Expert Advisory Group on the Early Years Strategy*. Dublin: Department of Children and Youth Affairs.

incorporates data from the findings of a similar type analysis carried out in 2017 to identify emerging trends over the three-year period 2017-2019. A more detailed report is also available from Tusla<sup>2</sup>.

## Structure of report

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This report is presented in six sections as follows:

Section 2 provides an overview of the methodology used to carry out this analysis

Section 3 presents the findings from a quantitative analysis of inspections carried out in 2018

Section 4 presents the findings from a quantitative analysis of inspections carried out in 2019

Section 5 identifies key areas of noncompliance in 2018 and 2019

Section 6 presents a trend analysis of quantitative findings across three years 2017-2019.

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<sup>2</sup>Tusla (2021) Child & Family Agency *Early Years Inspection Reports 2018- 2019, Analysis and Trends*.

## A word cloud in the shape of a stylized 'C' containing terms like CHILDREN, HEALTH, SAFETY, DEVELOPMENT, WELFARE, GOVERNANCE, and STRUCTURE.





This section presents information on the aim and objectives of the analysis; inspection reports included in the analysis; data linkage with the early years services register; analysis of reports; and ethical issues that arose.

## Aim and objectives

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The aim of the present study was to conduct an analysis of reports on early years inspections carried out over a two-year period, from January 2018 to December 2019 and to carry out a trend analysis on specific issues arising.

The specific objectives were to:

1. Describe the extent to which preschool services overall are in compliance with the regulations.
2. Quantify individual areas where compliance/non-compliance with the regulations has been found by early years inspectors.
3. Identify key issues arising in respect of non-compliance.
4. Conduct a trend analysis on issues arising during inspections across the three-year period 2017–2019.

## Inspection reports

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The Child Care Act 1991 (Early Years Services) Regulations 2016 require that all early years services in Ireland strive for full compliance across all early years regulations. It is accepted, however, that there are areas that require greater focus and attention and as a result of this the Child and Family Agency introduced a revised model of Pre-School Inspection on the 30th June 2016. Since the 30th June 2016 the primary scope of early years inspection is on four key areas and they are Governance, Health, Welfare and Development of the Child, Safety and Premises and Facilities. Consequently, not all regulations are assessed at each inspection. Of note, however, is that where an immediate risk to the child is identified the relevant regulation relating to that risk is also assessed for compliance at the time of inspection. The rationale for a focussed approach is based on evidence arising from a detailed analysis of inspection reports since 2014.<sup>3</sup>

The reports of these inspections are referred to as ‘inspection reports’ (IR).

For new applicants, the suitability of the applicant and the suitability of the premises for the education and care of children is assessed through a fit-for-purpose process. This type of inspection may also take place where there is a proposed change in the registration status of the service. This process includes the inspection and assessment of the premises to ensure compliance with specific regulations prior to being approved for registration.

The reports of these inspections are referred to as Fit for Purpose (FFP) reports.

The inspection tool, report, corrective and preventive action plans (CAPA) and factual accuracy (FA) templates are available at: <https://www.tusla.ie/services/preschool-services/general-information/publications-and-forms/>.

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<sup>3</sup> See Hanafin S. (2014) Report on the Quality of Pre-school Services. Tusla, Dublin (access at: [https://www.tusla.ie/uploads/content/Tusla\\_Quality\\_Summary\\_Complete\\_proof.pdf](https://www.tusla.ie/uploads/content/Tusla_Quality_Summary_Complete_proof.pdf)) and 2015, 2016 and 2017 Tusla Early Years Inspectorate Annual reports 2015-2017 (access at: <https://www.tusla.ie/services/preschool-services/general-information/publications-and-forms/>

## Number of 2018 and 2019 reports and regulations included in analysis

IR and FFP reports have been analysed separately and the findings are presented in separate sections for both 2018 and 2019. Reports included in this analysis were collated by the Tusla Early Years Inspectorate and in total, 1,557 reports of inspections carried out in 2018 and 1,389 reports of inspections carried out in 2019 were included in the analysis. A breakdown of the number of reports and regulations according to IR and FFP included in the analysis are presented in Table 1.

**Table 1 Number of reports and regulations included in the analysis**

**Table 1: Number of reports and regulations included in the analysis**

Number	2018	2019
IR reports	1490	1327
IR regulations	7191	7983
FFP reports	67	62
FFP regulations	672	642
Total reports	1557	1389
Total regulations	7863	8625

The reports provided were in the format of a standardised inspection report used by EYIs, and include information about the service, compliance and noncompliance in respect of each regulation inspected and corrective and preventive actions to resolve the noncompliance where identified. These reports were received as Word documents and were transformed into an analysable format using a customised IT programme. Almost 3,000 reports (n=2946) were included in this analysis.

### Data linkage with early years services register

In addition to the information available for analysis from the reports, data linkage between the reports received for analysis and the early years services register for 2019 was carried out. This data linkage took place using deterministic linkage procedures and has allowed for an analysis of a number of additional variables in respect of early years services. Additional variables include the profit status of the service, the number of staff employed in the service, the provision of school age services by individual services and whether the service is one of multiple services or whether it is a single service.<sup>4</sup>

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<sup>4</sup> A multiple service is one where the same registered provider has two or more services on the register of early years services.

## Analysis of reports

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A quantitative analysis was conducted on key variables available in both the IR and FFP reports in addition to those variables available through the data linkage process. Descriptive statistics were generated using R statistical software.

A random sample of 500 regulations was generated from 2018 and 2019 regulations and qualitative analysis using both content and thematic approaches carried out on textual information presented in the reports. This analysis was supported by the use of N-Vivo qualitative research software. This analysis focussed on understanding noncompliances identified in the reports and a trend analysis in early years inspection across the three year period 2017- 2019 is also included.

## Ethical issues

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All ethical considerations relating to anonymity and good practice in data protection were addressed. Care has been taken to ensure that the identity of individual services are not identifiable in this report. It is noted, however, that all reports included in this analysis are freely available through the Tusla website (see: <https://www.tusla.ie/services/preschool-services/creche-inspection-reports/>).

## **Section 3:**

# **Findings from Analysis of 2018 inspection report**

## Key findings: Inspection reports (IR) 2018

- 90% of the 1,490 IR inspection reports included in this analysis were unannounced inspections

- The vast majority of services are assessed as having three or fewer noncompliant regulations

- About 38% (n = 572) of IR reports identified no noncompliant regulations and a further 45% (n = 667) of reports identified between one and three noncompliant regulations.

- About two thirds of all regulations were assessed as compliant

- About two thirds (64%; n = 4608) of regulations were identified as compliant and 36% (n = 2583) were identified as noncompliant.

- Some regulations are assessed more commonly than others

- The most commonly assessed regulations are related to staffing levels, management and recruitment, and safeguarding the health, safety and welfare of the child.

- There is wide variation in the level of compliance and noncompliance among the most commonly assessed regulations

- The three most commonly assessed regulations show wide variations in the proportion reported to be noncompliant as follows:

- 7% (Regulation 11, Staffing levels)

- 45% (Regulation 9, Management and recruitment)

- 72% (Regulation 23, Safeguarding health, safety and welfare of the child)

- Regulations assessed in full daycare services most likely to be noncompliant

- Regulations assessed in sessional services (71% compliant; n = 2250) are considerably more likely to be compliant than those assessed in full daycare services (55%; n =1670).

- Services in the DNE area more likely to be noncompliant

- Three quarters of regulations assessed in services in the West region were deemed compliant (73%) and this was the highest proportion across all regions.

- Regulations in services in the DNE area were assessed as having the lowest level of compliance with only 58% of regulations deemed compliant.

- For profit services have slightly higher levels of noncompliance than not for profit services

- Regulations assessed in not for profit services (69%; n = 1154) were slightly more likely to be compliant compared with for profit services (63%; n = 3350).

- The larger the service the higher the level of noncompliance

- Services with larger numbers of staff employed were more likely to be assessed as having higher proportions of noncompliant regulations (e.g. 68% of regulations assessed as compliant in services with 0-5 employees compared with 55% in services with more than 20 employees).

## Overview of data

Inspections take place on a regular basis in respect of registered existing services and these account for the vast majority of inspections and these reports of inspection are referred to as IRs. Some 1,490 of these types of inspection reports (IR) are included in this analysis. Inspections also take place in respect of new applications and in certain instances where services notify a change in circumstances. These are referred to as 'Fit for Purpose (FFP) Inspections'. The findings from 67 reports in respect of these types of inspections are also presented in this section. The findings in respect of these two types of inspections are presented separately.

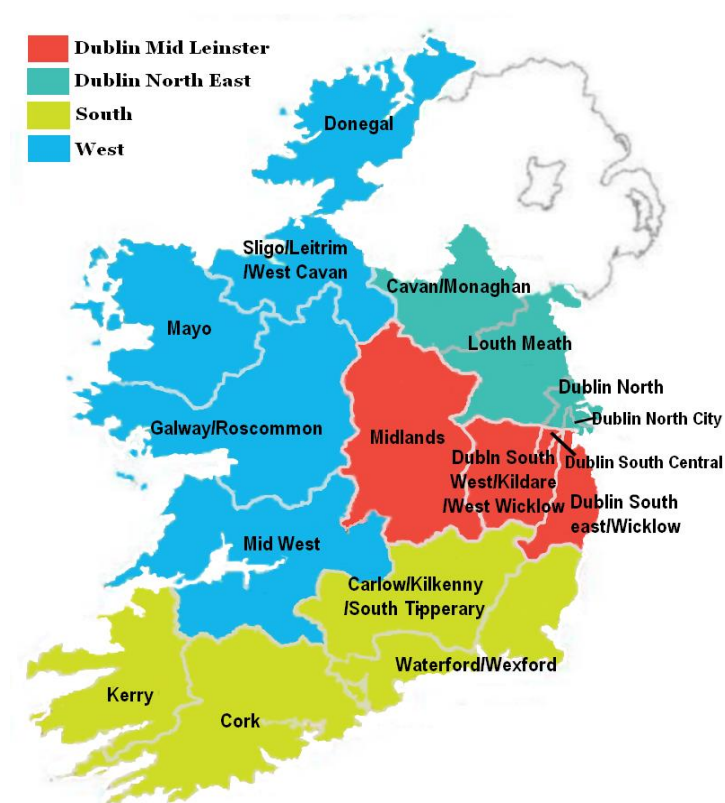
## Description of IR reports

The following section describes the IR reports included in this analysis in terms of the geographic distribution of the reports and the characteristics of the services included.

### Geographic distribution of reports included in IR analysis

There are four Tusla areas that take account of all 26 counties in the Republic of Ireland (Figure 1).

**Figure 1 Map of Tusla regional structure**



The West area accounts for the highest number of reports at 30% ( $n = 445$ ), followed by Dublin Mid Leinster (DML) (25%;  $n = 375$ ). About 22% of reports included in this analysis were in respect of services in the South ( $n = 332$ ) and Dublin North East (DNE) ( $n = 338$ ; 23%) respectively (Table 2).

**Table 2 Geographic distribution of early years IR inspection reports included in the analysis**

Region	Geographic distribution	Number of Reports	% of reports
West region	Cavan, Clare, Donegal, Galway, Leitrim, Limerick, Mayo, Roscommon, Sligo, Tipperary	445	29.9%
South region	Carlow, Cork, Kerry, Kilkenny, Tipperary, Waterford, Wexford	332	22.3%
Dublin North East (DNE) region	Cavan, Dublin, Louth, Meath, Monaghan	338	22.7%
DML region	Dublin, Kildare, Laois, Longford, Offaly, Westmeath, Wicklow	375	25.2
Total		1490	100%

*Note: Percentage columns may not add to 100% due to rounding*

## Characteristics of the services

Findings relating to key characteristics of services included in the analysis are now considered. These include type of service, number of employees, as well as information available through data linkage relating to the profit status of the service; whether the service has school age service provision and whether the service is one of a multiple service.

### Type of service

Services may be registered to provide one or more types of service, but each must identify a main service type. Different types of services include:

**Full daycare service:** a pre-school service offering a structured daycare service for pre-school children for more than five hours per day, and which may include a sessional pre-school service for pre-school children not attending the full daycare service. Services such as those currently described as day nurseries and crèches are included in this definition.

**Sessional pre-school service:** means a pre-school service offering a planned programme to pre-school children for a total of not more than three-and-a-half hours per session. Services covered by the above definition may include pre-schools, playgroups, crèches, Montessori pre-schools, Naíonraí, childminders, or similar services which generally cater for pre-school children.

**Part-time daycare service:** a pre-school service offering a structured daycare service for pre-school children for a total of not more than three-and-a-half hours and less than five hours per day, and which may include a sessional pre-school service for pre-school children not attending the full daycare service. Services covered by the above definition may include pre-schools, playgroups, crèches, Montessori pre-schools, Naíonraí, childminders, or similar services which generally cater for pre-school children.

**Childminding service:** a pre-school service, which may include an overnight service offered by a person who single-handedly takes care of pre-school children, including the childminder's own children, in the

childminder's home, for a total of more than three hours per day, except when the exemptions in Section 58L of Part 12 the Child and Family Agency Act 2013 apply.

**Pre-school service in a drop-in centre:** a pre-school service offering daycare, which is used exclusively on an intermittent basis. This refers to a service where a pre-school child is cared for over a period of not more than two hours, while the parent or guardian is availing of a service or attending an event. Such services are located mainly in shopping centres, leisure centres or other establishments, as part of a customer/client service.

Two additional types of services are also defined in the regulations and these are:

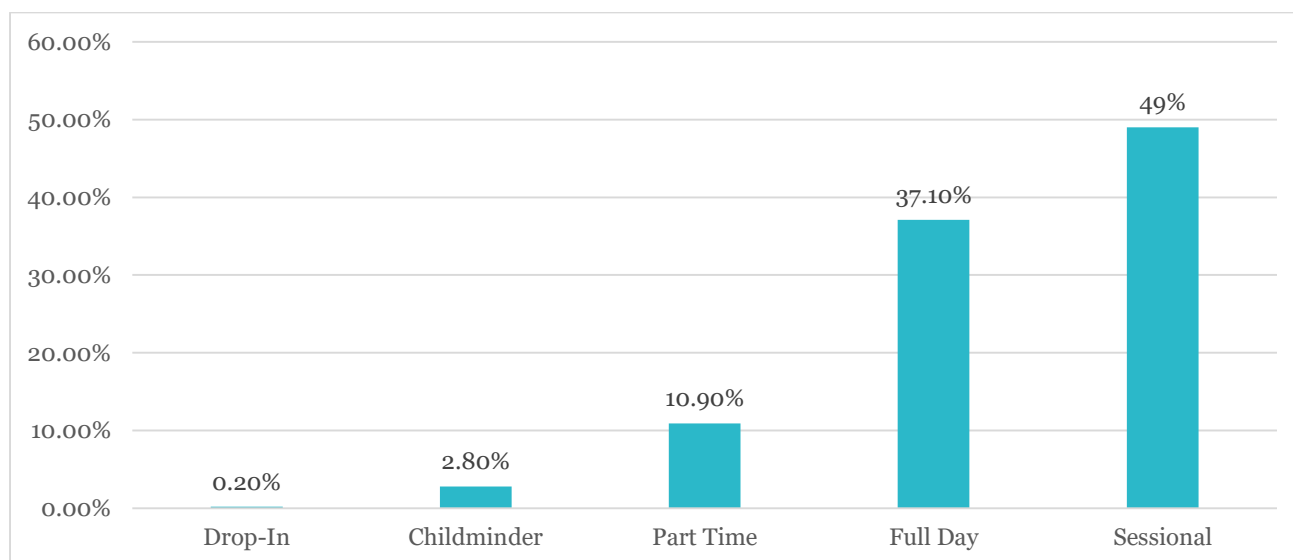
**Temporary pre-school service:** a pre-school service offering daycare exclusively on a temporary basis. This refers to a service where a pre-school child is cared for while the parent or guardian is attending a one-off event, such as a conference or a sports event.

**Overnight pre-school service:** a service in which pre-school children are taken care of for a total of more than two hours between the hours of 19:00 and 06:00, except where the exemptions provided in Section 58L of Part 12 of the Child and Family Agency Act 2013 apply.

There are no overnight pre-school services on the register of early years services and due to the very small number of temporary services there are no reports included in this analysis.

Almost half of the reports included in this analysis refer to sessional services (49%; n = 730). This was followed by reports on full daycare services which account for 37.1% (n = 553) of reports and part-time services which account for 10.9% (n = 163) of reports. The remaining reports refer to childminder (2.8%; n = 41) and drop-in services (0.2%; n = 3) ( Figure 2).

**Figure 2 Percentage of services according to different types**



*Note: Percentages may not add to 100% due to rounding*

## Size of services

The number of staff employed in services is used as a proxy to indicate the size of the services included in this analysis and the findings show that more than two thirds of reports related to services that employ between 0



and 5 staff (66.4%; n = 990). A further 17% (n = 254) reported employing between 6 and 10 people. Only 13% of reports indicated 11-20 employees and 3.5% (n = 52) employing more than 20 (Table3).

**Table 3 Number of staff employed in services**

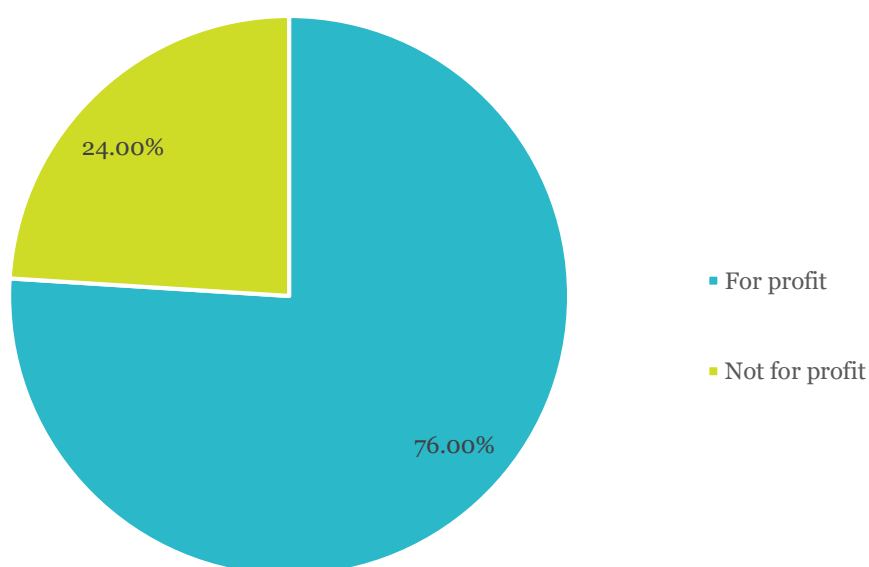
Number of staff employed	Number of reports	% of reports
0 to 5	990	66.4%
6 to 10	254	17%
11 to 20	194	13%
More than 20	52	3.5%
Total	1490	100%

*Note: Percentage columns may not add to 100% due to rounding*

## Profit/not for profit status

Information was available on the profit status in respect of 1,460 reports and of these, about three-quarters identified the services (75.7%; n = 1106) as being registered 'for profit' with the remaining (24.3%; n = 354) registered as not for profit (Figure 3).

**Figure 3 Profit/not for profit status of services included in this analysis**



*Note: Percentages may not add to 100% due to rounding*

## School age services

Information was available for 1,363 reports in respect of whether the service provided school age services and the findings show that 41.9% (n = 572) of reports identify the provision of this type of service while 58% (n = 791) do not.

The findings show that just over one third of reports in this analysis of services in the West region (n = 200; 35%) offer school aged care compared with less than one in five reports of services in the DNE region (n = 19.1%; n = 109) (Table 4).

**Table 4 Regional distribution of school age provision in services inspected**

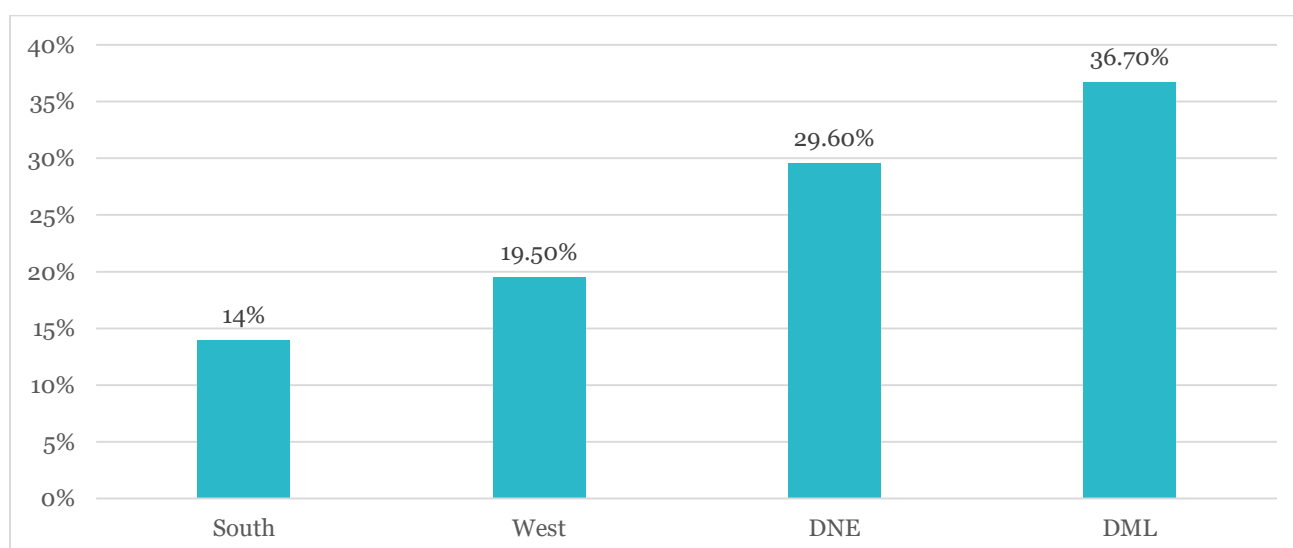
	% of school age services	Number of school age services
<b>DML region</b>	24.7%	141
<b>DNE region</b>	19.1%	109
<b>South</b>	21.2%	122
<b>West</b>	35%	200
<b>Total</b>	100%	572

*Note: Percentages may not add to 100% due to rounding*

## Services registered as one of a multiple service

Almost 200 (n = 199; 13.7%) of the 1,445 reports where information was available on the register refer to the service being one of a multiple service. More than one third (36.6%; n = 73) of these reports referred to services in the DML region, 30% (n = 59) in the DNE region, 19% (n = 39) in the West region and 14% (n = 28) in the South region (Figure 4).

**Figure 4 Regional distribution of services that are one of a multiple service# included in analysis of reports**



*Note: Percentages may not add to 100% due to rounding*

## Compliance and noncompliance

Compliance is considered now in respect of both the IR reports (n = 1490) and the regulations (n = 7191) included within them.

### Number of regulations assessed

About half of the reports included assessments in respect of either five (33.5%; 2410) or six (20.7%; n = 1488) regulations and a further 9% (n = 666) of reports included nine regulations. Only 5% (n = 353) of reports included assessments of 10 or more regulations (Table 5).

