



CHILDREN'S SERVICES REGULATION

Registration Policy: New Applications Tusla Early Years Inspectorate

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Registration Policy: new applications – Tusla Early Years Inspectorate

1.0 Introduction

All persons proposing to operate an early years service in Ireland are legally required to register that service with Tusla - Child and Family Agency.

Part 12 of the Child and Family Agency Act 2013, and Part II of the Child Care Act 1991 (Early Years Services) Regulations 2016, set out the statutory requirements for registration applications. In addition, the legislation sets out the responsibilities of applicants, as well as the responsibilities of Tusla in its assessments of received applications. It is an offence to operate an early years service without being registered to do so, and the Early Years Inspectorate applies sanctions on those who do not uphold the terms and conditions of their registration.

The purpose of registration is to provide assurance to the public that those who intend to engage in early years service provision understand their legal responsibilities, are able to provide suitable and safe premises and are sanctioned by an independent statutory regulator.

1.1 The application process

Potential early years service providers must make an application under section 58D (2) of the Child and Family Agency Act 2013 at least 3 months before intending to commence operation of an early years service.¹

The application must be in the format set down in the regulations. In August 2019, Tusla replaced paper-based applications with an online registration application portal. This portal can be found on the Tusla website at <https://portal.tusla.ie/Account/Login?ReturnUrl=%2f>.

Once an application is received the applicant will receive an acknowledgement email. The application is then assessed in accordance with the regulations.² The applicant will be advised if their application is complete, if there are any items of information missing, or if clarifications are required. It is the responsibility of the applicant to ensure that all information required is supplied in the format requested. Applications are assessed by Tusla in two parts:

- part 1: desk assessment and verification of the application information

¹ Except in the case of a temporary early years service, in which case at least 21 days' notice must be given.

² Article (6)(a) & (b), Part II.

Registration Policy: new applications – Tusla Early Years Inspectorate

- part 2: on-site assessment and inspection of the premises intended for use as an early years setting, known as a fit for purpose (FFP) assessment.

1.2 Policy

- Tusla aims to process all applications in a timely and efficient manner. The legislation requires applications to be made by the applicant at least 3 months prior to the intended commencement of the service, and it is our aim to process all completed applications within 90 days of receipt.
- All applications are processed with transparency, fairness and equity. Applicants can check the status of their application via the online portal.
- Incomplete applications are closed automatically after 10 days.
- All information received is assessed, verified and confirmed. This process may include engagement with third parties, such as insurance companies and local authorities.
- Tusla will consider all information received concerning the suitability of an applicant to provide an early years service. This includes, but is not confined to assessment of police and Garda vetting, previous registration history, references of suitability, any unsolicited information received by Tusla and history of registration as a regulated professional. In the event that any other information of concern is brought to the attention of Tusla, we will engage with the applicant and they will be offered an opportunity to respond. During this period, the application process will be paused.
- The rendering of false, misleading or inaccurate application information may lead to an application being closed.
- Tusla will only address queries from the applicant or their nominated representatives.
- Tusla will process applications in order of receipt. Incomplete applications will not be progressed for FFP inspection. Tusla will make every effort to accommodate emergency

Registration Policy: new applications – Tusla Early Years Inspectorate

situations, for example when a service has a particular requirement to open quickly, but it can make no guarantees in these circumstances.

- Tusla will provide information, including guidance documents, to support those who are in the process of applying for registration. It will also provide direct assistance with applicants' queries.
- If at any point during the registration/FFP inspection process, Tusla receives unsolicited information about the early years service, this information will be reviewed and taken into consideration. Unsolicited information³ may impact on the progression of the registration process.

On-site assessment and inspection of the premises (FFP assessments) will be arranged by appointment with the applicant and will be progressed subject to the following:

- a) The application requirements have been submitted in full and have been assessed as suitable.
- b) The premises is ready for inspection, and is laid out and structured in a manner that is suitable for the provision of the proposed early years service.
- c) The premises has a working heating system and hot and cold running water.

See Appendix 1 for more information on FFP inspections.

2.0 Process of registration

2.1 Application assessment

Once the review of paperwork is completed the application assessment will progress to an FFP inspection. If both the paperwork review and the on-site inspection and assessment are successful, the application will proceed. The Early Years Inspector who carried out the FFP inspection will present

³ Unsolicited information is defined as any piece of information that relates to the operation of an early years service that has been brought to the attention of the Early Years Inspectorate but has not been sought, requested or invited.

Registration Policy: new applications – Tusla Early Years Inspectorate

the inspection report to their Inspection and Registration Manager who, in turn, will approve the report and make a registration proposal to the Tusla Early Years Regional Registration Panel.

2.2 Tusla Early Years Regional Registration Panel

The final report is presented by the Inspection and Registration Manager to the Tusla Early Years

Regional Registration Panel. The panel considers applications for services which wish to operate in the panel’s geographical area of responsibility. The panel, which comprises Tusla registration and inspection officials, is independent of the inspection team and serves to examine and quality assure all proposals for registration and to ensure the consistency of decision-making. The panel has the authority to register the early years service with or without proposed conditions, or to refuse registration. In the event of the latter, the applicant will be informed of the reason(s) for this. They will also be advised of their rights under the legislation to make representation or to seek recourse in the courts.

Where an application is successful, the Tusla registration office will issue the final report, registration letter, and certificate of registration to the new early years service provider. The service name will be added to the national register of early years services, which is updated monthly and published on the Tusla website. <https://www.tusla.ie/services/preschool-services/list-of-pre-school-services-by-county/>

3.0 Version Control

Version number	Nature of Changes	Author of Change	Date	Approved by	Date of approval
1.0	Policy created for the first time	Mike Corcoran	03/20	Mike Corcoran	03/20
2.0	Minor text amendments	Mike Corcoran	12/21	Mike Corcoran	12/21
3.0	Formatting updated / version control added	Grant Landon	10/22	Grant Landon	10/22

Appendix 1

Fit for purpose inspections

The Early Years Inspector will undertake a fit for purpose (FFP) inspection in accordance with the FFP inspection process. At the closing meeting of the inspection, the proposed registered provider and/or person in charge 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 form⁴ 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.

⁴ The registration requirement form allows the proposed provider to respond to outstanding issues.

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