**Table 5 Number and percentage of regulations assessed in reports**

Number of regulations assessed	Number of regulations	% of reports
1	5	0.1
2	586	8.1
3	501	7
4	232	3.2
5	2410	33.5
6	1488	20.7
7	630	8.8
8	320	4.5
9	666	9.3
10	220	3.1
11	44	0.6
12	48	0.7
13	26	0.4
15	15	0.2
<b>Total</b>	<b>7191</b>	<b>100%</b>

*Note: Percentages may not add to 100% due to rounding*

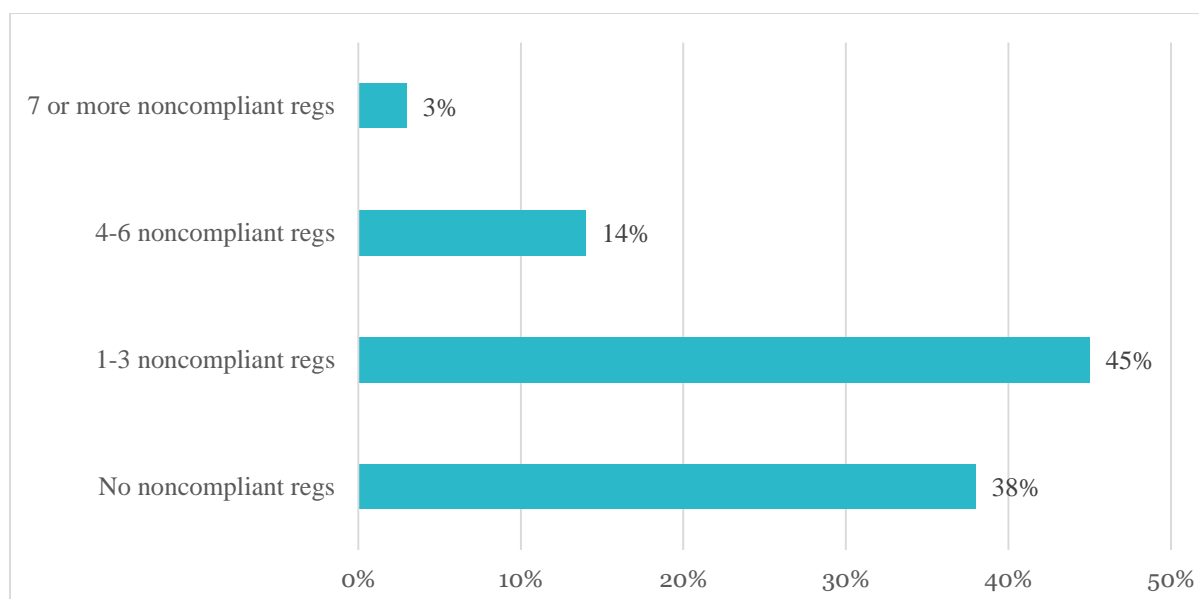
## Compliance and noncompliance according to reports of inspections

About 38% (n = 572) of the 1,490 IR reports identified no noncompliant regulations and a further 45% (n = 667) of reports identified between one and three noncompliant regulations.

Of the 7,191 regulations, about two thirds (64%; n = 4608) were assessed as compliant and 36% (n = 2583) were assessed as noncompliant.

The range of noncompliant regulations in the individual reports ranged from 0 to 15 and the mean average was 1.73 regulations. About 38% (n = 572) of reports identified no noncompliant regulations and a further 45% (n = 667) of reports identified between one and three noncompliant regulations. Fourteen percent of inspection reports identified between four and six noncompliant regulations and 3% included between seven and 15 noncompliant regulations (Figure 5).

**Figure 5 Percentage of services according to the number of noncompliant regulations**



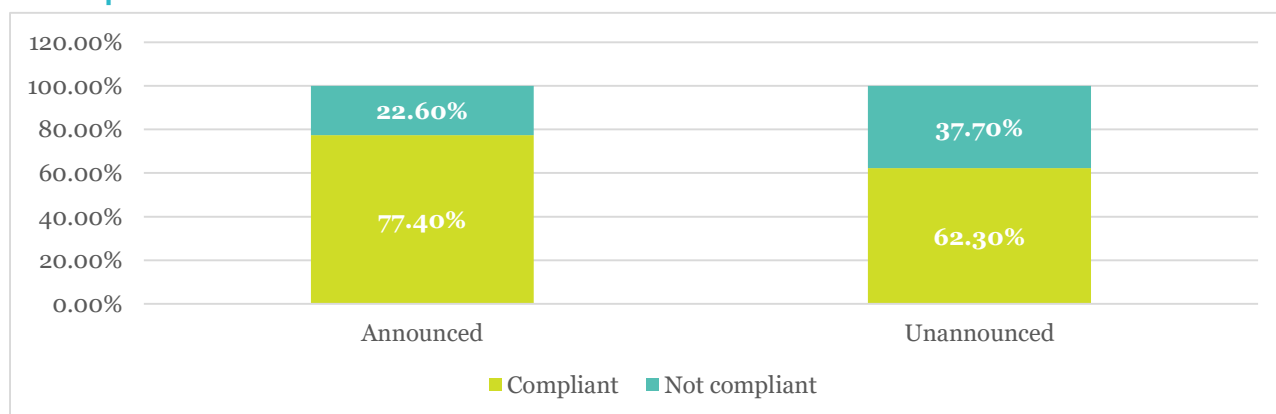
*Note: Percentages may not add to 100% due to rounding*

## Inspection announced or unannounced

About 90% (n = 1343) of IR reports included in this analysis were of unannounced inspections (that is, where notice had not been provided prior to the inspection) and only 10% (9.9%; n = 147) were announced (i.e. notice was provided prior to inspection). Within inspections, the number of regulations assessed was 6,346 (unannounced and accounting for 88.2%) while the number of regulations assessed in announced inspections was 845 (11.8%).

More than three quarters of regulations (77.4%; n = 654) assessed during announced inspections were assessed as compliant and 22.6% (n = 191) were assessed as noncompliant. The proportion assessed as compliant during unannounced inspections was lower (62.3%; n = 3954) and the proportion assessed as noncompliant higher (37.7%; n = 2392) (Figure 6).

**Figure 6 Levels of compliance and noncompliance according to whether the inspection was announced or unannounced**



*Note: Percentages may not add to 100% due to rounding*

## Findings according to individual regulations

This section presents the findings in respect of the regulations most likely to be assessed and the levels of compliance and noncompliance according to individual regulations (Figure 7).

**Figure 7 Regulations most likely to be assessed**

### The regulations most likely to be assessed

- ☐ Regulation 11 (Staffing levels)
- ☐ Regulation 9 (Management and recruitment)
- ☐ Regulation 23 (Safeguarding health, safety and welfare of the child)
- ☐ Regulation 26 (Fire safety measures)
- ☐ Regulation 25 (First aid), and
- ☐ Regulation 19 (Health, welfare and the development of the child).

Regulations least likely to be assessed include Regulation 17 (Information for parents), Regulation 24 (Checking in and out and record of attendance), Regulation 31 (Notification of incidents), Regulation 13 (Temporary pre-school services and pre-school services in drop-in services), Regulation 32 (Complaints) and Regulation 10 (Policies, procedures etc. of pre-school service) (Table 6).

## Compliance and noncompliance according to individual regulations

There was wide variation in the level of compliance reported for the most commonly assessed regulations. More than 90% of 1,482 assessments of the Regulation 11 (Staffing levels) for example, were assessed as compliant and this compares with only 54.6% of the 1,106 Regulation 9 (Management and recruitment) assessments made (Table 6).

**Table 6 Percentage compliance and noncompliance and regulations assessed in 2018 reports**

Regulation number	Focus of regulation	% compliant	% noncompliant	Number of times regulation assessed
8	Notification of change in circumstances	0%	100%	60
9	Management and recruitment	54.6%	45.4%	1106
10	Policies, procedures etc. of pre-school service	62.5%	37.5%	8
11	Staffing levels	92.6%	7.4%	1482
12	Childminders	84.1%	15.9%	44
13	Temporary pre-school services and pre-school services in drop-in centres	100%	0%	4
15	Record of a pre-school child	0%	100%	11
16	Record in relation to a pre-school service	9.5%	90.5%	116
17	Information for parents	50%	50%	2

<b>19</b>	Health, welfare and the development of the child	73.7%	26.3%	816
<b>20</b>	Facilities for rest and play	39.7%	60.3%	131
<b>21</b>	Equipment and materials	9.1%	90.9%	11
<b>22</b>	Food and drink	35.7%	64.3%	14
<b>23</b>	Safeguarding health, safety and welfare of the child	28.1%	71.9%	1041
<b>24</b>	Checking in and out and record of attendance	0%	100%	3
<b>25</b>	First aid	81%	19%	930
<b>26</b>	Fire safety measures	74.9%	25.1%	935
<b>27</b>	Supervision	25.9%	74.1%	27
<b>28</b>	Insurance	76.8%	23.2%	95
<b>29</b>	Premises	14.8%	85.2%	243
<b>30</b>	Minimum space requirements	49%	51%	100
<b>31</b>	Notification of incidents	25%	75%	4
<b>32</b>	Complaints	37.5%	62.5%	8
<b>Total</b>		64%	36%	7191

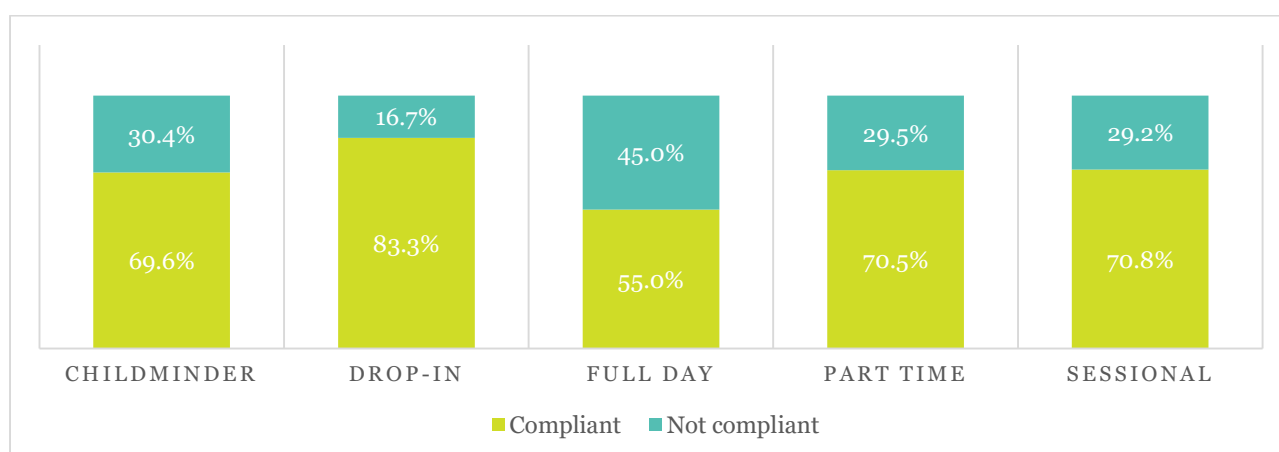
*Note: Percentages may not add to 100% due to rounding*

## Regulatory compliance and noncompliance according to type of services

Figure 8 presents the findings according to the type of service inspected. It is noted that the number of regulations included in this analysis varies considerably according to the type of service and this should be taken into account in any interpretation of these findings.

Two types of services account for 86.4% (n = 6216) of all the 7,191 regulations included in this analysis and these are sessional services (n = 3179) and full daycare (n = 3037). Regulations assessed in sessional services (70.8%; n = 2250) are significantly more likely to be compliant than those assessed in full daycare services (55%; n = 1670) compliant respectively. Those assessed in drop-in services are most likely to be assessed as compliant (83.3%) although the number of regulations assessed in this type of service is low (n = 15).

**Figure 8 Compliance and noncompliance according to type of service**



*Note: Percentages may not add to 100% due to rounding*

## Compliance and noncompliance according to region

Three quarters of regulations assessed in reports of services in the West region were assessed as compliant (73.3%; n = 1222) and this was the highest proportion across all regions. Regulations in reports of services in the DNE area were assessed as having the lowest level of compliance with only 57.9% (n = 1110) of regulations deemed compliant. Just over 60% (60.8%; n = 1177) of regulations assessed in reports of services in the DML region were identified as compliant and about two thirds of those relating to services in Southern region (66%; n = 1099) were deemed compliant (Table 7).

**Table 7 Percentage of regulations assessed as compliant/noncompliant by region**

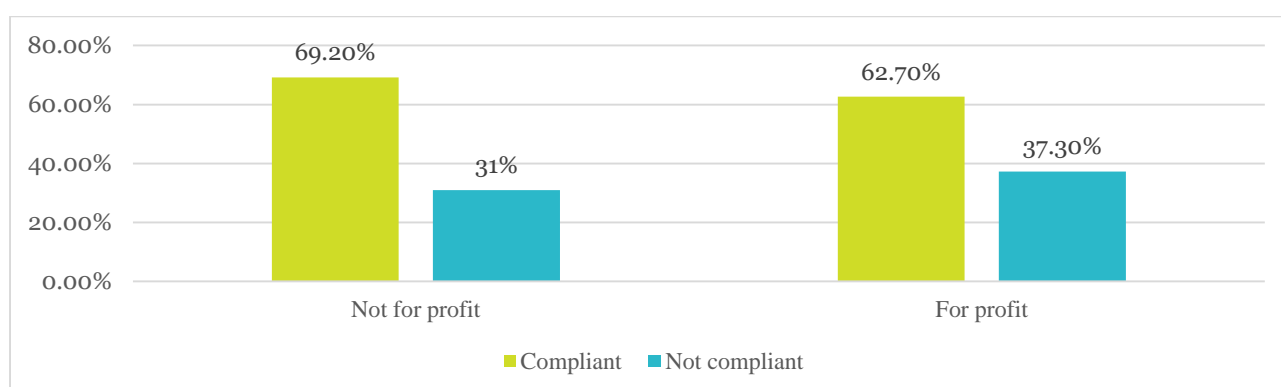
Region	Compliant	Number of compliant regulations	Noncompliant	Number of noncompliant regulations	Total number of regulations assessed
<b>DML</b>	60.8%	1177	39.2%	760	1937
<b>DNE</b>	57.9%	1110	42.1%	808	1918
<b>South</b>	65.8%	1099	34.2%	571	1670
<b>West</b>	73.3%	1222	26.7%	444	1666
<b>Total</b>	64.1%	4608	35.9%	2583	7191

*Note: Percentages may not add to 100% due to rounding*

## Compliance and noncompliance according to profit/non-profit status

The profit/not for profit status was identified in respect of 7,014 regulations. A higher proportion of regulations assessed in not for profit services were deemed to be compliant compared with for profit services. Of the 1,668 regulations assessed in not for profit services, almost 69.2% (n = 1154) were identified as compliant and this compares with 62.7% (n = 3350) of the 5,346 regulations assessed in for profit services (Figure 9).

**Figure 9 Percentage of compliant and noncompliant regulations assessed in profit and not for profit services**



*Note: Percentages may not add to 100% due to rounding*

## Compliance and noncompliance according to whether the inspection took place in a service registered as one of a multiple service or registered as a single service

Information was available on 6,971 regulations in respect of whether the service was registered as one of a multiple or not. Just over 1,000 regulations (n = 1028) were assessed in reports of services registered as one of a multiple service and almost 6,000 (n = 5943) regulations in reports of services that were registered as a single service. About 59.4% (n = 611) of regulations in services registered as one of multiple services were deemed to be compliant compared with 64.9% (n = 3858) of regulations assessed in services registered as a single service (Table 8).

**Table 8 Percentage and number of compliant and noncompliant regulations according to whether the service is registered as one of a multiple or is a single service**

Type of service	% compliant regulations	Number of compliant regulations	% noncompliant regulations	Number of noncompliant regulations	Total number of regulations
Not a multiple service	64.9%	3858	35.1%	2085	5943
Is a multiple service	59.4%	611	40.6%	417	1028
Total	64.1%	4469	35.9%	2502	6971

## Compliance and noncompliance according to size of the service

Reports of services with lower numbers of staff employed were more likely to include higher proportions of regulations assessed as compliant. More than two thirds (67.6%; n = 3012) of regulations were assessed as compliant in reports of services with 0-5 employees compared with 60.3% (n = 817) in services with 6-10 employees and 56.8% (n = 614) of services with 11-20 employees. While only 55% (n = 165) of regulations were assessed as compliant in services where there are more than 20 employees, the overall number of regulations (n = 299) assessed in this size of service was small (Table 9).

**Table 9 Percentage of compliant and noncompliant regulations according to the number of employees in the service**

Number of employees	% compliant regulations	Number of compliant regulations	% noncompliant regulations	Number of noncompliant regulations	Total number of regulations
0-5 employees	67.6%	3012	32.4%	1443	4455



6-10 employees	60.3%	817	39.7%	539	1356
11-20 employees	56.8%	614	43.2%	467	1081
More than 20 employees	55.2%	165	44.8%	134	299
Total	64.1%	4608	35.9%	2583	7191

*Note: Percentages may not add to 100% due to rounding*

## Summary of findings arising from 2018 IR reports included in the analysis

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Some 1,490 IR reports of inspections were included in the preceding analysis and over 90% of these inspections were unannounced. Just over one third of reports did not include any noncompliant regulations, and a further 45% included between one and three noncompliant regulations. Overall, about two thirds of regulations (64.1%) were assessed as compliant. The three most commonly assessed regulations showed wide variation in the level of noncompliance ranging from 7% (Regulation 11, staffing levels), to 45% (Regulation 9, management and recruitment and 72% (Regulation 23, Safeguarding health safety and welfare of the child).

The services most likely to be assessed as noncompliant are full daycare services (45%), services in the DNE region (42.1%), for profit services (37.3%) and larger services (44.8% in services with more than 20 employees).

## Key findings: Fit for purpose (FFP) inspection reports 2018

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This section presents the findings relating to FFP inspections.

### Key points

**Sixty-seven reports of FFP inspections that included 672 regulations were included in this analysis.**

#### **Reports of FFP inspections include higher levels of compliance compared with IR reports**

- 85% (n = 571) of regulations were assessed as compliant.
- The mean average number of compliant regulations in reports was 8.52 and the number of compliant regulations ranged from 3 to 11.
- The mean average number of noncompliant regulations was 1.51 and the number of noncompliant regulations in individual reports ranged from 0 to 7.
- About half of the reports reported no noncompliant regulations and a quarter reported between 1 (n = 8; 11.9%) and 2 (n = 10; 14.9%) noncompliant regulations.

#### **Regulation 23 (Safeguarding health, safety and welfare of the child) was identified as noncompliant in 40% of reports**

- Regulation 23 (Safeguarding health, safety and welfare of the child) was identified as noncompliant in 27 reports (40.3%).
- Regulations most likely to be reported as compliant were Regulation 22 (Food and drink) where all services were assessed as being compliant followed by staffing levels (where only two services (n = 3%) were identified as noncompliant).

## Overview

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The 2016 Regulations define the meaning of an early years service and the requirements for registration. A proposed early years service must make application to Tusla to be placed on the register of services approved to operate. Regulation 6 describes the application process. An FFP Inspection is required for the following:

Application for a new service

A change in circumstances due to making a change to the premises:

Change of premises/location

Structural alterations/extension to premises

Some incidences of alteration to service type

Significant proposed alteration which increases the number of children attending a service

Change in age profile in certain circumstances (e.g. when reducing the age range being cared for)

Increase in the number of children being cared for

All FFP inspections are announced and take place by appointment when children are not in attendance.

## Process on completion of the FFP inspection

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On completion of the inspection, a closing meeting is held with the proposed registered provider and/or person in charge who will be informed verbally of the findings of the inspection. Following the inspection, the Early Years Inspector will:

Complete the draft FFP inspection report.

Issue the approved draft inspection report to the proposed registered provider for a factual accuracy check. If there are outstanding requirements for registration, a registration requirement (Form 4) is issued to the proposed provider.

If issues are highlighted within the draft inspection report that require remedy, the proposed early years service provider must supply supporting evidence which demonstrates how these issues have been addressed.

Prepare the final report which is sent to the Inspection and Registration manager for presentation to the Tusla early years regional registration panel.

## Description of FFP inspection reports included in this analysis

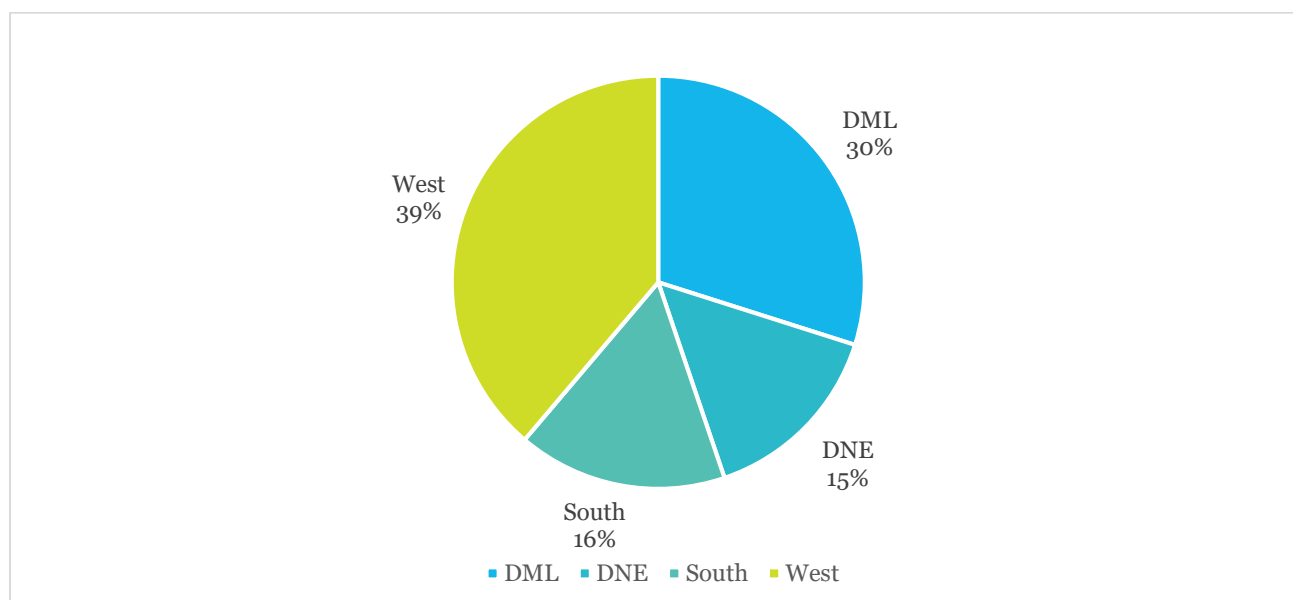
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This section presents an analysis of FFP inspection reports included in this analysis and takes account of the geographic distribution and characteristics of the services included.

## Geographic distribution of reports included in FFP analysis

The highest proportion of FFP reports of inspections took place in the West region (39%; n = 26) followed by DML (30%; n = 20). Ten (15%) and 11 (16%) of the reports included in this analysis relate to services in the DNE and South regions respectively (Figure 10).

**Figure 10 Percentage of reports of FFP inspections by region**



*Note: Percentages may not add to 100% due to rounding*

## Characteristics of the services

An analysis is now presented of the type of service, size of services as well as information available through data linkage relating to the profit status of the service; whether the service has school age provision and whether the service is registered as one of a multiple or as a single service.

### Type of service

The type of services on which these 67 reports relate to are presented in Table 10. The majority of reports (40.3%; n = 27) refer to FFP inspections that took place in sessional services and about one third (32.8%; n = 22) in respect of full daycare services. A further 19.4% (n = 13) refer to part-time services and only five (7.5%) reports refer to childminder services.

**Table 10 Number and percentage of reports by type of service**

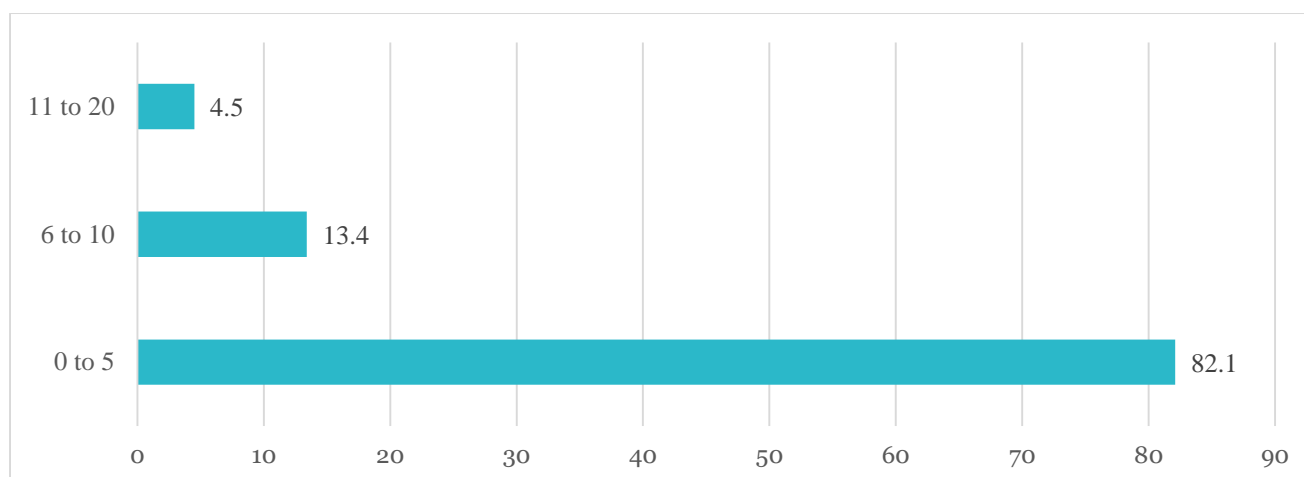
Type of service	Number of reports	% of reports
Childminder	5	7.5
Full Day	22	32.8
Part-Time	13	19.4
Sessional	27	40.3
Total	67	100

*Note: Percentages may not add to 100% due to rounding*

## Size of services

The vast majority (82.1%;  $n = 55$ ) of reports in this analysis refer to services with 0 to 5 employees. More than one in every 10 (13.4%;  $n = 9$ ) refer to services with between 6 and 10 employees while 4.5% ( $n = 3$ ) refer to services with 11 to 20 employees. No report of a service with more than 20 employees was included (Figure 11).

**Figure 11 Number of employees by FFP reports**



*Note: Percentages may not add to 100% due to rounding*

## Other characteristics

All services about which information is available ( $n = 52$ ) were reported to be for profit. Information was available in respect of school age services for only 20 reports and of these 60% ( $n = 12$ ) of services were reported to be providing a school age service. About 46% ( $n = 16$ ) of the 35 reports for which information was available referred to a service registered as one of a multiple service.

## Compliance and noncompliance in respect of FFP reports

Findings relating to compliance and noncompliance arising from the reports of FFP inspections are now presented. The total number of regulations included in this analysis is 672. On average, 10 regulations were assessed during the course of an FFP inspection although the number ranged from 8 to 11. Findings in relation to compliance in respect of individual reports are presented in Figure 12.

**Figure 12 Compliance and noncompliance in reports of FFP inspections**

The mean average number of compliant regulations in reports was 8.52 and the number of compliant regulations in individual reports ranged from 3 to 11

The mean average number of noncompliant regulations was 1.51 and the number of noncompliant regulations in individual reports ranged from 0 to 7

About half of reports recorded no noncompliant regulations ( $n = 33$ ; 49.3%) and a further third (34.3%;  $n = 23$ ) reported between 1 and 3 noncompliant regulations (Table 11)

The highest number of compliant regulations reported was 11 (n = 4; 6%). This was followed by 10 compliant regulations which were reported in respect of 42% of reports (n = 28). Only 16.4% of FFP reports included assessments of more than 3 noncompliant regulations (Table 11).

**Table 11 Number of noncompliant regulations by number of reports**

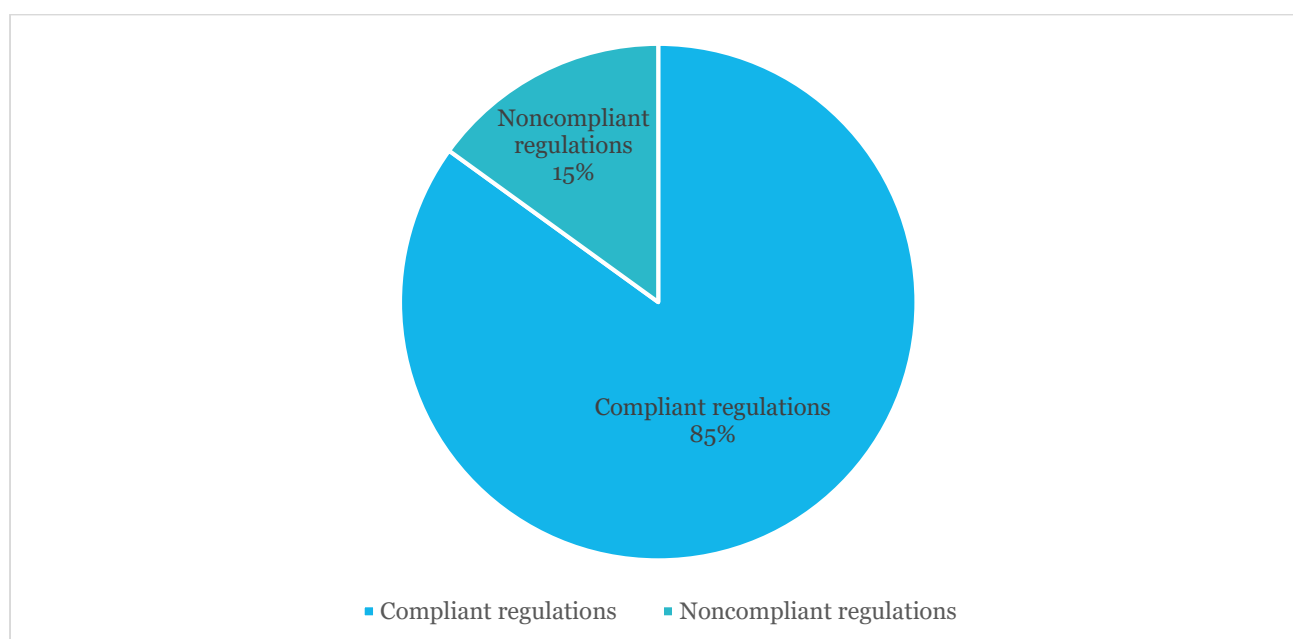
Number of noncompliant regulations	Number of FFP reports	% of FFP reports
No noncompliant regulations	33	49.3
1 to 3 non compliant regs	23	34.3
4 to 6 non compliant regs	9	13.4
7 or more non compliant regs	2	3
Total	67	100

*Note: Percentages may not add to 100% due to rounding*

## Compliance with regulations

In total, 672 regulations were assessed and of these, 85% (n = 571) were identified as compliant and 15% (n = 101) were identified as noncompliant (Figure 13).

**Figure 13 Proportion of compliant and noncompliant regulations in FFP reports**



*Note: Percentages may not add to 100% due to rounding*

## Regulations most likely to be compliant

The overall level of compliance in respect of individual regulations ranged from 59.7% to 100%. Regulation 23 (Safeguarding health, safety and welfare of the child) was identified as noncompliant in 27 reports (40.3%), Regulation 29 (Premises) in 18 reports and Regulation 20 (Facilities for rest and play) in 16 reports (23.9%).

All assessments of Regulation 30 were reported to be compliant. While this was the case in respect of Regulation 22 (Food and drink), only four reports included an assessment of this regulation (Table 12).

**Table 12 Percentage compliance and noncompliance according to regulation number**

Regulation number	Focus of regulation	% compliant	Number of reports	% noncompliant	Number of reports	Total number of reports
6	Registration	95.5%	64	4.5%	3	67
9	Management and recruitment	95.5%	63	4.5%	3	66
11	Staffing levels	97%	65	3%	2	67
20	Facilities for rest and play	76.1%	51	23.9%	16	67
22	Food and drink	100%	4	0%	0	4
23	Safeguarding health, safety and welfare of the child	59.7%	40	40.3%	27	67
25	First aid	88.1%	59	11.9%	8	67
26	Fire safety measures	82.1%	55	17.9%	12	67
28	Insurance	82.1%	55	17.9%	12	67
29	Premises	73.1%	49	26.9%	18	67
30	Minimum space requirements	100%	66	0%	0	66
Total		85%	571	15%	101	672

*Note: Percentages may not add to 100% due to rounding*

## Summary

In summary, 67 FFP inspection reports were analysed and the findings show that services and regulations were more likely to be assessed as compliant in this type of inspection compared with an IR. The average number of regulations assessed was about 10 with a range from 8 to 11. Within this, the number of compliant regulations ranged from 3 to 11 (mean average 8.52), while the number of noncompliant regulations ranged from 0 to 7 (mean average 1.51). Overall, 85% of regulations assessed were reported as compliant.

Regulation 22 (Food and drink) and Regulation 30 (Minimum space requirements) were identified as compliant in all cases assessed in the FFP reports included in this analysis. The lowest level of compliance was identified in respect of Regulation 23 (Safeguarding health, safety and welfare of the child) which was recorded in just under 60% (59.7%; n = 40) of reports.

## **Section 4:**

# **Findings from Analysis of 2019 inspection reports**



## Key findings: Inspection Reports 2019

88% of the 1,327 IR inspection reports included in this analysis were unannounced inspections

The vast majority of reports were assessed as having three or fewer noncompliant regulations

- Over one third of IR reports recorded no noncompliant regulations (n = 484; 36.5%) and a further 43.5% (n = 577) recorded between one and three noncompliant regulations.

More than two thirds (68%) of all regulations were assessed as compliant

- More than two thirds (68%; n = 5449) of regulations were identified as compliant and 32% (n = 2534) were identified as noncompliant.

• The most commonly assessed regulations related to staffing levels, management and recruitment, and safeguarding the health, safety and welfare of the child

- The three most commonly assessed regulations show wide variations in the proportion reported to be compliant as follows:
- 91.7% (Regulation 11, Staffing levels)
- 69% (Regulation 9, Management and recruitment)
- 36.7% (Regulation 23, Safeguarding health, safety and welfare of the child)

Regulations in full daycare reports are more likely than those in sessional services to be assessed as noncompliant

- Regulations assessed in sessional services (75.1% compliant) are considerably more likely to be compliant than those assessed in full daycare services (58.3%)

Regulations in reports of services from the West region were most likely to be assessed as compliant

- More than three quarters of regulations assessed in services in the West region were deemed compliant (77.4%) and this was the highest proportion across all regions.
- Regulations in services in the DML regulations were assessed as having the lowest level of compliance with only 62% of regulations deemed compliant.

Regulations assessed in reports of not for profit services were slightly more likely to be assessed as compliant compared with for profit services

- Regulations assessed in not for profit services (70%; n = 1151) were slightly more likely to be compliant compared with for profit services (67.7; n = 4173)

Regulations in reports of larger services were most likely to be assessed as noncompliant

- Services with larger numbers of staff employed were more likely to be assessed as having higher proportions of noncompliant regulations (e.g. 73.4% of regulations assessed as compliant in services with 0-5 employees compared with 55% in services with more than 20 employees).

## Overview of data

Inspections take place on a regular basis in respect of registered existing services and these account for the vast majority of inspections and are referred to as IRs. Some 1,327 of these types of inspection reports (IR) are included in this analysis. Inspections also take place in respect of new applications and in certain instances where services notify a change in circumstances. These are referred to as 'Fit for Purpose (FFP) Inspections'. The findings from 62 reports in respect of these types of inspections are also presented in this section. The findings in respect of these two types of inspections are presented separately.

## Description of inspection of regulation (IR) reports

The following section describes the IR reports included in this analysis in terms of the geographic distribution of the reports and the characteristics of the services included.

## Geographic distribution of reports included in IR analysis

Similar numbers of reports are included in this analysis from the DML (n = 387; 29.2%), the West (n = 382; 28.8%) and the South (n = 347; 26.1%) regions. A small number of reports are included from the DNE area accounting for about 15.9% (n = 211) of all reports included in this analysis (Table 13).

**Table 13 Number and percentage of reports by region**

Region	% of reports	Number of reports
DML	<b>29.2</b>	<b>387</b>
DNE	<b>15.9</b>	<b>211</b>
South	<b>26.1</b>	<b>347</b>
West	<b>28.8</b>	<b>382</b>
Total	<b>100</b>	<b>1327</b>

*Note: Percentages may not add to 100% due to rounding*

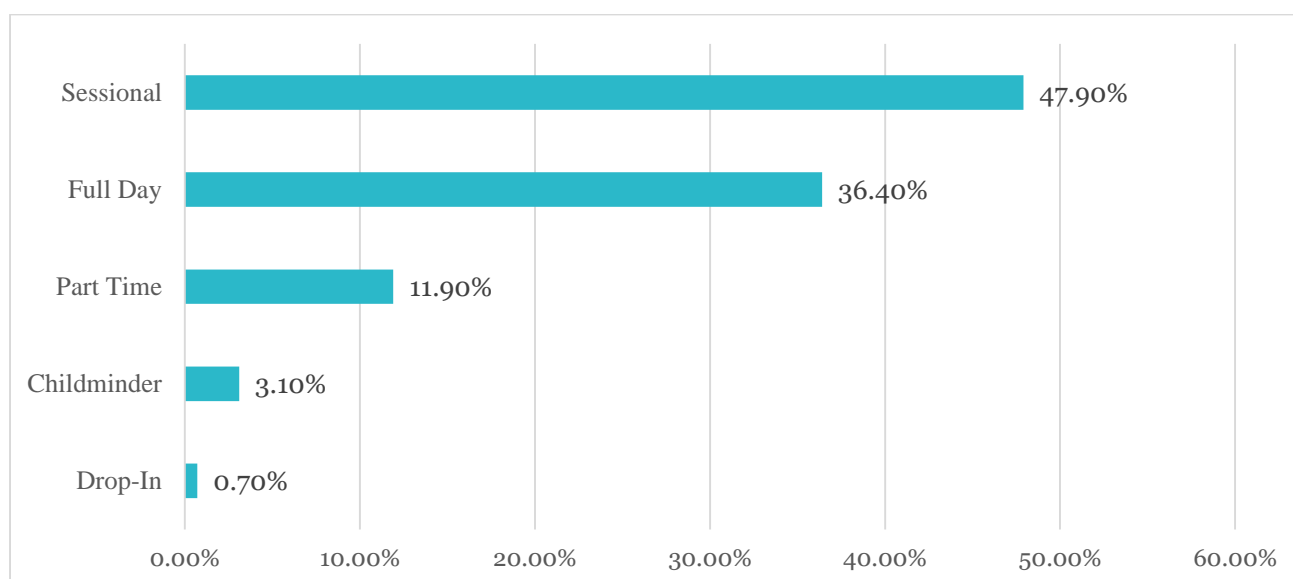
## Characteristics of the services

An analysis is now presented of the type and size of services along with information available through data linkage relating to the profit status of the service; whether the service has school age provision and whether the service is registered as one of a multiple service.

## Type of service

Almost half of the reports included in this analysis refer to sessional services (47.9%; n = 636). This was followed by reports on full daycare services which account for 36.4% (n = 483) of reports and part-time services which account for 12% (11.9%; n = 158) of reports. Only 41 reports (3.1%) refer to childminding services and nine (0.7%) to drop-in services (Figure 14).

**Figure 14 Percentage of services according to different types**



*Note: Percentages may not add to 100% due to rounding*

## Size of services included in reports

The number of employees is used to provide information about the size of services included in this analysis and the findings show that more than two thirds of reports related to services that employ between 0 and 5 staff (68.4%; n = 906). A further 17.3% (n = 230) reported employing between 6 and 10 people. Only 10.5% (n = 139) of reports included services that employed between 11 and 20 people while 3.9% (n = 52) report employing more than 20 (Table 14).

**Table 14 Number of employees**

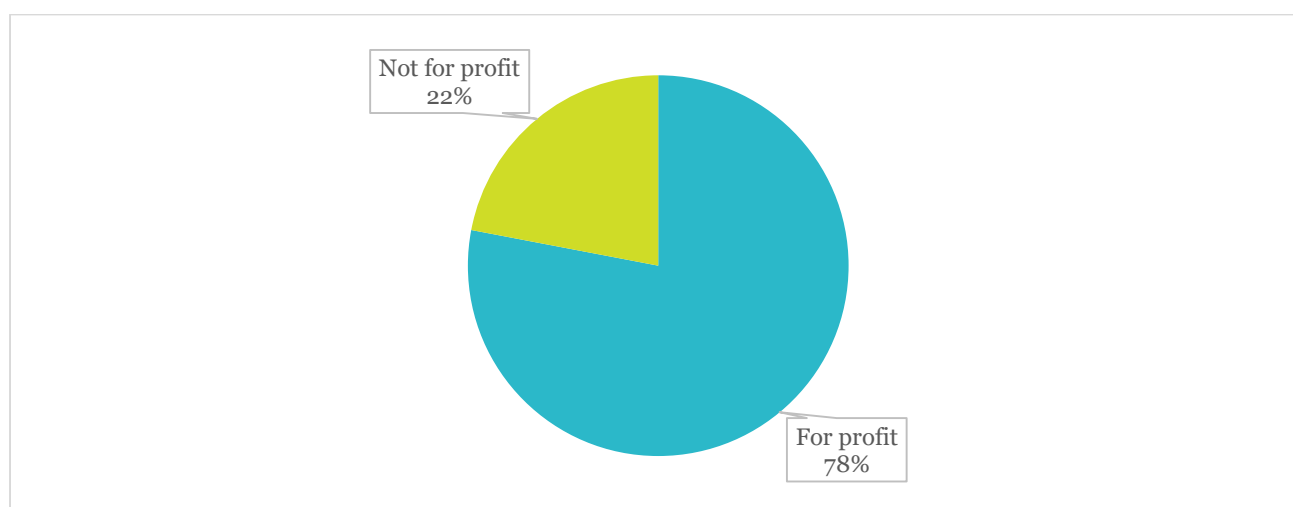
Number of employees	Number of reports	% of reports
0 to 5	906	68.4
6 to 10	230	17.3
11 to 20	139	10.5
More than 20	52	3.9
Total	1327	100

*Note: Percentages may not add to 100% due to rounding*

## Profit status

Information was available on the profit status in respect of 1,296 reports. Of these, 78.1% (n = 1013) identified the service as being ‘for profit’ with the remaining (22.8%; 283) registered as ‘not for profit’ (Figure 15).

**Figure 15 Profit/not for profit status of services included in this analysis**



*Note: Percentages may not add to 100% due to rounding*

## School age services

Information was available for 1,200 reports in respect of whether the service provided school age services and the findings show that about 42.1% (n = 506) of reports identify the provision of this type of service while 57.8% (n = 694) do not.

The findings show that just over one third of reports in this analysis of services in the West region (n = 156; 30.8%) offer school aged care compared with less than one in five reports of services in the DNE region (14.8%; n = 75) (Table 15).

**Table 15 Regional distribution of school age provision in services inspected**

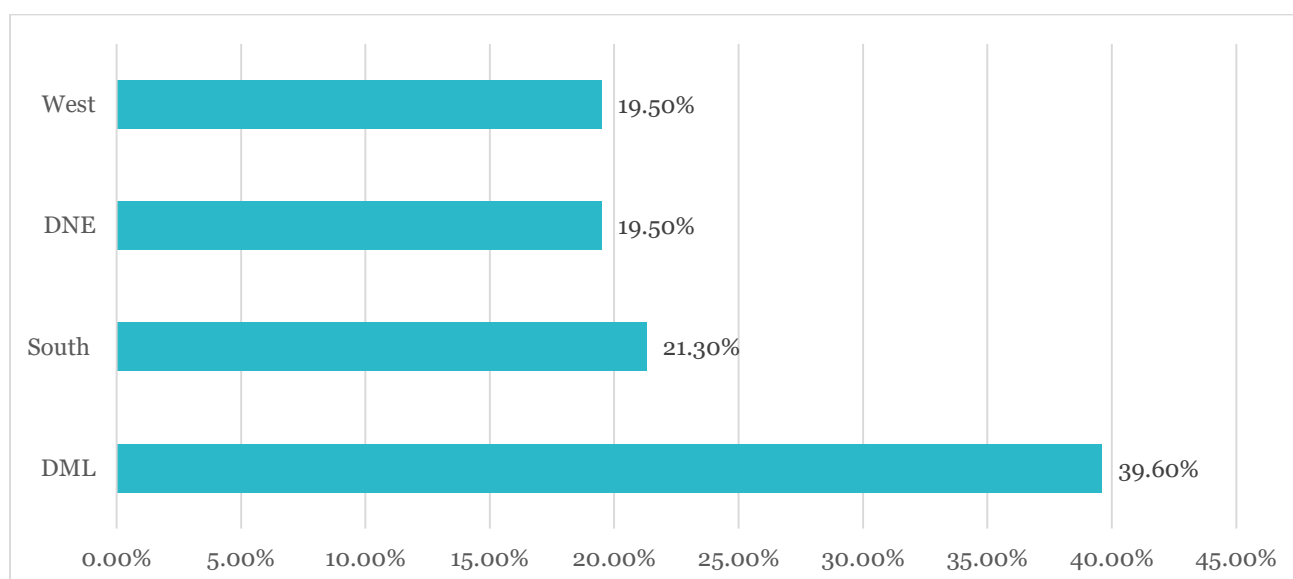
	% of school age services	Number of school age services
DML region	28.6%	145
DNE region	14.8%	75
South region	25.6%	130
West region	30.8%	156
Total	99.83	506

*Note: Percentages may not add to 100% due to rounding*

## Services registered as one of a multiple service

In total, 164 (13%) of the 1,261 reports where information was available on the register refer to the service being one of a multiple service. Almost 40% (39.6%; n = 65) were in the DML region, 21.3% in the South (n = 35) and 19.5% (n = 32) in the DNE and West regions (Figure 16).

**Figure 16 Percentage of services registered as one of a multiple service by region**



*Note: Percentages may not add to 100% due to rounding*

## Assessment of compliance and noncompliance

In this analysis, about half of the reports (53%) included an assessment of either six or seven regulations. Almost one in five reports (n = 249; 18.8%) included an assessment of three regulations (Table 16).

**Table 16 Number and percentage of regulations assessed**

Number of regulations assessed	Number of reports	% of reports
2	4	0.3
3	249	18.8
4	79	6
5	35	2.6
6	507	38.2
7	193	14.5
8	76	5.7
9	126	9.5
10	44	3.3
11	10	0.8
12	3	0.2
16	1	0.1
Total	1327	100

*Note: Percentages may not add to 100% due to rounding*

## Compliance and noncompliance

Compliance is considered now in respect of both the IR reports (n = 1327) and the individual regulations (n = 7983) included within them.

## Compliance in respect of reports included in analysis

Over one third of IR reports recorded no noncompliant regulations (n = 484; 36.5%) and a further 43.5% (n = 577) recorded between one and three noncompliant regulations.

As noted, there were 1,327 inspections included in this analysis and of these 88% (87.9%; n = 1166) were unannounced. The range of compliant regulations in individual reports ranged from 0 to 10 across the 1,327 inspection reports and the mean average number of compliant regulations was 4.11. The number of noncompliant regulations in reports ranged from 0 to 14 with an average number of noncompliant regulations at 1.91.

About one third of inspection reports recorded no noncompliant regulations (n = 484; 36.5%) and a further 43.5% (n = 577) recorded between 1 and 3 noncompliant regulations. Sixteen percent (n = 212) of inspection reports recorded between 4 and 6 noncompliant regulations and only 4% (n = 54) recorded 7 or more noncompliant regulations (Table 17).

**Table 17 Number and percentage of reports according to the number of noncompliant regulations**

Number of noncompliant regulations	Frequency	Percentage
<b>No noncompliant regulations</b>	484	36.5
<b>1</b>	231	17.4
<b>2</b>	184	13.9
<b>3</b>	162	12.2
<b>4</b>	95	7.2
<b>5</b>	65	4.9
<b>6</b>	52	3.9
<b>7</b>	23	1.7
<b>8</b>	17	1.3
<b>9</b>	9	0.7
<b>10</b>	3	0.2
<b>11</b>	1	0.1
<b>14</b>	1	0.1
<b>Total</b>	1327	100

*Note: Percentages may not add to 100% due to rounding*

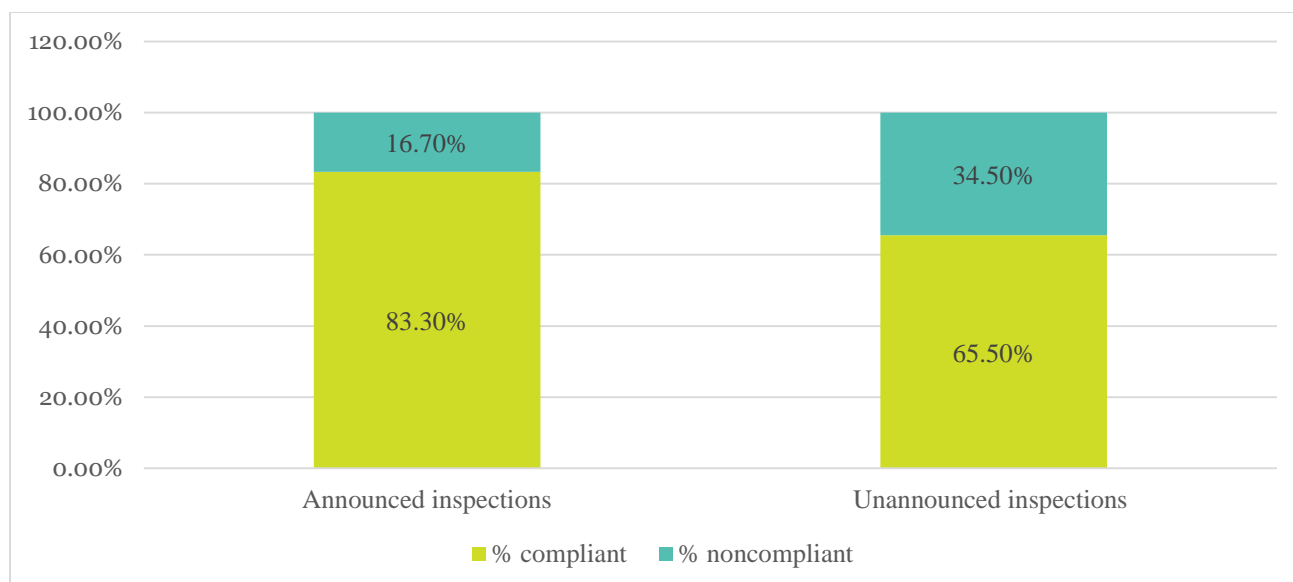
## Compliance with regulations

In total, 7,983 regulations were assessed in the 1,327 IRs and of these, more than two thirds (68%; n = 5448 ) were identified as compliant and 32% (n = 2535) were identified as noncompliant.

In total, 1,249 (15.6%) regulations were assessed in reports of announced inspections and 6,734 (84.4%) in unannounced inspections. The proportion of regulations assessed as compliant during announced inspections (n = 1041; 83%) was significantly higher than those identified during unannounced inspections (n = 4408;

65.5%) (Figure 17). As noted, however, the vast majority of regulations were assessed in reports of unannounced inspections (84.4%).

**Figure 17 Percentage of compliant and noncompliant regulations according to announced or not announced inspection**



*Note: Percentages may not add to 100% due to rounding*

## Findings according to individual regulations

The regulations most likely to be assessed were Regulation 11 (Staffing levels), Regulation 9 (Management and recruitment), Regulation 19 (Health, welfare and development of the child), Regulation 23 (Safeguarding health, safety and welfare of the child) and Regulation 26 (Fire safety measures). Regulations least likely to be assessed include Regulation 24 (Checking in and out and record of attendance), Regulation 17 (Information for parents), Regulation 31 (Notification of incidents), Regulation 13 (Temporary pre-school services and pre-school services in drop-in centres) and Regulation 15 (Record of a pre-school child (Table 18).

## Compliance and noncompliance findings in respect of individual regulations

As noted in Table 18, the number of assessments of regulations varied considerably according to the individual regulation number and this must be taken into account in the interpretation of the results. Regulation 13, for example, had the highest level of compliance at 100%. This regulation, however, was assessed only seven times in total.

Regulation 11 relating to staffing levels was found to have a high compliance level of 91.7% among the 1,326 reports where this regulation was assessed. This was also the case in respect of Regulation 25 which was assessed in 952 reports and found to be compliant in 82.1% of cases. Regulation 12 (Childminders) and Regulation 28 (Insurance) were also identified as having high levels of compliance at 90% and 81.2% respectively. Forty reports included an assessment of Regulation 12, and 149 reports included an assessment of Regulation 28 although, as noted in Table 18, considerably smaller numbers of services were assessed in respect of these regulations.

While 69% of the 1,313 reports where Regulation 9 (Management and recruitment) was assessed as compliant, only just over one third (36.7%) of the 1,035 assessments in respect of Regulation 23 were found to be compliant.

**Table 18 Compliance and noncompliance findings in respect of individual regulations assessed**

Regulation number	Focus of regulation	Compliant	Not Compliant	Number of times regulations assessed
7		0%	100%	1
8	Notification of change in circumstances	2.2%	97.8%	90
9	Management and recruitment	69%	31%	1313
10	Policies, procedures etc. of pre-school service	27.3%	72.7%	11
11	Staffing levels	91.7%	8.3%	1326
12	Childminders	90%	10%	40
13	Temporary pre-school services and pre-school services in drop-in centres	100%	0%	7
15	Record of a pre-school child	11.1%	88.9%	9
16	Record in relation to a pre-school service	12.9%	87.1%	124
17	Information for parents	0%	100%	3
19	Health, welfare and the development of the child	72.4%	27.6%	1210
20	Facilities for rest and play	58.2%	41.8%	170
21	Equipment and materials	0%	100%	12
22	Food and drink	69.2%	30.8%	39
23	Safeguarding health, safety and welfare of the child	36.7%	63.3%	1035
24	Checking in and out and record of attendance	0%	100%	3
25	First aid	82.1%	17.9%	952
26	Fire safety measures	77.6%	22.4%	959
27	Supervision	23.4%	76.6%	47
28	Insurance	81.2%	18.8%	149
29	Premises	29.9%	70.1%	304
30	Minimum space requirements	73.7%	26.3%	156
31	Notification of incidents	50%	50%	6
32	Complaints	76.5%	23.5%	17
<b>Total</b>		68.3%	31.7%	7983

*Note: Percentages may not add to 100% due to rounding*

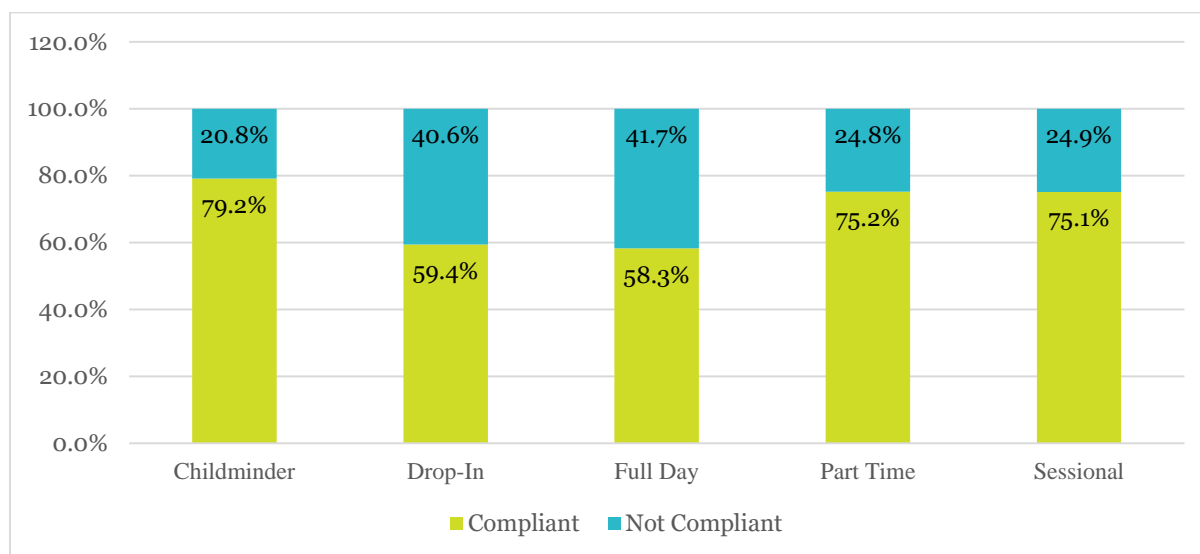
## Compliance and noncompliance according to type of services

Figure 18 presents the findings according to the type of service inspected. It is noted that the number of regulations included in this analysis varies considerably according to the type of service and this should be taken into account in any interpretation of these findings.



Two types of services account for 84% (n = 6709) of all regulations assessed in reports included in this analysis, and these are sessional services (n = 3458) and full daycare services (n = 3251). Regulations assessed in sessional services (75.1%; n = 2597) are significantly more likely to be compliant than those assessed in full daycare services (58.3%; n = 1894). Those assessed in childminder services are most likely to be assessed as compliant 79.2% although the number of regulations assessed in reports of this type of service is low at 269. Only 69 regulations were assessed in drop-in services and of these 59.4% were deemed to be compliant. Reports of compliance in the 936 part-time services included in the analysis were recorded at 75.2% (n = 704).

**Figure 18 Compliance and noncompliance according to type of service**



*Note: Percentages may not add to 100% due to rounding*

## Compliance and noncompliance according to geographic region

More than three quarters of regulations assessed in reports in the West region were deemed compliant (77.4%; n = 1663) and this was the highest proportion across all regions. Regulations in reports relating to the DML region were assessed as having the lowest level of compliance with 61.9% (n = 1444) of regulations deemed compliant. About 65% (n = 950) of regulations assessed in services in the DNE region were identified as compliant and just over two thirds of those relating to services in the Southern region (68.2%; n = 1392) area were deemed compliant (Table 19).

**Table 19 Percentage of regulations assessed as compliant/noncompliant by region**

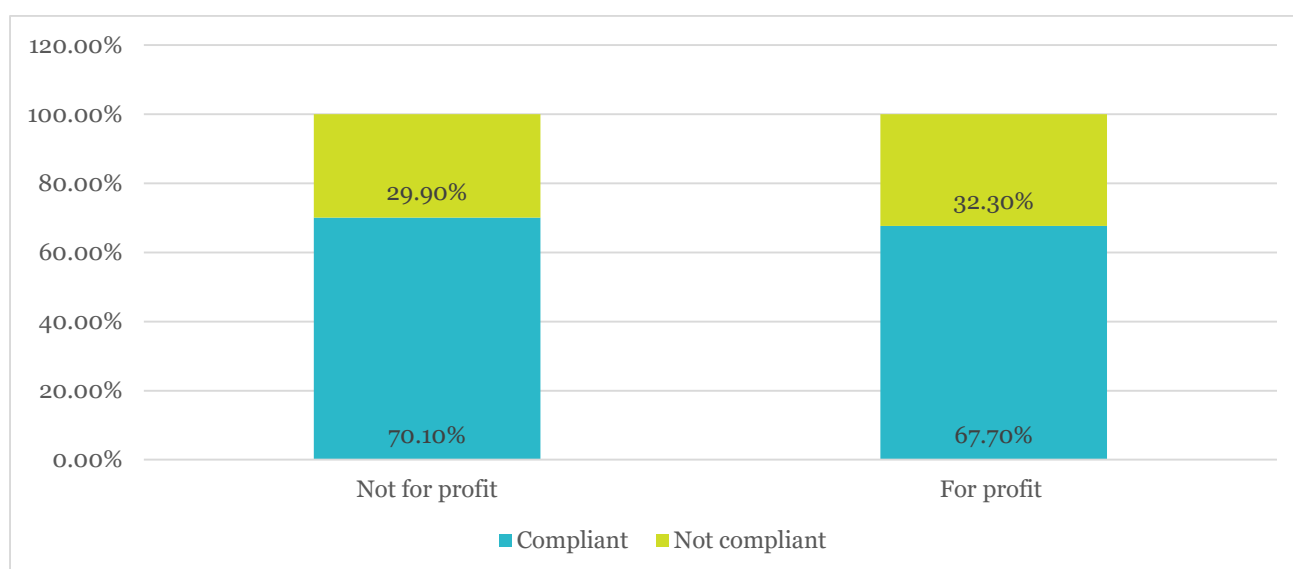
Region	Compliant	Noncompliant	Number of regulations assessed
<b>DML</b>	61.9% (1444)	38.1% (889)	2333
<b>DNE</b>	65% (950)	35% (511)	1461
<b>South</b>	68.2% (1392)	31.8% (648)	2040
<b>West</b>	77.4% (1663)	22.6% (486)	2149

*Note: Percentages may not add to 100% due to rounding*

## Compliance and noncompliance according to profit status

The profit status was identified in respect of 7,805 regulations. A higher proportion of regulations assessed in not for profit services were deemed to be compliant compared with for profit services. Of the 1,643 regulations assessed in not for profit services, 70% (n = 1151) were identified as compliant and this compares with 67.7% (n = 4173) of the 6,162 regulations assessed in for profit services (Figure 19).

**Figure 19 Percentage of compliant and noncompliant regulations assessed in profit and not for profit services**



*Note: Percentages may not add to 100% due to rounding*

Information was available in respect of 7,577 regulations according to whether the service was registered as one of a multiple service or a single service. More than 6,000 (n = 6496) regulations were assessed in reports of single services compared with just over 1,000 regulations (n = 1081) in reports where a service is registered as one of a multiple service. Just over two thirds (68.7%; n = 4463) of single services were assessed to be compliant while just under two thirds (63.1%; n = 682) of multiple services deemed to be compliant (Table 20).

**Table 20 Percentage and number of compliant and noncompliant regulations according to whether the service is one of multiple service or not**

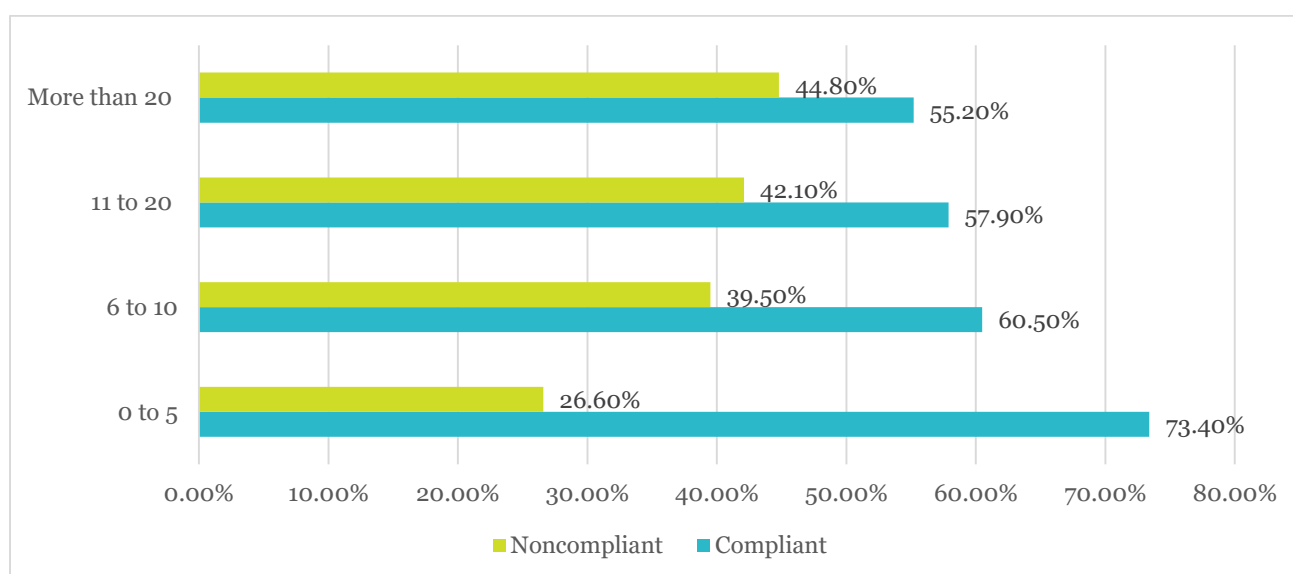
Type of service	% compliant regulations	Number of compliant regulations	% of noncompliant regulations	Number of noncompliant regulations	Total number of regulations
Not a multiple service	68.7%	4463	31.3%	2033	6496
Is a multiple service	63.1%	682	36.9%	399	1081

*Note: Percentages may not add to 100% due to rounding*

## Compliance and noncompliance according to size of the service

Reports of services with larger numbers of staff employed were more likely to include having higher proportions of assessments of noncompliant regulations. Almost three quarters (73.4%; n = 3788) of the 5,164 regulations were assessed to be compliant in reports of services with 0-5 employees. This compares with 60.5% (n = 896) in the 1,481 regulations assessed in services with 6-10 employees and 57.9% (n = 562) reports of the 970 services with 11-20 employees. While only 55% (n = 203) of regulations were identified as compliant in reports where there were more than 20 employees, the overall number of regulations (n = 368) assessed in this size of service was small (Figure 20).

**Figure 20 Percentage of compliant and noncompliant regulations according to the number of employees in the service**



*Note: Percentages may not add to 100% due to rounding*

## Summary of findings arising from 2019 IR reports included in the analysis

This analysis included 1,327 IR reports and within these reports 7,983 regulations were assessed. The vast majority of IR reports (88%) related to unannounced inspections. Overall, 68% of regulations were assessed as compliant. Over one third of IR reports recorded no noncompliant regulations (n = 484; 36.5%) and a further 43.5% (n = 577) recorded between one and three noncompliant regulations. The three most commonly assessed regulations show wide variations in the proportion reported to be compliant ranging from 91.7% (Regulation 11, Staffing levels) to 69% (Regulation 9, Management and recruitment) and 36.7% (Regulation 23, Safeguarding health, safety and welfare of the child).

The services most likely to be reported as compliant are those in the West region (77.4% compliant vs DML 61.9%), not for profit services (70% vs 67.7% for profit), services registered as a single one (68.7% vs 63% of services registered as one of a multiple service) and services with lower numbers of staff employed (73.4% in services with 0-5 employees vs 55% in services with more than 20 employees).

## Fit for Purpose (FFP) inspections 2019

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62 reports of FFP inspections that included 642 regulations were included in this analysis

Reports of FFP inspections include higher levels of compliance compared with IR reports

- 84% (n = 540) of regulations were identified as compliant
- The mean average number of compliant regulations in reports analysed was 8.71 and the number of compliant regulations ranged from 3 to 11
- The mean average number of noncompliant regulations was 1.65 and the number of noncompliant regulations in individual reports ranged from 0-7
- Almost half of reports (46.8%; n= 29) did not include any noncompliant regulations.

Regulation 23 (Safeguarding health, safety and welfare of the child) was identified as noncompliant in 40% of reports

- Regulations most likely to be assessed as compliant were Regulation 9 (Management and recruitment; 100%); Regulation 12 (Childminders; 100% compliant), Regulation 11 (Staffing levels; 98.4%) and Regulation 30 (Minimum space requirements; 96.7%).
- Regulations most likely to be assessed as noncompliant were Regulation 23 (Safeguarding the health, safety and welfare of the child; 40.3%); Regulation 29 (Premises; 37.1%); Regulation 26 (Fire safety measures; 27.4%) and Regulation 20 (Facilities for rest and play; 24.2%).

## Description of FFP inspection reports included in this analysis

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This section presents an analysis of fit for purpose inspection reports received from Tusla for analysis. Areas included are the number, types and geographic spread of services and compliance and noncompliance.

### Overview of reports of FFP inspections

In total, 62 reports of FFP inspections that include 642 regulations are taken into account in this analysis. The type of services on which these inspections took place are presented in Table 21. Almost half (n = 28; 45.2%) took place in sessional services, about one quarter (25.8%; n = 16) in full daycare services and a further 19% (19.4%; n = 12) refer to part-time services. Only six reports refer to childminder services.

**Table 21 Number and percentage of reports by type of service**

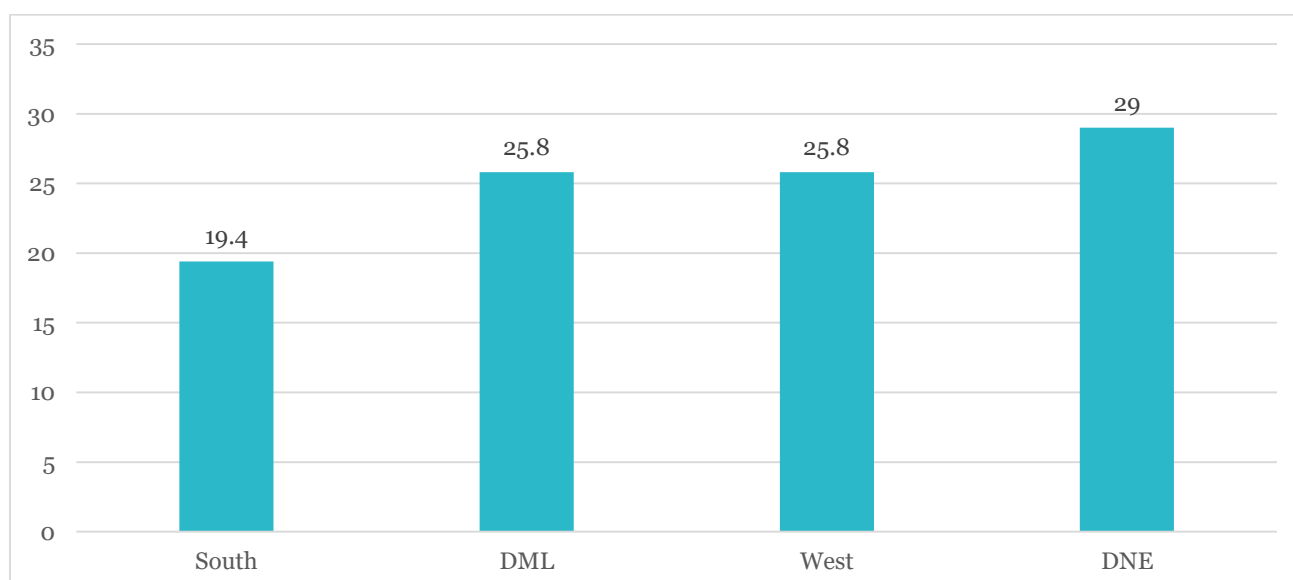
Type of service	Number of reports	% of reports
<b>Childminder</b>	6	9.5
<b>Full Day</b>	16	25.8
<b>Part-Time</b>	12	19.4
<b>Sessional</b>	28	45.2
<b>Total</b>	62	100

*Note: Percentages may not add to 100% due to rounding*

## Regional distribution of reports of FFP inspections

The highest proportion of FFP reports included in this analysis of inspections took place in the DNE region (29%; n = 18). About one quarter (25.8%; n = 16) took place in the DML and West region while 19.4% (n = 12) took place in the South (Figure 21).

**Figure 21 Percentage of FFP reports by region of inspection included in analysis**



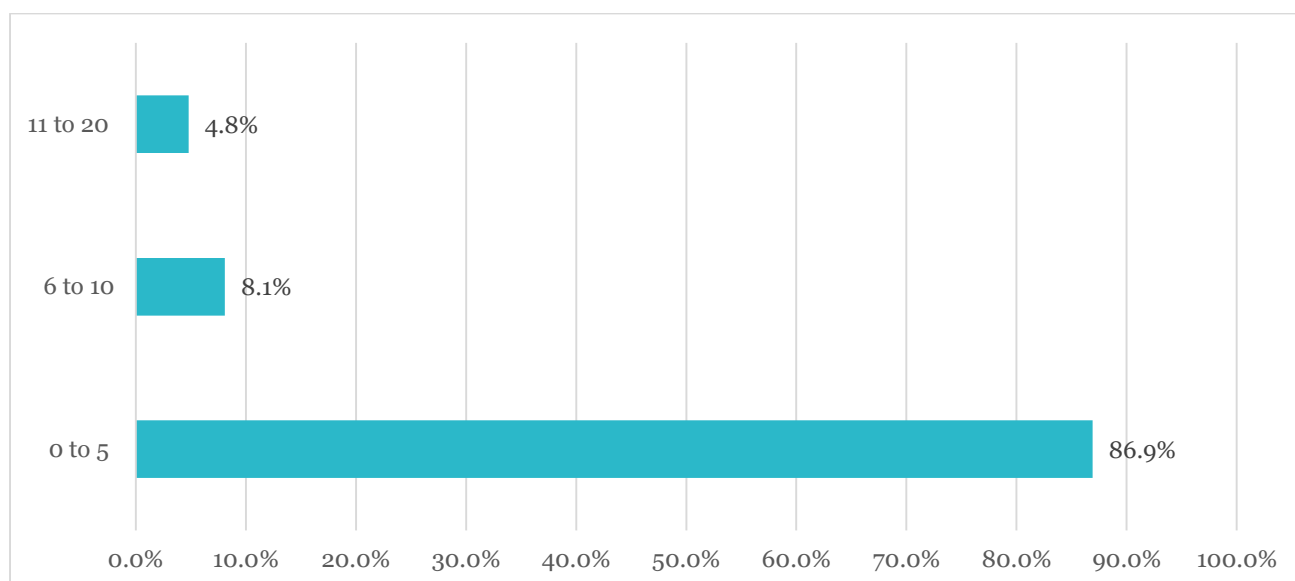
*Note: Percentages may not add to 100% due to rounding*

## Other characteristics of the services included in FFP reports

Fifty-three of the 54 services about which information is available were reported to be for profit. Information is available for 42 reports in respect of whether the service also provided school age services, and of these 62% (n = 26) of services were reported to be providing a school age service. Information was available on 51 services in respect of whether they were one of a multiple service or a single, and of these, 31% (n = 16) indicated they related to one of a multiple service.

Information was available for 61 services in respect of the number of employees, and the vast majority of reports indicated that the number of employees in the service was 0-5 (86.9%; n = 53). Only a small number related to services with 6-10 employees (8.1%; n = 5) or 11 to 20 (4.8%; n = 3). No reports included services with more than 20 employees (Figure 22).

**Figure 22 Number of employees by FFP reports**



*Note: Percentages may not add to 100% due to rounding*

## Compliance and noncompliance in FFP inspections

Findings relating to compliance and noncompliance arising from the FFP inspections are now presented. In total, 642 regulations were inspected in respect of the 62 reports.

### Compliance with regulations

The mean average number of compliant regulations was 8.71 and the number of compliant regulations in individual reports ranged from 3 to 11. The mean average number of noncompliant regulations was 1.65 and the number of noncompliant regulations in individual reports ranged from 0-7 (Table 22).

**Table 22 Range of compliance and noncompliant regulations**

	N	Minimum	Maximum	Mean	Std. Deviation
<b>Compliant regulations</b>	62	3	11	8.71	2.044
<b>Noncompliant regulations</b>	62	0	7	1.65	2.057
<b>Total number of regulations</b>	62	10	11	10.35	0.482

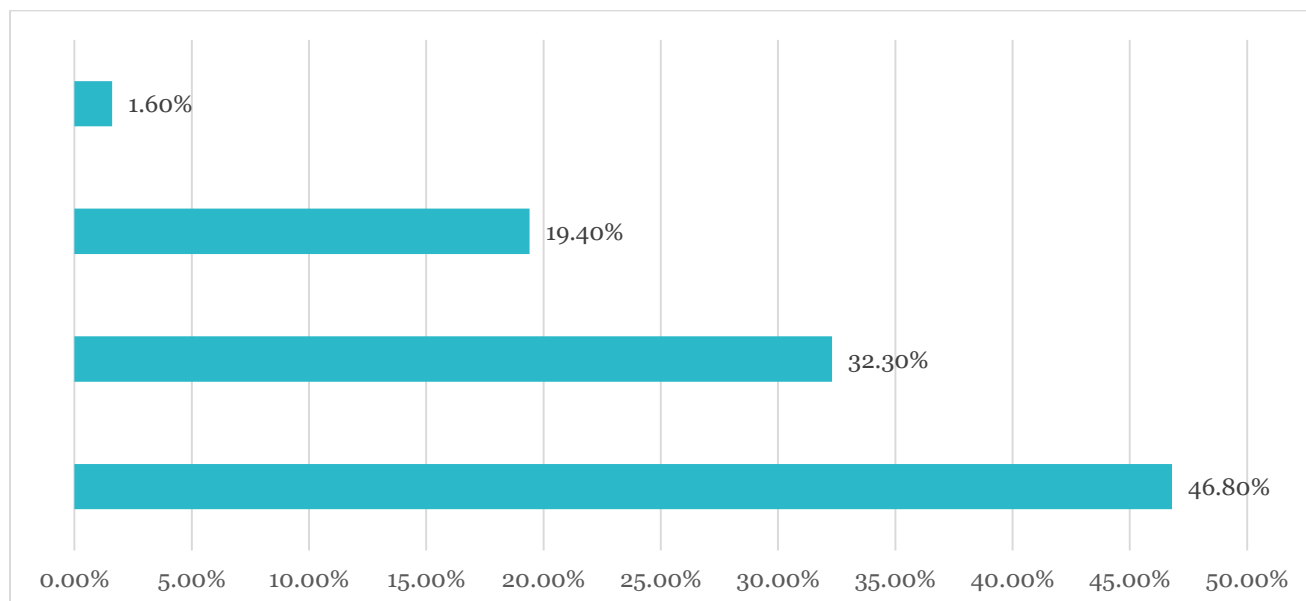
*Note: Percentages may not add to 100% due to rounding*

## Percentage of reports according to the number of compliant and noncompliant regulations

Almost half of all reports (46.8%; n = 29) reported no noncompliant regulations and a further third reported between 1 and 3 noncompliant regulations (32.3%; n = 20). Almost 1 in 5 reports (19.4%; n = 12) recorded

between 4 and 6 noncompliant reports and only 1 report included 7 or more noncompliant regulations (Figure 23).

**Figure 23 Percentage of reports according to number of noncompliant regulations**

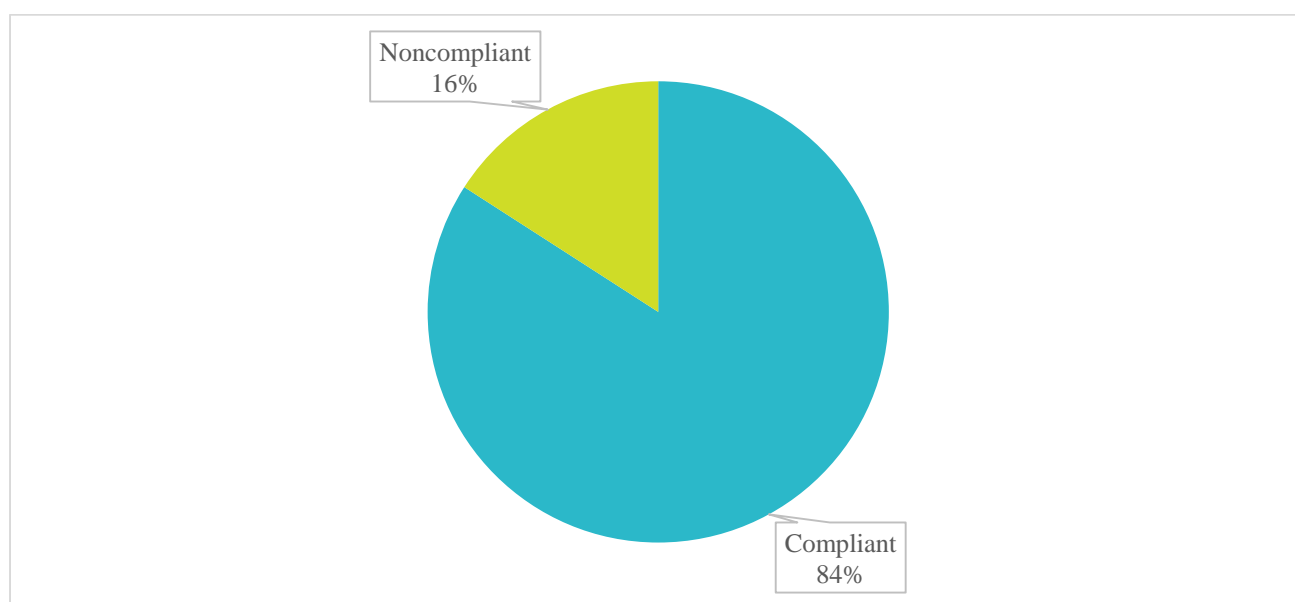


*Note: Percentages may not add to 100% due to rounding*

## Compliance by individual regulations

In total, 642 regulations were assessed and of these, 84% (n = 540) were identified as compliant and 16% (n = 102) were identified as noncompliant (Figure 24).

**Figure 24 Proportion of compliant and noncompliant regulations in FFP reports**



*Note: Percentages may not add to 100% due to rounding*

Each service was inspected for each regulation presented in Table 23. The analysis shows that all services inspected were assessed as being compliant with Regulation 9 (Management and recruitment) and Regulation 12 (Childminders). Very high levels of compliance were also identified in respect of Regulation 11 (Staffing levels), Regulation 30 (Minimum space requirements), Regulation 22 (Food and drink), Regulation 6 (Registration of pre-school service) and Regulation 28 (Insurance) all of which were assessed as compliant in more than 90% of reports.

Regulations least likely to be assessed as compliant were Regulation 23 (Safeguarding the health, safety and welfare of the child), Regulation 29 (Premises) and Regulation 26 (Fire safety measures) all of which were assessed as noncompliant in less than three quarters of reports.

**Table 23 Percentage of compliance and noncompliance according to individual regulation**

Regulation number	Focus of regulation	Compliant	Not Compliant	Number of times regulation assessed
<b>6</b>	Registration of pre-school service	91.9%	8.1%	62
<b>9</b>	Management and recruitment	100%	0%	62
<b>11</b>	Staffing levels	98.4%	1.6%	62
<b>12</b>	Childminders	100%	0%	1
<b>20</b>	Facilities for rest and play	75.8%	24.2%	62
<b>22</b>	Food and drink	95.5%	4.5%	22
<b>23</b>	Safeguarding health, safety and welfare of the child	59.7%	40.3%	62
<b>25</b>	First aid	87.1%	12.9%	62
<b>26</b>	Fire safety measures	72.6%	27.4%	62
<b>28</b>	Insurance	91.9%	8.1%	62
<b>29</b>	Premises	62.9%	37.1%	62
<b>30</b>	Minimum space requirements	96.7%	3.3%	61

*Note: Percentages may not add to 100% due to rounding*

## Summary analysis of reports of FFP inspections

In summary, an analysis of 62 reports of FFP inspections that included 642 regulations was carried out. The reports show that 84% of all regulations were assessed as compliant and the mean average number of compliant regulations in reports was 8.71 although it ranged from 3 to 11 regulations. The mean average number of noncompliant regulations was 1.65 and the number of noncompliant regulations in individual reports ranged from 0 to 7. Almost half of reports (46.8%) did not include any noncompliant regulations.

The regulations most likely to be assessed as noncompliant were Regulation 23 (Safeguarding the health, safety and welfare of the child; 40.3%), Regulation 29 (Premises; 37.1%); Regulation 26 (Fire safety measures; 27.4%) and Regulation 20 (Facilities for rest and play; 24.2%).



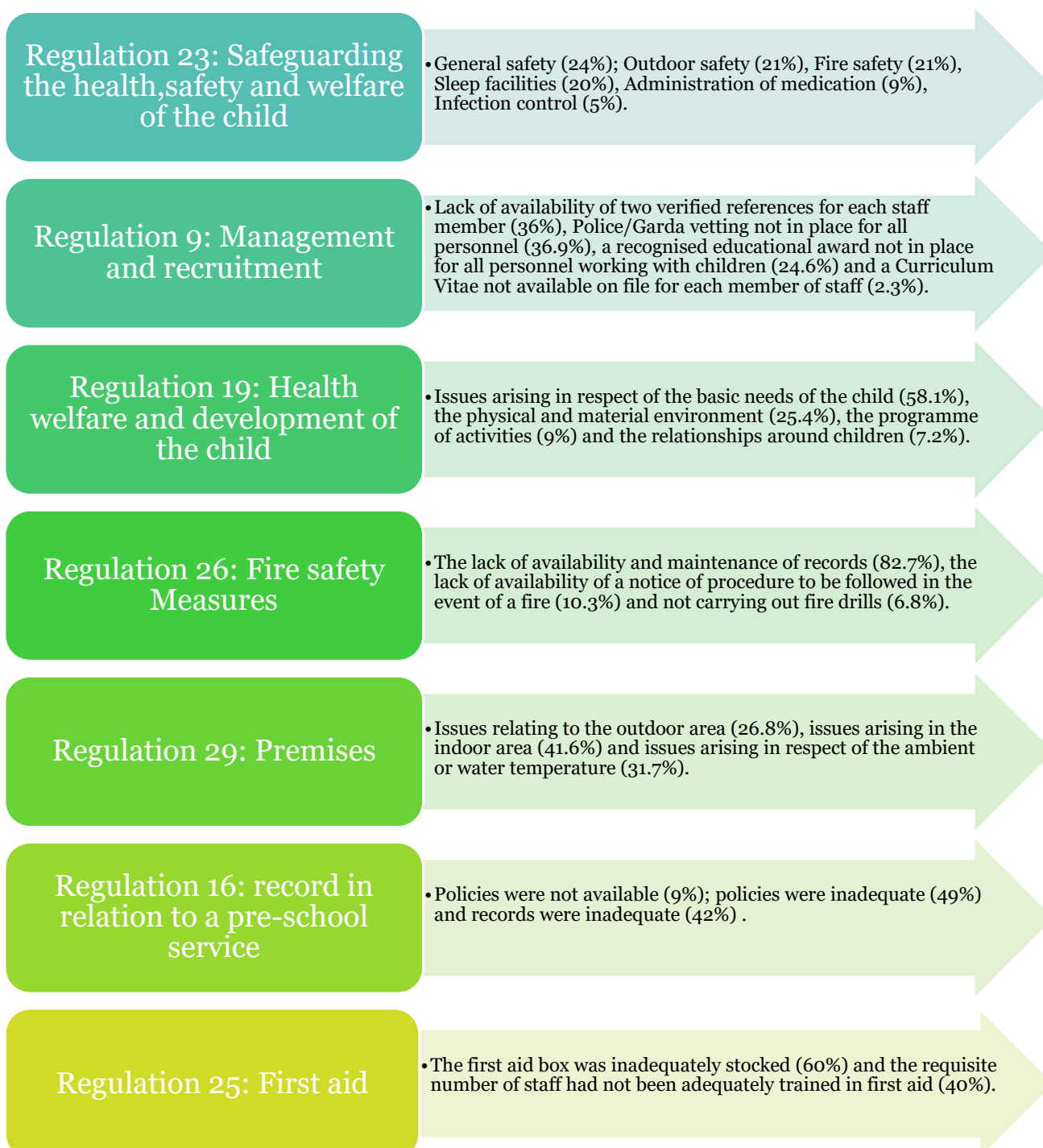
## **Section 5:**

# **Key issues arising in noncompliant regulations**

## Key points

This section presents a thematic and content analysis of a random sample of 500 noncompliant regulations from 2018 and 2019 reports. The main areas of concern and their frequency in respect of the most commonly noncompliant regulations are summarised in Figure 25.

**Figure 25 Main areas of concern and their frequency according to individual regulation**



## Overview

This section presents a content and thematic analysis of 500 randomly selected noncompliant regulations, drawn from the 2018 and 2019 inspection reports included in the preceding analysis. The focus of this analysis is on the most commonly assessed regulations and these are similar in both years (Table 24).

**Table 24 Percentage of noncompliance of most commonly assessed regulations and number included in this analysis**

Regulation number	Regulation title	% IR noncompliant 2018	% noncompliant 2019	Number included in this analysis
Regulation 23	Safeguarding the health, safety and welfare of the child	71.9% (n = 1041)	63.3% (n = 1035)	134
Regulation 9	Management and recruitment	45.4% (n = 1106)	31% (n = 1313)	90
Regulation 19	Health, welfare and the development of the child	26.3% (n = 816)	27.6% (n = 1210)	52
Regulation 26	Fire safety measures	25.1% (n = 935)	22.4% (n = 959)	51
Regulation 29	Premises	85.2% (n = 243)	70.1% (n = 304)	36
Regulation 16	Record in relation to a pre-school service	90.5% (n = 116)	87.1% (n = 124)	30
Regulation 25	First aid	19% (n = 930)	17.9% (n = 952)	25

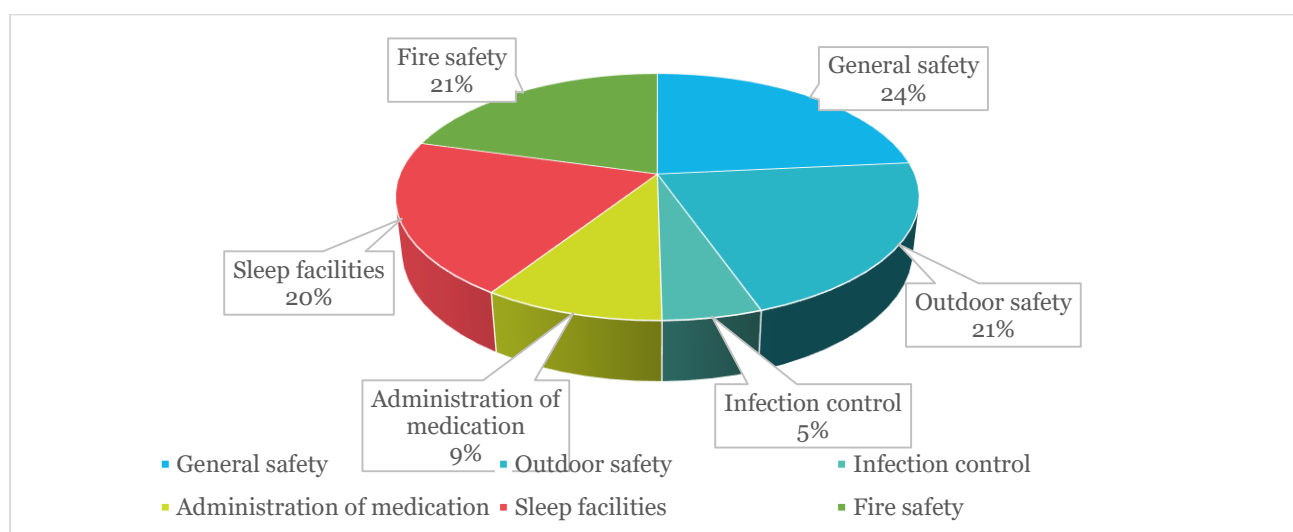
*Note: Percentages may not add to 100% due to rounding*

Findings arising from an analysis of individual regulations in respect of the main areas of noncompliance and the nature of the noncompliance as described in the reports is now presented.

### Regulation 23 (Safeguarding health, safety and welfare of the child)

There were 134 noncompliant assessments of Regulation 23 included in this analysis. The text of some of these regulations identified more than one issue resulting in 213 areas identified in total. These can be categorised into six different issues and these were general safety (24%; n = 50), outdoor safety (21%; n = 45), fire safety (21%; n = 44), sleep facilities (20%; n = 43), administration of medication (9%; n = 20) and infection control (n = 11) (Figure 26).

**Figure 26 Noncompliance issues arising in respect of Regulation 23**



*Note: Percentages may not add to 100% due to rounding*

The following two figures (Figure 27a and Figure 27b) present examples of the nature of the noncompliance according to individual categories identified in the analysis.

**Figure 27a Nature of noncompliance in respect of Regulation 23 (1)**

### General safety

- **Example:** In the pre-school room a cupboard door which led into the attic space was unlocked and therefore the attic space was accessible to the pre-school children. The chain from a blind in the baby sleep room was broken and accessible to children and could pose a potential risk of strangulation. Small piece toys i.e. construction play pieces and pegs were accessible to children under three years of age where they could pose a potential risk of choking. A roll of plastic bin bags was observed on a shelf where it was accessible to children posing a potential risk of suffocation. An antibacterial spray was left on a window sill within reach of children posing a risk that they could injure themselves or ingest the contents. A number of loose cables were hanging at a height that children could reach and pull the cables causing injury to themselves.

### Outdoor safety

- **Example:** The slide and climbing frame in the outdoor play area were not anchored to the ground. The gated entrance at the top of the stairs was easily openable and provided unauthorised access to the pre-school. A water hose in the outdoor space was hanging loose and posed a strangulation risk to the pre-school children. The climbing frame was in poor condition with evidence of chipped wood on the steps which posed a risk of splintering. A child sized chair in the outdoor area was in poor condition with the covering ripped. Four soft matted tiles in the outdoor area were uneven with the potential risk of tripping. A section of the wooden fence was unsecure and posed a potential safety concern.

### Fire safety

- **Example:** Fire drills were not conducted on a monthly basis.

**Figure 27b Nature of noncompliance in respect of Regulation 23 (2)**

### Sleep facilities

- Example:** The room temperature was recorded at 23.2 °Celsius at 13.35 in the toddler/sleep room. A method to measure, record and maintain the recommended safe sleep room temperature of 16-20 °Celsius was not available to staff in the service. The service sleep record did not record a 10 minute physical sleep check of each baby's sleep periods, to include breathing, position and colour as a precautionary measure to reduce the potential risk of sudden infant death.

### Administration of medication

- Example:** Medication available for a child with asthma and another child who had an allergy had expired posing a safety risk in the event it was required.
- Example:** Administration of medication forms did not include the signature of the child's parent/guardian on collection to ensure they were aware of all medication administered to their child by the service.
- Example:** On review of medication administration records a second staff member did not always check the administration procedure and some records were not signed by the child's parent on collection.

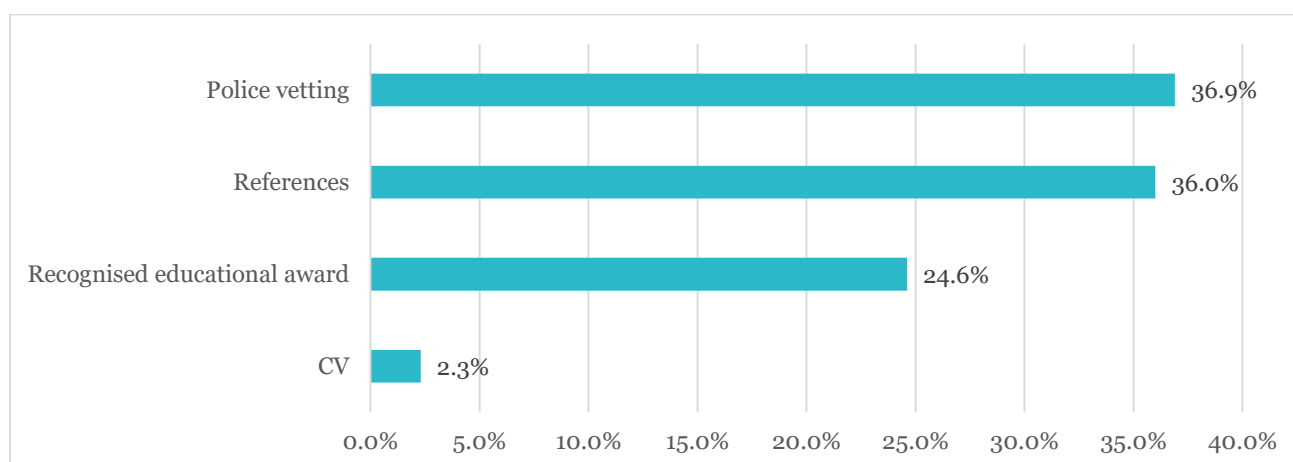
### Infection control

- Example:** The service did not provide thermostatically controlled hot water at each wash hand basin. This was highlighted in the last inspection of the service on [date]. Liquid soap was not available at the wash hand basin in the nappy changing room. Aprons were not used by the adults for nappy changing. The nappy changing mat and unit was not sanitised after each use. This practice was at variance with the service nappy changing policy. On questioning adults were unsure of the correct nappy changing procedures. Toiletries were not suitably stored and cubby spaces not labelled with the children's name. Empty nappy barrier creams and lotions were not discarded. The children in the crèche room were not facilitated in hand washing prior to snacks being eaten. Bottles and beakers were not appropriately labelled with the children's name to avoid cross contamination.

## Regulation 9 (Management and recruitment)

A total of 90 noncompliant regulations were included in this analysis of Regulation 9 and four main issues arose each reflecting the text of the regulation. Again, the text of some of these regulations identified more than one issue and the total number of issues amounted to 130 issues. The four main categories identified were the lack of availability of two verified references for each staff member (n = 47; 36%), Police/Garda vetting not in place for all personnel (n = 48; 36.9%), a recognised educational award not in place for all personnel working with children (n = 32; 24.6%) and a Curriculum Vitae not available on file for each member of staff (n = 3; 2.3%) (Figure 28).

**Figure 28 Categories arising in respect of Regulation 9**



*Note: Percentages may not add to 100% due to rounding*

Much of the commentary relating to Regulation 9 focussed on either staff not having references or on individuals who had not received Police vetting. This was particularly the case in respect of individuals who had worked or lived outside the state for a period of longer than six months (Figure 29).

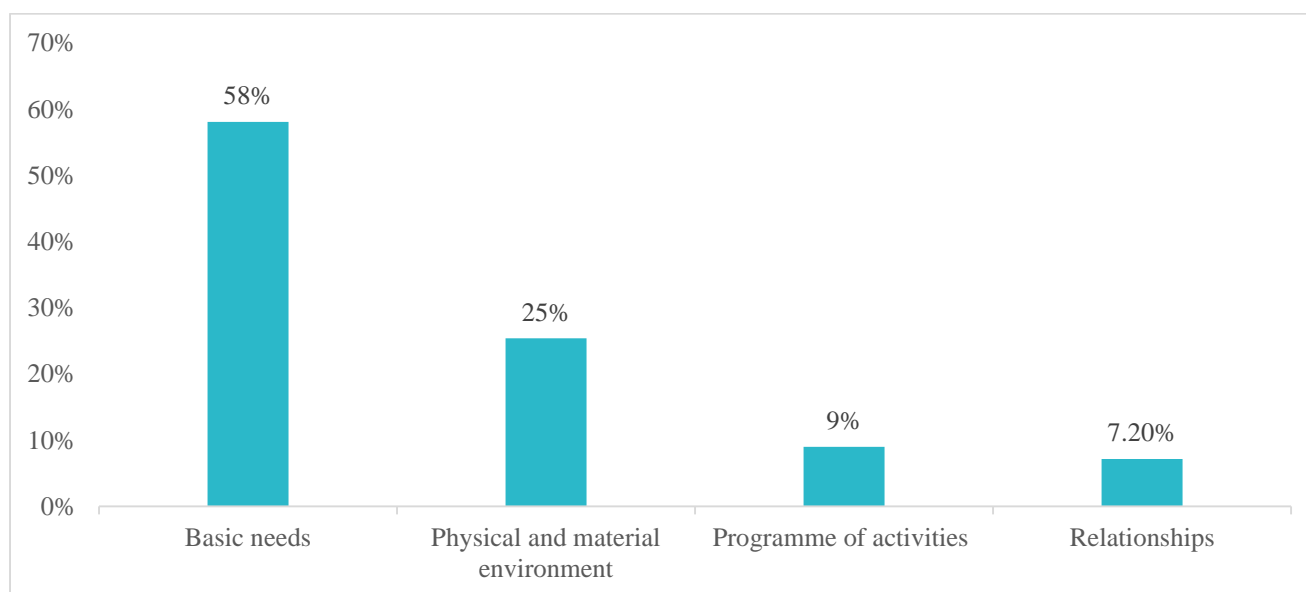
**Figure 29 Nature of noncompliance in respect of Regulation 9**

References	Police vetting	Educational award
<ul style="list-style-type: none"> <li>• There were no references available for one staff member and the student.</li> <li>• One staff member did not have a reference from their most recent previous employment in a pre-school service.</li> <li>• References from employers had not been validated. A second reference from a reputable source was not available for one staff member who only had one previous employer.</li> <li>• It was not evidenced that any of the references available from reputable sources had been validated.</li> </ul>	<ul style="list-style-type: none"> <li>• Completed Garda vetting was unavailable for one adult employed in the service. An Immediate Action Notice was issued</li> <li>• One staff member who was employed to work directly with children did not have a Garda vetting disclosure. An immediate action notice was issued to the registered provider.</li> <li>• Police vetting had not been obtained for three adults who had lived in another state as adults for a period longer than six months.</li> </ul>	<ul style="list-style-type: none"> <li>• A copy of certified qualification of a major award in Early Childhood Care and Education at Level 5 or above on the Quality and Qualifications Ireland (QQI) was unavailable in respect of two staff members working directly with children.</li> <li>• Two adults did not have documentary evidence that their qualification was equivalent to a major award in Early Childhood Care and Education at Level 5 on the National Qualifications Framework.</li> </ul>

## Regulation 19 (Health, welfare and the development of the child)

Fifty-two noncompliant regulations were included in this analysis and 55 issues identified. Four broad categories relating to the health, welfare and development of the child emerged and these are the basic needs of the child (n = 32; 58.1%), the physical and material environment (n = 14; 25.4%), the programme of activities (n = 5; 9%) and the relationships around children (n = 4; 7.2%). A number of services were identified as having a noncompliance in more than one area (Figure 30).

**Figure 30 Issues arising in respect of Regulation 19**



*Note: Percentages may not add to 100% due to rounding*

### Nature of noncompliance in respect of Regulation 19

Issues identified in respect of the needs of the child focussed on areas such as nutrition, toileting and rest and sleep, and these areas accounted for a substantial commentary. This was followed by issues relating to the physical and material environment and these focussed on their impact on the child's health, welfare and development. Issues relating to the programme provided and relationships around children were identified in smaller numbers of noncompliant reports and this is also reflected in the commentary (Figure 31).

**Figure 31 Nature of noncompliance in respect of Regulation 19**

**Basic needs of the child**

- The children were observed in highchairs watching a cartoon for 50 minutes, with limited interaction and no play based activity.
- Children's nappies were not changed in a timely manner. One child, who was noted by the inspectors to be wearing a soiled nappy, was not noticed by the staff member for another 15 minutes. Upon recognising the fact that the child needed to be changed the staff member then offered the child something to eat instead of changing the child promptly.
- One child in the toddler/sleep room was not facilitated to initiate self-feeding, despite being at a developmentally appropriate stage. This is a necessary progression for the children's personal and social development.
- A menu was not available or displayed. The main meal provided on the day of inspection was sourced from a local fast-food outlet. The main meal consisted of one chicken nugget, a slice of sausage and chips [for each child].
- Plates and cutlery were not provided. The children ate their snack directly from the table and their main meal from paper towelling.
- Water or milk was not available to the pre-school children throughout the day or with the main meal.

**Physical and material environment**

- The layout of the pre-Montessori room did not offer an interesting or stimulating developmental environment. Further development of the areas of interest and age appropriate equipment were required to support imaginative play and challenging creative and enriching experiences for the children. Jigsaws in the [name of] room were missing pieces and therefore not available to the pre-school children.
- Sensory learning opportunities were limited in the baby room. Materials largely consisted of plastic, shelving units were turned away from the children and towards the wall in the playschool room. The dressing-up items were located on a high rail which could not be reached by the children. This practice does not support children's choice or independence in choosing materials to extend their thinking and development.
- The outdoor space offered limited learning and play opportunities for children. Open-ended natural materials were not available for the children such as sand, water, grass or soil. Children should be provided with an environment to stimulate and challenge their individual abilities, for example climbing, jumping, crawling.



## **Programme provided**

- There was no programme observed within the pre-Montessori room on the day of inspection. As a consequence the activities were mainly adult-led, with minimal opportunity for child-initiated activity.
- The curriculum displayed was not current to the week beginning [date].

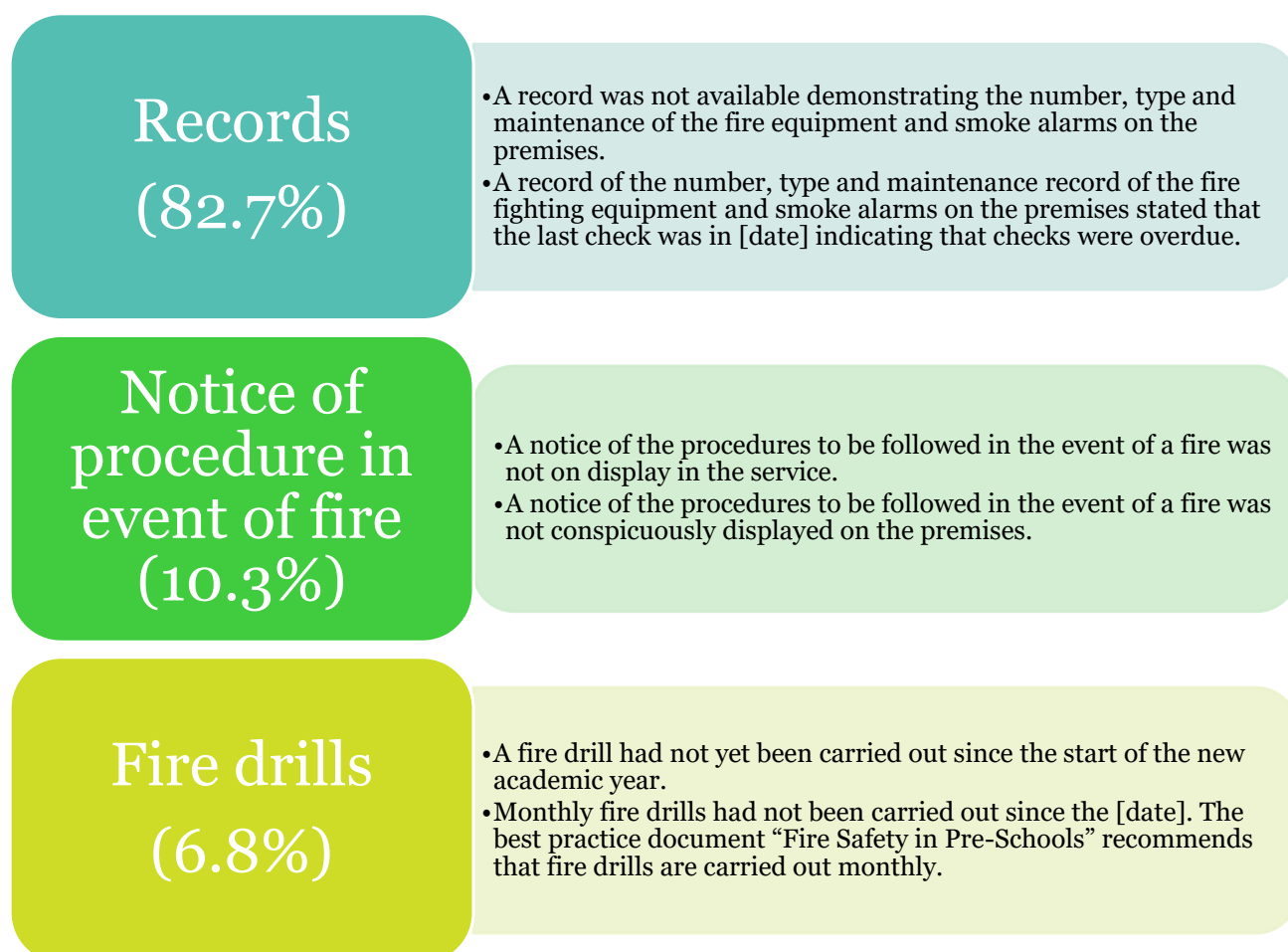
## **Relationships around children**

- Adults were observed not responding to children's cues appropriately. For example the inspectors observed an adult not responding to a child's sleep cues and taking the child outside to the play area with the other children when the child was displaying clear signs of needing sleep. A second child was observed falling asleep outside on a chair while drinking a bottle of milk.
- A child was observed by inspectors falling off a toy while the adult was answering the phone and therefore did not see the child falling.
- Adult interactions with the children were poor on the day of inspection. On a number of occasions while the inspectors were in the playrooms, adults did not make conversation or chat with the children. Children were observed throughout the day in unstructured free play with limited adult direction or interaction. Three adults were observed sitting together in the outdoor area and were not adequately supervising or engaging with the children. Two adults did not display positive behaviour management within the service. Adults did not demonstrate positive language towards children and were heard saying "don't touch", "if you don't stop you will go back inside" and "No, No".
- Staff did not sit with children during meal times to promote conversation and interaction. In the pre-school room there was no organisation at meal times. The meals were interrupted as children got up and moved away from the table and wandered around the room. Smooth transitions from one activity to the next were not observed in the pre-school room. Transitions were not well supported in the toddler room with staff observed leaving the room for their break without any communication with the children. A visual schedule was not in place to support the children from one activity to the next.
- Staff meetings were not scheduled on a regular basis to support teamwork. Evidence of team meetings was not available.

## Regulation 26 (Fire safety measures)

The number of Regulation 26 assessments of noncompliance included in this analysis was 51 and 58 issues were identified. Three main categories were identified and these were the lack of availability and maintenance of records (82.7%; n = 48), the lack of availability of a notice of procedure to be followed in the event of a fire (10.3%; n = 6) and not carrying out fire drills (6.8%; n = 4) (Figure 32).

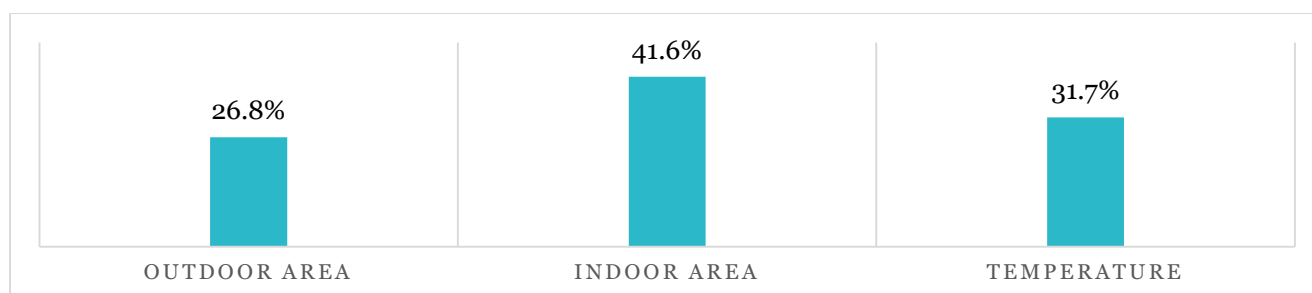
**Figure 32 Nature of noncompliances arising in respect of Regulation 26**



## Regulation 29 (Premises)

This analysis included 36 noncompliant regulations and a total of 41 issues were identified. Three main themes were identified in respect of Regulation 29 and these related to issues arising in the outdoor area (26.8%; n = 11), issues arising in the indoor area (41.6%; n = 17) and issues arising in respect of the ambient or water temperature (31.7%; n = 13) (Figure 33).

**Figure 33 Issues arising in respect of Regulation 29**



*Note: Percentages may not add to 100% due to rounding*

## Nature of noncompliance in respect of Regulation 29

Comments relating to the temperature of the service included the ambient temperature being too hot or too cold. In particular, rooms where children were sleeping were highlighted as being too hot in a number of cases and it was noted that in order to reduce the risk of Sudden Infant Death Syndrome, the temperature should be between 16 °Celsius and 20 °Celsius (Figure 34).

**Figure 34 Nature of noncompliance in respect of Regulation 29**

### Temperature

- The temperatures of the sleep rooms while children were sleeping was 24.4 °Celsius at 12:05; [name of different room] was 27 °Celsius at 12:50; [name of different room] 25.9 °Celsius at 12:55.
- The temperature of the care room was recorded as 12.5 °Celsius at 09:40am. The normal range is 18-22 °Celsius.

### Outdoor area

- Sections of the fence enclosing the outdoor area were unstable and unsecure and some panels and supporting posts were either badly corroded or missing.
- The main door to the premises was not secured to prevent unauthorised access by a person or the unsupervised egress by a pre-school child.
- There was no fence or barrier separating the main grass outdoor play area from the tarmac area that was used at times by parents and guardians for parking and set down. Children unsupervised could easily access the tarmac area by climbing a set of steps.

### Indoor area

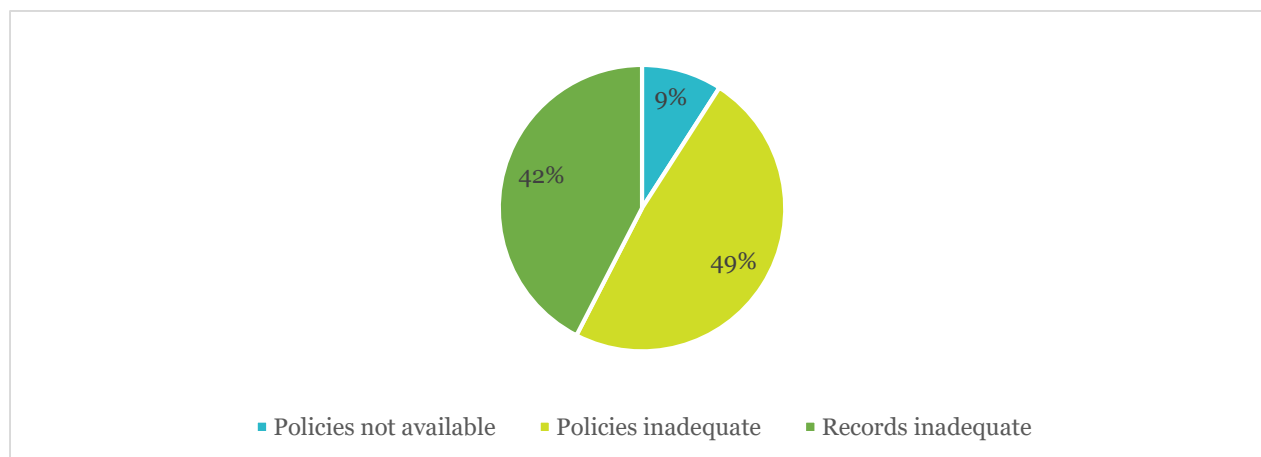
- The ECCE room was not maintained in a proper state of repair as observed by the following: The paint work was observed worn, stained, chipped and peeling on the window sills, skirting boards, around the door frames and around the window and sink unit in the kitchen. A wooden partition adjacent to the sand play area was observed soiled and stained. The window frame in the kitchen area and the white door frames were observed stained with mould. The ceiling was observed stained in the sanitary area. Cracks were observed in the wall of the sanitary area and in the wall close to the ceiling between the kitchen and pre-school room.

## Regulation 16 (Record in relation to a pre-school service)

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Thirty regulations were included in this analysis and 33 issues identified. Regulation 16 focusses on policies and records. Three main themes arose: that policies were not available (9%; n = 3) policies were inadequate (49%; n = 16) and records were inadequate (42%; n = 14) (Figure 35).

**Figure 35 Percentage of noncompliant areas in respect of Regulation 16**



*Note: Percentages may not add to 100% due to rounding*

## Nature of the noncompliance in respect of Regulation 16

### Policies not available

- The following policies were not available:
- Policy on Outings
- Policy on Administration of Medications
- Policy on Accidents and Incidents
- Infection Control
- Policy on Healthy Eating

### Policies inadequate

- The policy on Safe Sleep did not meet the requirements of Regulation 10 as it did not include: The room temperature should be maintained between 16-20 °Celsius. Sleep log: physical checks at least every 10 minutes, documented and displayed.
- A record detailing the staff roster on a daily basis was not available. The staff roster was dated from [date] and did not correlate with the staff members present on the day of inspection.
- The accidents, injuries and incidents detailed were not consistently recorded. Some of the records reviewed did not detail: the child's surname, date of birth/address or evidence that parents/guardians had been notified.

### Records inadequate

- The records of medications administered to pre-school children in the service were not adequate as they did not include: The surname of the staff member who had administered the medication. The witnessing person's signature. Evidence that parents/guardians had been notified.
- The registered provider did not maintain details of staff rosters on a daily basis.
- There were no work experience/ employment history available on file in the respect of two adults in the service.

## Regulation 25 (First aid)

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Twenty-five regulations were included in this analysis and 30 issues identified. Two themes arose in respect of Regulation 25 and these were that the first aid box was inadequately stocked (n = 18; 60%) and that the requisite number of staff had not been adequately trained in first aid (n = 12; 40%) (Figure 36).

**Figure 36 Nature of the noncompliance in respect of Regulation 25**

### First aid box

- The first aid box within the service was not suitably equipped. The first aid box was not stored in an easily accessible and conspicuous position on the premises.
- There was inadequate first aid equipment provided for the number of children attending the service and a large amount of the first aid supplies had exceeded their expiry dates and were unsuitable for use.

### First aid training

- The service did not provide evidence that a person trained in first aid for children was available at all times to the children attending the pre-school service as no adults had current training in first aid for children.
- An adult trained in first aid for children was not present and immediately available to the pre-school children at all times. On review of the staff roster it was noted that between 08.30 and 09.00 and after 13.00 daily there was not a member of staff present who had up to date training in first aid.
- Each of the seven adults' 'first aid for children' certificates were observed to have had expired in the past six months before inspection. It is acknowledged that the registered provider informed the inspector that she was in the process of organising the required first aid training for the staff.
- No staff member in the service had up to date first aid training for children.

## Summary of main issues relating to noncompliances

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A content and thematic analysis of noncompliances arising in respect of a random sample of 500 regulations assessed as noncompliant by EYIs was carried out and focussed on regulations most commonly assessed by Early Years Inspectors. The main issues arising according to individual regulation are:

Regulation 23: General safety (24%); Outdoor safety (21%), Fire safety (21%), Sleep facilities (20%), Administration of medication (9%), Infection control (5%).

Regulation 9: Lack of availability of two verified references for each staff member (36%), Police/Garda vetting not in place for all personnel (36.9%), a recognised educational award not in place for all personnel working with children (24%) and a Curriculum Vitae not available on file for each member of staff (2.3%).

Regulation 19: Issues arising in respect of the basic needs of the child (58.1%), the physical and material environment (25.4%), the programme of activities (9%) and the relationships around children (7.2%).

Regulation 26: The lack of availability and maintenance of records (82.7%), the lack of availability of a notice of procedure to be followed in the event of a fire (10.3%) and not carrying out fire drills (6.8%).

Regulation 29: Issues relating to the outdoor area (26.8%), issues arising in the indoor area (41.6%) and issues arising in respect of the ambient or water temperature (31.7%).

Regulation 16: Policies were not available (9%); policies were inadequate (49%) and records were inadequate (42%).

Regulation 25: The first aid box was inadequately stocked (60%) and the requisite number of staff had not been adequately trained in first aid (40%).

## **Section 6:**

### **Trends in early years inspections 2017-2019**



## Key findings

There was a small but consistent decrease in the number of early years services registered between 2017 and 2019

- The number of early years services registered with the Inspectorate in 2017 was 4,484. This decreased to 4,435 in 2018 and to 4,310 in 2019.
- There was a decrease in the number of requests for changes in circumstances from 1,422 in 2017 to 1,384 in 2018 and 1,331 in 2019.
- There was a steady increase in the number of services that closed from 117 in 2017 to 138 in 2018 and to 196 in 2019. Information about why these services closed is limited, particularly in 2019. In each year, however, personal reasons (e.g. retiring, ill health, changing careers) was the most common reason given.

No services were removed from the register in 2017. Two were removed in 2018 and four in 2019

- A further four services, all part of one multiple group, were advised of notice to remove (subject to appeal) in 2019 and in all cases an appeal was lodged. Only one service was subject to legal proceedings in 2019 and this was due to operating without registration. The outcome was the application of the Probation Act.

Information on the number of inspections carried out varies across each of the three years and consequently, is not comparable

- In 2017, the number of early years services that received an inspection during 2017 was reported to be 2,033. In 2018, the number of inspections carried out was 2,513. In 2019, the number of inspections carried out was 2,308. Some reports of inspections, however, included more than one inspection.

Regulations assessed

- The mean average number of regulations assessed at inspections was 8.79 in 2017, 4.83 in 2018 and 6.21 in 2019.
- The most commonly assessed regulations in each year were Regulation 11 (Staffing), Regulation 9 (Management and recruitment), Regulation 23 (Safeguarding health, safety and welfare of the child), Regulation 26, Regulation 19 (Health, welfare and the development of the child) and Regulation 25 (First aid).

### Trends in the levels of compliance and noncompliance

- The proportion of regulations assessed as compliant was highest in 2017 (75.3%) and lowest in 2018 (65.9%). Almost 70% (69.4%) of regulations were assessed as compliant in 2019.
- Regulations assessed in full daycare services are most likely to be assessed as noncompliant and this proportion was 32% in 2017, 45% in 2018 and 41.7% in 2019.
- The proportion of regulations assessed as noncompliant in the DNE region has been decreasing each year from 48% in 2017 to 42% in 2018 to 35% in 2019.
- Of the most commonly assessed regulations, Regulation 11 (Staffing levels) has the highest levels of compliance across the three years ranging from 94% in 2017 to 92.8% in 2018 and to 92% in 2019.
- Of the most commonly assessed regulations, Regulation 23 was identified as having the lowest levels of compliance ranging from 45.7% (2017) to only 30% in 2018 and 38% in 2019.

### Notification of incidents increased over the three year period 2017-2019

- The number of notification of incidents almost doubled between 2017 (n = 203) and 2019 (403).
- An analysis of notifications received in 2017 identified four main categories:
  - Serious injury to a pre-school child that requires immediate medical treatment by a registered medical practitioner whether in hospital or otherwise.
  - Child diagnosed with a notifiable infectious disease that is on the list of diseases (and their respective causative pathogens) contained in the Infectious Diseases Regulations 1981 and subsequent amendments.
  - Unplanned closure where the service has to close due to unforeseen events. This may be for personal reasons (e.g. bereavement) or any other reason (e.g. burst pipe in the facility).
  - Child missing from the service.

### Unsolicited information submissions increased each year

- The number of unsolicited information submissions received by the Inspectorate increased each year from 277 submissions in 2017 to 413 submissions in 2018 and to 597 submissions in 2019.

## Overview

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This section provides a trend analysis of key findings in respect of three areas related to the work of the Early Years Inspectorate. These are registrations of services, inspections of services and levels of compliance on inspection.

## Service registrations

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All early years services are required to be registered in order to provide an early years service. This is a requirement under Part 12, of the Child & Family Agency Act 2013. The 2016 Regulations define the meaning of an early years service and the requirements for registration. A proposed early years service must make application to Tusla to be placed on the register of services approved to operate. Regulation 6 describes the application process.

As a result of the 2016 regulations, all new services seeking registration must:

1. Provide at least three months' notice prior to the proposed commencement of the service except in the case of temporary pre-school services who must provide at least 21 days' notice.
2. Make an application to Tusla to be placed on the register of approved pre-school services using the forms set out in schedule 2 or schedule 3 of the 2016 Regulations.
3. The application must be accompanied by the relevant documentation and fee.
4. On receipt of application, Tusla assess the information provided by the applicant and new services are visited to ascertain whether the service is 'Fit for Purpose' (FFP) i.e suitable to operate as an early years service. This inspection visit will be undertaken prior to the service commencing operation.
5. Tusla then determine whether the service will be:
  - registered
  - registered, with a condition or conditions attached to the registration
  - refused registration
6. Where a provider is deemed to be registered (with or without conditions) a further inspection of the service will take place within three months of commencement of operation.

This section presents information on early years services, including the number, types and geographic spread of services, as well as closures that took place.

The number of services registered shows a very slight downward trend over the three-year period, 2017-2019 from 4,484 to 4,310, a decrease of 174 services accounting for about 4% of services overall. The number of new registration applications received increased over the same period from 89 in 2017 to 142 in 2019 while the number of new registrations approved remained stable (96 in 2017, 93 in 2019) (Table 25).

**Table 25 Registrations 2017 to 2019**

	<b>2017</b>	<b>2018</b>	<b>2019</b>
<b>Number of early years services registered</b>	4484	4435	4310
<b>Number of new registration applications received</b>	89	120	142
<b>Number of new registrations approved</b>	96	91	93

## **Notification of changes in circumstances**

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A registered provider is required to inform Tusla of a change in circumstance under Regulation 8 of the 2016 Regulations. The changes in circumstances are specified in the Changes in Circumstances Form as set out in schedule 4 of the regulations. The change of circumstances that must be notified are as follows:

Change of service name

Change of service address

Change of registered provider

Change of legal name of company

Change of person in charge

Change in service type

Number of children to be accommodated

Profile of children to which the service is registered to provide services for (including an increase/decrease and any change to the age range of children in the number catered for)

Change in email address

Change in service type

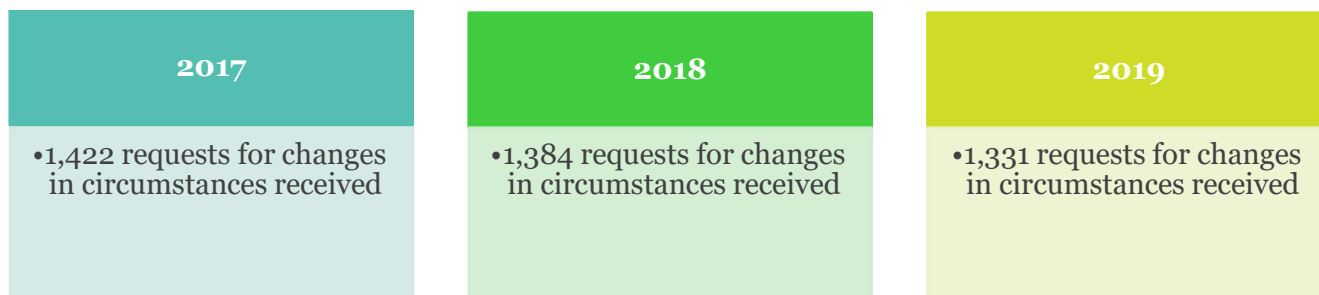
Adding an additional service type

Change in hours of operation

Addition of a session including hours of operation for additional service and in the case of a sessional service any change in phone number, mobile numbers, and/or numbers of staff employed.

There was a decrease in the number of requests for changes in circumstances received by the Inspectorate over the three-year period 2017 (n = 1422), 2018 (n = 1384) and 2019 (n = 1331) (Figure 37).

**Figure 37 Number of requests for changes in circumstances received by the Inspectorate 2017-2019**



## Service closures

The number of services that notified a closure shows a steady increase between 2017 when this was reported to have taken place in respect of 117 services, to 138 in 2018 and 196 in 2019 (Table 26).

**Table 26 Number of service closures 2017-2019**

	2017	2018	2019
<b>Number of early years services that have closed</b>	117	138	196

## Reasons for closures

A detailed analysis of the 117 closures notified in 2017 showed that no reason was provided for closure in 31 (26%) notifications. This was the case in 40% of closures in 2018 and 84% in 2019. Table 27 presents the information that was available for 2017 to 2019.

**Table 27 Examples of reasons given for closing services**

	2017	2018	2019
<b>Personal reasons</b>	28	27	12
<b>Insufficient numbers of children</b>	17	12	8
<b>Difficulties with premises</b>	15	16	3
<b>Multiple reasons</b>	16		
<b>Not financially viable</b>		11	5
<b>Regulations</b>	3		

<b>Service never opened</b>	10		1
<b>Total</b>	89	66	29

While the information available for 2019 is very limited, it is noted that in each of the three years where information was provided, the most common reason identified for intending to close the service was personal reasons such as retiring, going back to study, changing career and ill health. In 2017 and 2018, the next most common reasons were insufficient number of children and difficulties with the premises.

## Inspections carried out

Data across the three-year period in respect of inspections carried out is not comparable due to different approaches adopted. The number of early years services that received an inspection during 2017 was reported to be 2,033. The information collected in 2018 and 2019 focussed on the number of inspections carried out. In 2019, however, some inspection reports included more than one inspection and consequently this data is not directly comparable.

The number of inspections carried out in 2018 was 2513.

The number of inspections carried out in 2019 was 2308.

Some inspections took place over more than a single day or had more than one inspector present.

In 2019, a number of inspection reports documented more than one inspection.

## Compliance and noncompliance

The following section provides a comparison across the three years, 2017 to 2019, in respect of levels of compliance and noncompliance. The overall number of reports and regulations reported on here are presented in Table 28 and it is noted that the number of regulations taken into account in 2017 greatly exceeds the numbers in 2018 and 2019 reports.

**Table 28 Number of reports and regulations included in analysis**

	2017	2018	2019
<b>Number of reports</b>	1563	1557	1389*
<b>Number of regulations</b>	14271	7863	8625

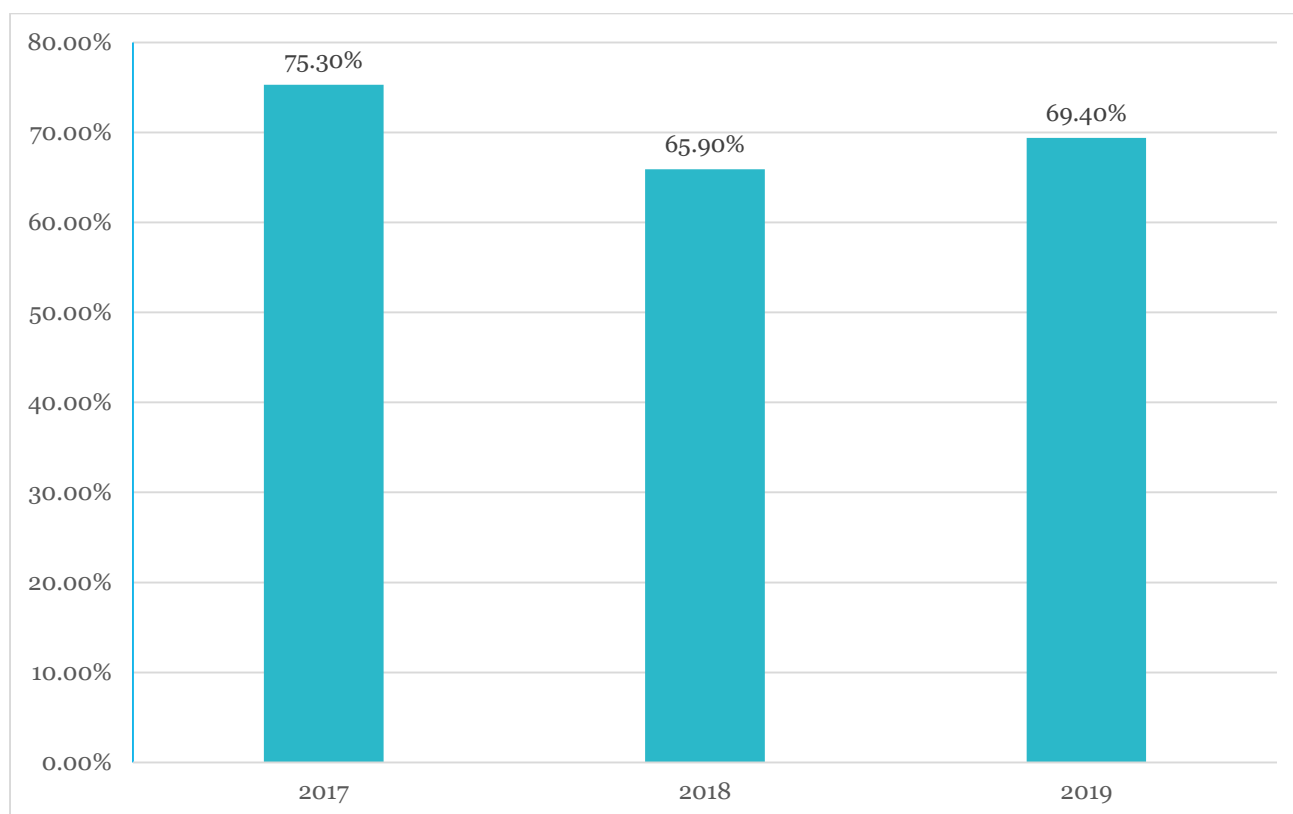
*Note: In 2019, a number of inspection reports documented more than one inspection*

## Overall levels of compliance in reports of services

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The proportion of regulations assessed as compliant ranged from 75.3% (2017) to 65.9% (2018) and 69.4% in 2019 (Figure 38).

**Figure 38 Percentage of regulations assessed as compliant each year**

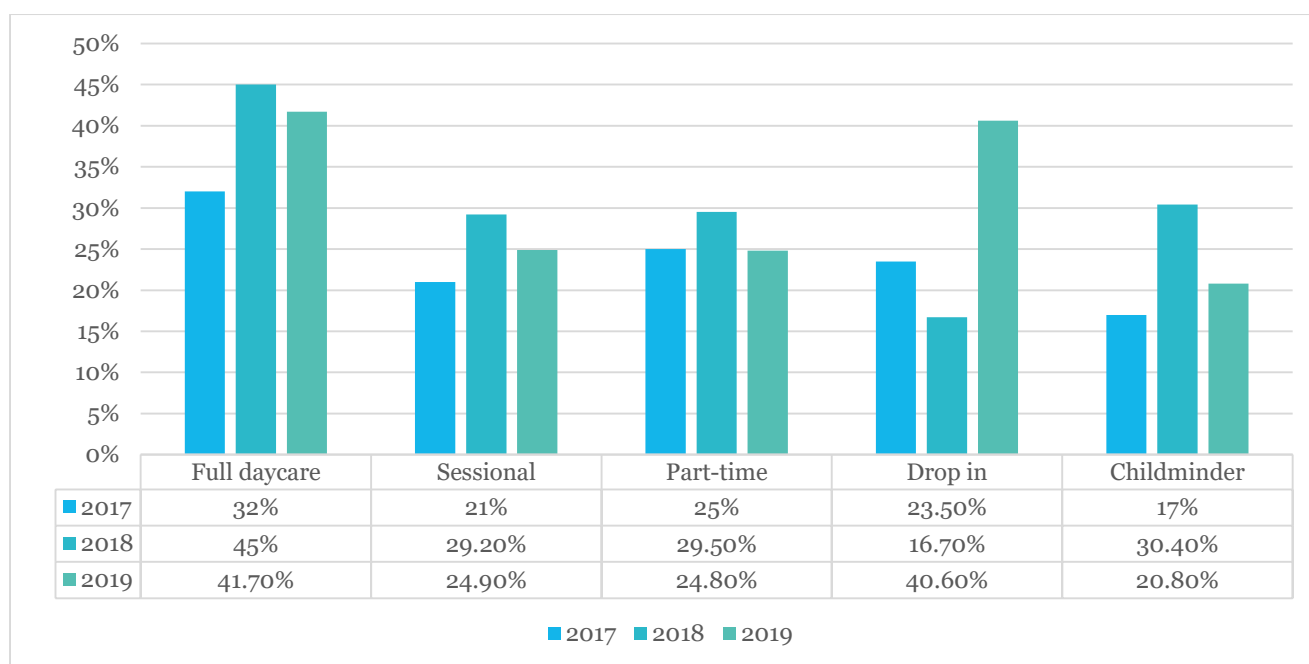


## Compliance in respect of reports on the type of service

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Regulations in full daycare services are most likely to be assessed as noncompliant across each year compared with regulations in other types of services. The proportion of regulations assessed as noncompliant in full daycare settings was 32% in 2017, 45% in 2018 and 41.7% in 2019. The proportion of regulations assessed as noncompliant in sessional services was 21% in 2017, 29.2% in 2018 and 24.9% in 2019, while the proportion of regulations in part-time services remained more stable ranging from 25% (2017) to 29.5% (2018) and 24.8% in 2019. The numbers of drop-in and childminding services are small and consequently there is substantial variation in both across the three years (Figure 39).

**Figure 39 Percentage of regulations assessed as noncompliant according to the type of service**

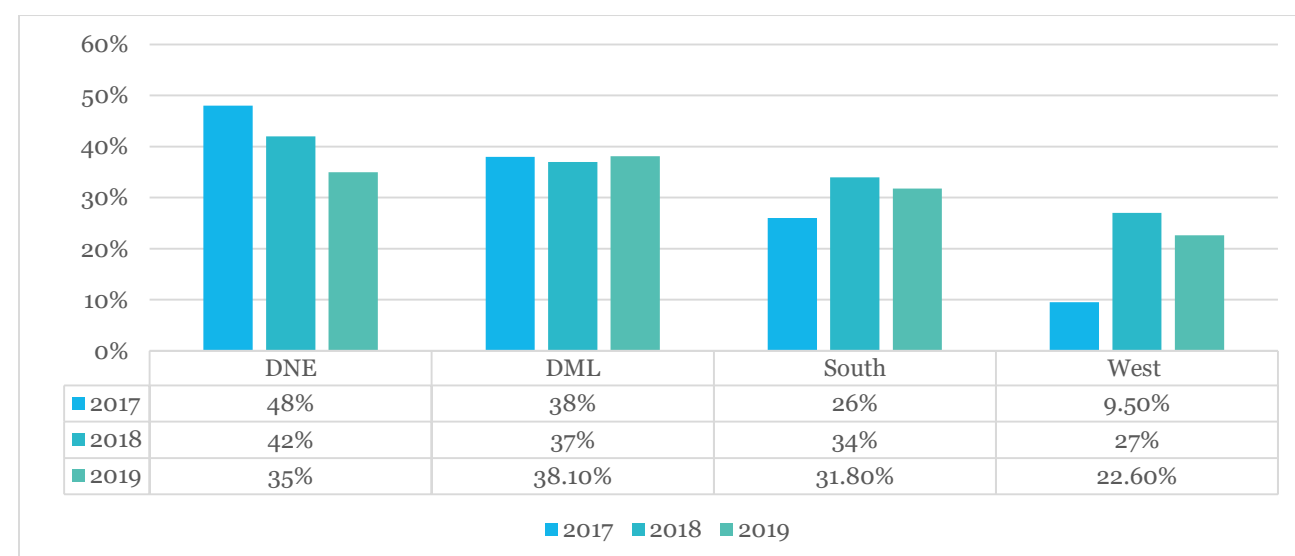


*Note: Percentages may not add to 100% due to rounding*

## Regional variation in compliance

The DNE region has seen a consistent decrease in the level of regulatory noncompliance over the three-year period ranging from 48% of regulations assessed as noncompliant in 2017 to 42% in 2018 and 35% in 2019. The situation has remained consistent in the DML region where 37% to 38% of regulations have been assessed as noncompliant each year (Figure 54). Levels of noncompliance in the West region were very low relative to other regions in 2017. This level of noncompliance, however, increased considerably in 2018 (27%) and 2019 (22.6%) (Figure 40).

**Figure 40 Trends in regional levels of noncompliance**



*Note: Percentages may not add to 100% due to rounding*



## Trends in compliance across specific regulations

As noted earlier, the number of regulations assessed in services in 2017 included in this analysis was higher than in either 2018 or 2019 where a more focussed approach was adopted. This is highlighted in the mean average number of regulations assessed during the course of an inspection which, in 2017 was 8.79. This compares with a mean average of 4.83 regulations in 2018 and 6.21 in 2019 (Table 29).

**Table 29 Number of regulations assessed during the course of inspections 2017-2019**

	Number of services assessed	Minimum number assessed	Maximum number assessed	Mean average	Standard deviation
<b>2017</b>	1563	1	13	8.79	1.439
<b>2018</b>	1557	1	15	4.83	2.116
<b>2019</b>	1389	2	16	6.21	2.177

## Regulations most and least commonly assessed

There is much consistency in the regulations in this analysis most likely to be assessed across each year. Across the three years, six regulations were assessed more than 1,000 times.

The most commonly assessed regulations in each year were Regulation 11 (Staffing), Regulation 9 (Management and recruitment), Regulation 23 (Safeguarding health, safety and welfare of the child), Regulation 26 (Fire safety measures), Regulation 19 (Health, welfare and the development of the child) and Regulation 25 (First aid) (Table 30).

**Table 30 Regulations most commonly assessed across all three years**

Regulation number	Focus of regulation	Number of assessments 2017	Number of assessments 2018	Number of assessments 2019
<b>11</b>	Staffing levels	1706	1549	1388
<b>9</b>	Management and recruitment	1603	1172	1375
<b>23</b>	Safeguarding health, safety and welfare of the child	1594	1108	1097
<b>26</b>	Fire safety measures	1573	1002	1021
<b>25</b>	First aid	1566	997	1014
<b>19</b>	Health, welfare and the development of the child	1423	816	1210

## Trends in compliance and noncompliance

The percentage of individual regulations assessed as compliant or noncompliant varies considerably according to the individual regulation and as noted above, some regulations were assessed much more often than others. This can lead to extensive variation in the proportions of the specific regulations across years.

As highlighted in Table 31 and Figure 41 the highest level of compliance across the regulations most commonly assessed is seen in Regulation 11 and the lowest level of compliance in respect of Regulation 23.

The findings for Regulation 11 show it to be reasonably stable although with slight decreases in levels of compliance over the three years from 94% in 2017 to 92.8% in 2018 and 92% in 2019. This is also the case in respect of Regulation 19 (Health, welfare and the development of the child) where the level of compliance ranged from 79.30% (2017) to 73.7% to 72.4% over the three-year period.

Levels of compliance in respect of Regulation 23 (Safeguarding, health safety and welfare of the child) showed greater variation in the levels of compliance ranging from 45.7% (2017) to only 30.1% in 2018 and 38% in 2019. Regulation 9 showed a similar type pattern with 62.7% of regulations assessed in 2017 identified as compliance compared with 56.9% in 2018 and increasing again in 2019 to 70.4%. This was also evident in respect of Regulation 20 assessed as compliant in 75.5% of reports analysed in 2017, 52% in 2018 and 62.9% in 2019.

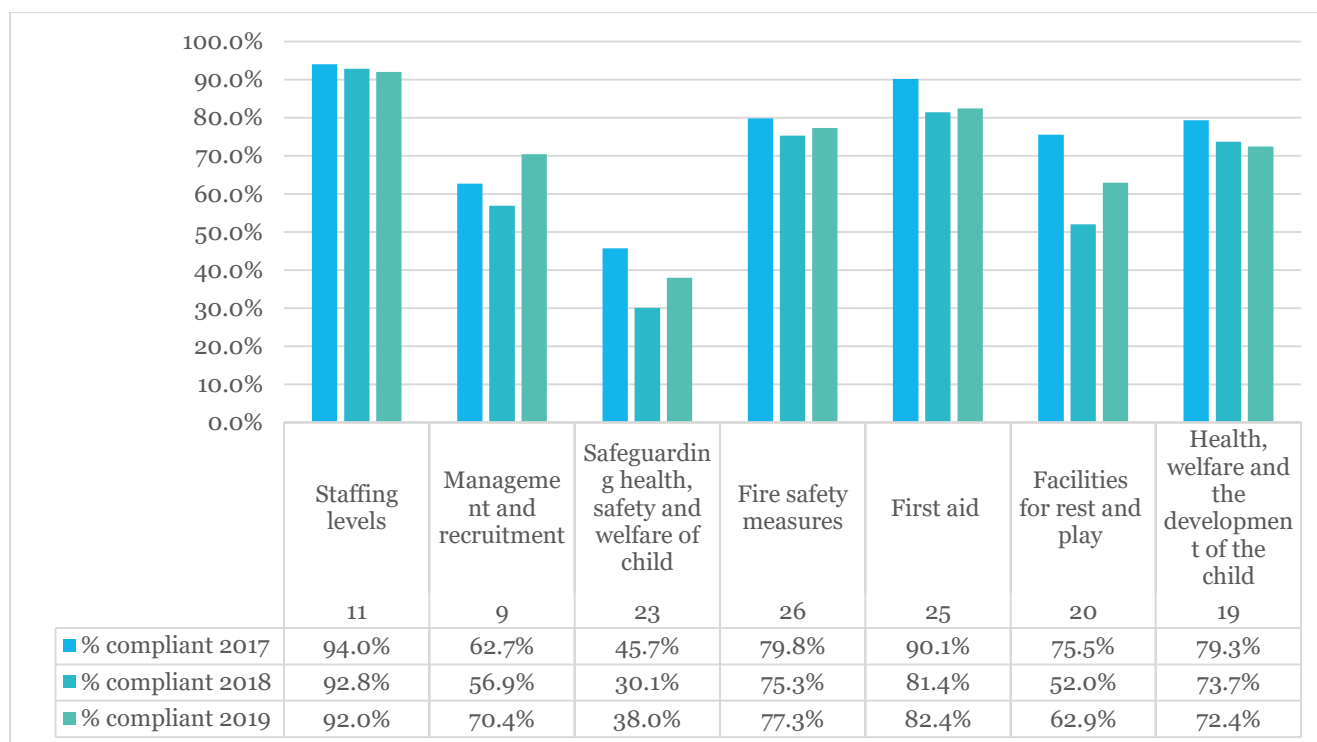
**Table 31 Percentage of compliance and noncompliance in respect of the most commonly assessed regulations 2017-2019**

Regulation no.	Focus of regulation	% compliant 2017	% noncompliant 2017	No. of assessments 2017	% compliant 2018	% noncompliant 2018	No. of assessments 2018	% compliant 2019	% noncompliant 2019	No. of assessments 2019
11	Staffing levels	94%	6%	1706	92.8%	7.2%	1549	92%	8%	1388
9	Management and recruitment	62.7%	37.3%	1603	56.9%	43.1%	1172	70.4%	29.6%	1375
23	Safeguarding health, safety and welfare of the child	45.7%	54.3%	1594	30.1%	69.9%	1108	38%	62%	1097
26	Fire safety measures	79.8%	20.2%	1573	75.3%	24.7%	1002	77.3%	22.7%	1021
25	First aid	90.1%	9.9%	1566	81.4%	18.6%	997	82.4%	17.6%	1014
20	Facilities for rest and play	75.5%	24.5%	1429	52%	48%	198	62.9%	37.1%	232
19	Health, welfare and the development of the child	79.3%	20.7%	1423	73.7%	26.3%	816	72.4%	27.6%	1210

*Note: Percentages may not add to 100% due to rounding*

These findings are highlighted in Figure 55.

**Figure 41 Percentage compliance in respect of most commonly assessed regulations 2017-2019**



*Note: Percentages may not add to 100% due to rounding*

## Levels of noncompliance

The findings in respect of 2018 show some differences compared with 2017 and 2019 in terms of noncompliance. Findings in respect of Regulation 20 (facilities for rest and play), for example, shows some variation in levels of noncompliance from 48% (2018) compared with 24.5% (2017) and 37.1% (2019). Again, however, this may be due to the small numbers of assessments of these regulations in the analysis (n = 1429 in 2017; n = 198 in 2018 and n = 232 in 2019).

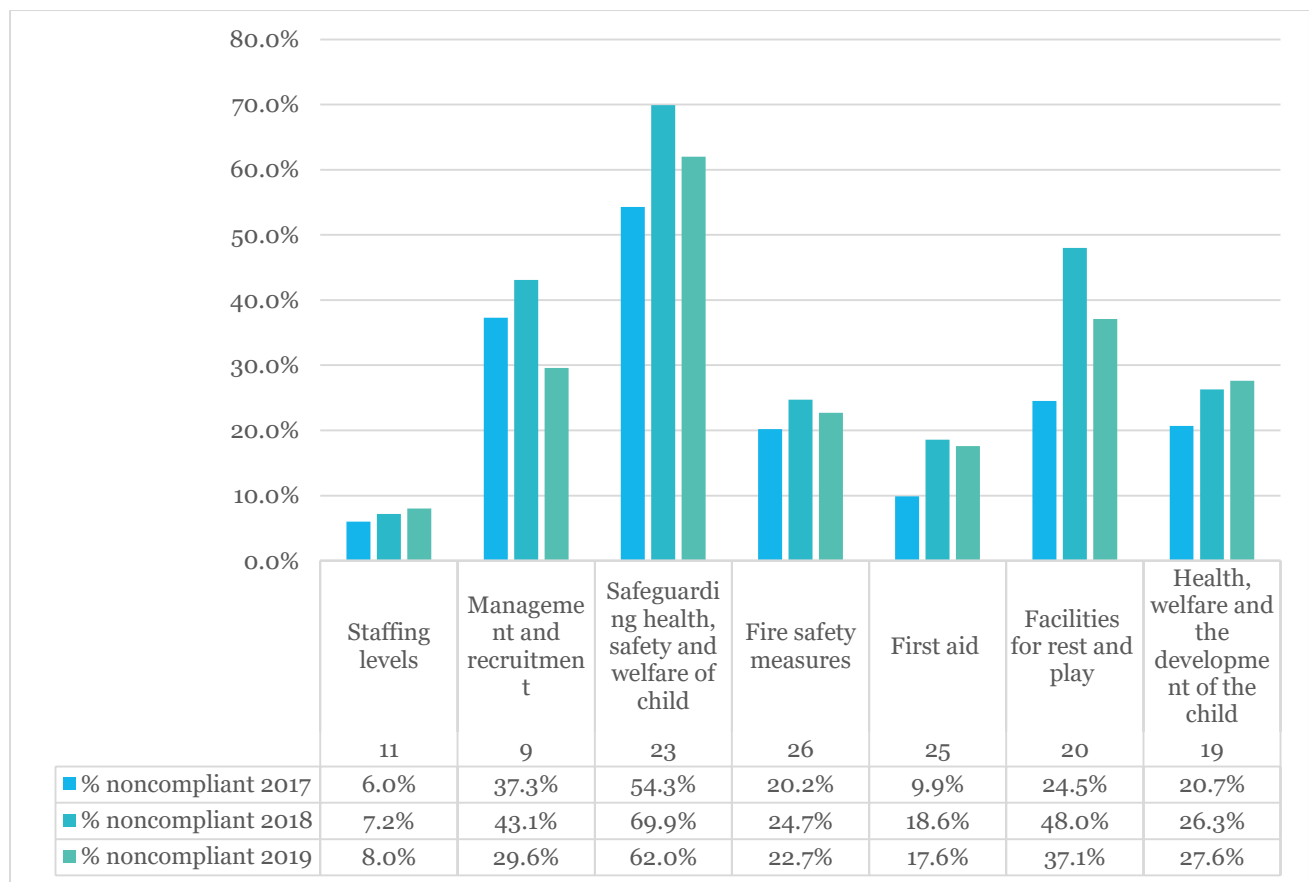
## Trends in noncompliance

Figure 56 presents the levels of noncompliance according to the most commonly assessed regulations included in the analysis.

The most commonly assessed regulations most likely to be identified as noncompliant over the three-year period are Regulation 23 (Safeguarding the health, safety and welfare of the child) followed by Regulation 9 (Management and recruitment).

The findings show that the lowest levels of noncompliance across the three years are in respect of Regulation 11 (6% in 2017 and 8% in 2019) and the highest levels are in respect of Regulation 23 safeguarding the health, safety and welfare of the child (54.3% in 2017 to 69.9% in 2018). The proportion of noncompliance in respect of Regulation 20 varied considerably ranging from 24.5% in 2017 to 48% in 2018 and 37.1% in 2019 and this was similar to Regulation 9.

**Figure 42 Trends in noncompliance across the most commonly assessed regulations included in the analysis**



*Note: Percentages may not add to 100% due to rounding*

Table 32 presents a comprehensive analysis of the proportions of compliance and noncompliance for each regulation (including those arising from IR inspections and FFP inspections) included in the 2017, 2018 and 2019 analysis.

**Table 32 Proportion of compliant and noncompliant regulations included in 2017 to 2019 analysis**

Regulation no.	Focus of regulation	% compliant 2017	% noncompliant 2017	No. of assessments 2017	% compliant 2018	% noncompliant 2018	No. of assessments 2018	% compliant 2019	% noncompliant 2019	No. of assessments 2019
<b>6</b>	Registration of pre-school service	75.8%	24.2%	91	95.5%	4.5%	67	91.9%	8.1%	62
<b>7</b>	Register								100%	1
<b>8</b>	Notification of change in circumstances	5.3%	94.7%	19		100%	60	2.2%	97.8%	90
<b>9</b>	Management and recruitment	62.7%	37.3%	1603	56.9%	43.1%	1172	70.4%	29.6%	1375
<b>10</b>	Policies, procedures etc. of pre-school service	85.7%	14.3%	7	62.5%	37.5%	8	27.3%	72.7%	11
<b>11</b>	Staffing levels	94%	6%	1706	92.8%	7.2%	1549	92%	8%	1388
<b>12</b>	Childminders	97.5%	2.5%	40	84.1%	15.9%	44	90.2%	9.8%	41
<b>13</b>	Temporary pre-school services and pre-school services in drop-in centres	100%		13	100%		4	100%		7
<b>14</b>	Review of pre-school service		100%	1						
<b>15</b>	Record of a Pre-school child		100%	5		100%	11	11.1%	88.9%	9
<b>16</b>	Record in relation to a pre-school service	62.4%	37.6%	1281	9.5%	90.5%	116	12.9%	87.1%	124
<b>17</b>	Information for parents		100%	1	50%	50%	2		100%	3
<b>19</b>	Health, welfare and the development of the child	79.3%	20.7%	1423	73.7%	26.3%	816	72.4%	27.6%	1210

<b>20</b>	Facilities for rest and play	75.5%	24.5%	1429	52%	48%	198	62.9%	37.1%	232
<b>21</b>	Equipment and materials		100%	8	9.1%	90.9%	11		100%	12
<b>22</b>	Food and drink		100%	4	50%	50%	18	78.7%	21.3%	61
<b>23</b>	Safeguarding health, safety and welfare of the child	45.7%	54.3%	1594	30.1%	69.9%	1108	38%	62%	1097
<b>24</b>	Checking in and out and record of attendance					100%	3		100%	3
<b>25</b>	First aid	90.1%	9.9%	1566	81.4%	18.6%	997	82.4%	17.6%	1014
<b>26</b>	Fire safety measures	79.8%	20.2%	1573	75.3%	24.7%	1002	77.3%	22.7%	1021
<b>27</b>	Supervision		100%	4	25.9%	74.1%	27	23.4%	76.6%	47
<b>28</b>	Insurance	96.2%	3.8%	1423	79%	21%	162	84.4%	15.6%	211
<b>29</b>	Premises	29.7%	70.3%	306	27.4%	72.6%	310	35.5%	64.5%	366
<b>30</b>	Minimum space requirements	88.1%	11.9%	168	69.3%	30.7%	166	80.2%	19.8%	217
<b>31</b>	Notification of incidents		100%	3	25%	75%	4	50%	50%	6
<b>32</b>	Complaints	66.7%	33.3%	3	37.5%	62.5%	8	76.5%	23.5%	17
<b>Total</b>		75.3%	24.7%	14271	65.9%	34.1%	7863	69.4%	30.6%	8625

*Note: Percentages may not add to 100% due to rounding*

## Notification of incidents

Regulation 31, Notification of Incidents requires registered providers to notify Tusla in writing within three working days of becoming aware of any specific incidents occurring in the pre-school service. These incidents are presented in Table 33 below.

**Table 33 Specific incidents to be notified to Tusla**

Death of a child in service

Death of a child in hospital following his/her transfer from service

Child diagnosed with infectious disease

Employee, unpaid worker, contractor or other person working in the service diagnosed with infectious disease

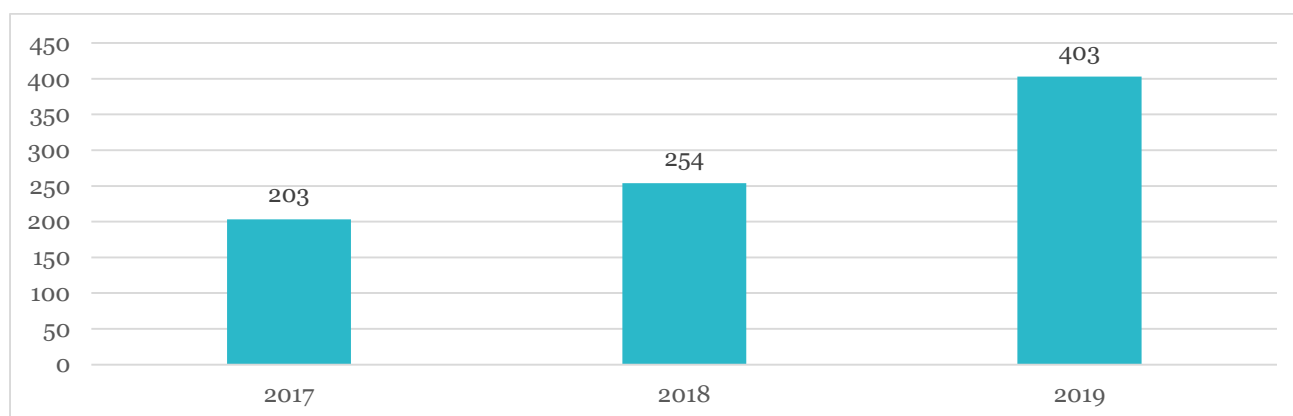
Serious injury to a pre-school child while attending the service that requires immediate medical treatment by a registered medical practitioner

Irregular closure of a service following an incident in the service

Child missing from service

The number of notification of incidents almost doubled between 2017 (n = 203) and 2019 (403) (Figure 57).

**Figure 43 Number of notifications of incidents 2017-2019**



An analysis of the notifications received in 2017 identified four main categories:

**Serious injury to a pre-school child (n = 131):** This is an injury that requires immediate medical treatment by a registered medical practitioner whether in hospital or otherwise.

**Child diagnosed with a notifiable infectious disease (n = 28):** This is a disease that is on the list of diseases (and their respective causative pathogens) contained in the Infectious Diseases Regulations 1981 and subsequent amendments. A list of notifiable diseases is available at:

<http://www.hpsc.ie/notifiablediseases/listofnotifiablediseases/>

**Unplanned closure (n = 28):** This is where the service has to close due to unforeseen events. That is the service has to close unexpectedly. This may be for personal reasons (e.g. bereavement) or any other reason (e.g. burst pipe in the facility).

Child missing (n = 11)

Other (n = 6)

## Unsolicited information

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Regulation 32 now places onus upon registered providers to have a comprehensive complaints management process in place and to address all complaints received from the public, parents or their staff.

The Early Years Inspectorate receives, on a continuous basis, unsolicited information regarding early years services. Unsolicited information is any piece of information that relates to the operation of an early years service that has been brought to the attention of the Inspectorate which has not been sought, requested or invited. Such information can include complaints relating to registered services. On 18th December 2017 the Inspectorate's practice of investigating individual complaints ceased. Since that date, the Inspectorate has commenced a new system of operating the management of unsolicited information policy whereby:

All the information received is screened: accepted, not accepted or referred to another agency or state body as appropriate.

Accepted information is risk assessed to determine the management plan.

The registered provider is advised of all unsolicited information received which falls within the remit of the regulations in the form of a summary sheet.

When the risk to children is assessed as low, the registered provider will investigate according to the services complaints policy, which Tusla will oversee.

In all other instances, it will inform the next scheduled inspection or trigger a more immediate inspection.

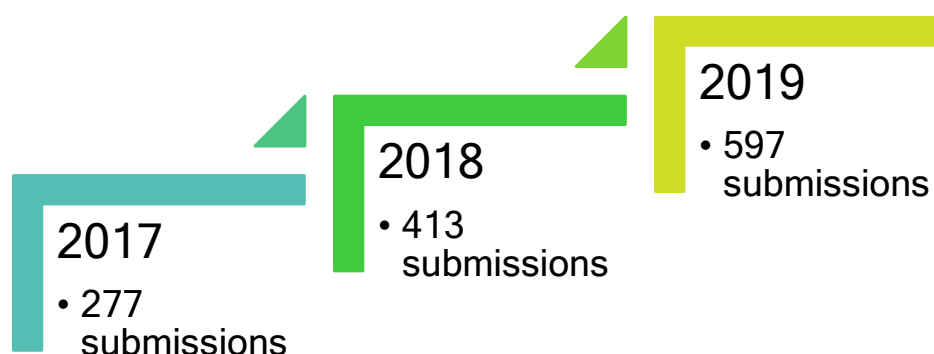
In all cases the registered provider is given an opportunity to respond to the unsolicited information and to the inspection report through the Corrective Action and Preventative Action (CAPA) and factual accuracy processes.

Any person who has a concern about an early years service can access further information on the Inspectorate's website at: <https://www.tusla.ie/services/preschool-services/concerned-about-the-operation-of-a-eyys/>

The number of unsolicited information submissions received by the Early Years Inspectorate has more than doubled over the three-year period 2017 to 2019.



**Figure 44 Unsolicited information submissions 2017-2019**



## Summary of trends

This section has presented an analysis of key trends arising over the three-year period 2017 to 2019 in respect of registration, inspection and compliance. The findings show that there was a small but consistent decrease in the number of early years services registered between 2017 and 2019 from 4,484 in 2017 to 4,435 in 2018 and to 4,310 in 2019. There was also a decrease in the number of requests for changes in circumstances from 1,422 in 2017 to 1,384 in 2018 and 1,331 in 2019.

While the numbers are small there was a steady increase in the number of services that closed over the three-year period from 117 in 2017 to 138 in 2018 and to 195 in 2019. No services were removed from the register in 2017. Two were removed in 2018 and four were removed in 2019. In addition, a further four services, all part of one multiple group, were advised of notice to remove (subject to appeal) in 2019 and in all cases an appeal was lodged. Only one service was subject to legal proceedings in 2019 and this was due to operating without registration. The outcome was the application of the Probation Act.

Information on the number of inspections carried out varies across each of the three years, and consequently, is not comparable. In 2017, the number of early years services that received an inspection during 2017 was reported to be 2,033. In 2018, the number of inspections carried out was 2,513 and in 2019, the number of inspections carried out was 2,308. Some reports of inspections in 2019, however, included more than one inspection.

The mean average number of regulations assessed at inspections was 8.79 in 2017, 4.83 in 2018 and 6.21 in 2019. The most commonly assessed regulations in each year were Regulation 11 (Staffing), Regulation 9 (Management and recruitment), Regulation 23 (Safeguarding health, safety and welfare of the child), Regulation 26, Regulation 19 (Health, welfare and the development of the child) and Regulation 25 (First aid). The proportion of regulations assessed as compliant was highest in 2017 (75.3%) and lowest in 2018 (65.9%). Almost 70% (69.4%) of regulations were assessed as compliant in 2019. Regulations assessed in full daycare services are more likely than any other type of service to be assessed as noncompliant and this proportion was 32% in 2017, 45% in 2018 and 41.7% in 2019. The proportion of regulations assessed as noncompliant in the DNE region has been decreased each year from 48% in 2017 to 42% in 2018 to 35% in 2019.

Of the most commonly assessed regulations, Regulation 11 (Staffing levels) has the highest levels of compliance across the three years ranging from 94% in 2017 to 92.8% in 2018 and to 92% in 2019. Of the

most commonly assessed regulations, Regulation 23 was identified as having the lowest levels of compliance ranging from 45.7% (2017) to only 30.1% in 2018 and 38% in 2019.

The number of notification of incidents almost doubled between 2017 (n = 203) and 2019 (403). Unsolicited information submissions also increased each year from 277 submissions in 2017 to 413 submissions in 2018 and to 597 submissions in 2019.

