

Early Years Inspectorate Enforcement Powers Webinar

February 2026



Child Care (Amendment) Act 2024



Number 17 of 1991

CHILD CARE ACT 1991

REVISED

Updated to 30 September 2024

This Revised Act is an administrative consolidation of the *Child Care Act 1991*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Criminal Justice (Amendment) Act 2024* (31/2024), enacted 4 October 2024, and all statutory instruments up to and including the *Child Care (Amendment) Act 2024 (Commencement) Order 2024* (S.I. No. 495 of 2024), made 27 September 2024, were considered in the preparation of this Revised Act.

Overview

**Improvement
Notice**

**Improvement
Order**

**Immediate
Action Notice**

**Immediate
Action Order**

**Temporary
Prohibition Order**

Closure Order

**Improvement
Notice**

Removal

**Temporary
Prohibition Order**

RCM

REM

Conditions

**Immediate
Action Notice**

Advice

Refusal

**Improvement
Order**

CAPA

Prosecution

**Immediate
Action Order**

Closure Order

Improvement Notice
Improvement Order

Section 58JA of the Child Care Act 1991, as amended

Immediate Action Notice
Immediate Action Order

Section 58JB of the Child Care Act 1991, as amended

Temporary Prohibition Order

Section 58JC of the Child Care Act 1991, as amended

Closure Order

Section 58JD of the Child Care Act 1991, as amended



Improvement Notice

Issue of significant concern
If allowed to continue will/is likely to pose a risk of harm

Immediate Action Notice

Issue that poses an immediate risk of harm
Immediate action needed to address

Improvement Notice

Issue of significant concern
If allowed to continue will/is likely to pose a risk of harm

Immediate Action Notice

Issue that poses an immediate risk of harm
Immediate action needed to address

Improvement Order

Immediate Action Order

Court Order if Notice is not complied with

**Improvement
Notice**

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Improvement Notice

Issue of significant concern
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Issue that poses an immediate risk of harm
Immediate action needed to address

Temporary Prohibition Order

Continued provision of the service
Poses immediate and grave risk to health, safety, or welfare of children

Temporary Prohibition Order

Continued provision of the service
Poses immediate and grave risk to health, safety, or welfare of children

CLOSED

Temporary Prohibition Order

Continued provision of the service Poses immediate and grave risk to health, safety, or welfare of children

Conditions for Issuing

- An Authorised Person is of the opinion that continued provision of the service poses **immediate** and **grave** risk to health, safety, or welfare of children
- CEO (or designate) consulted
- Board notified at next meeting following issuing

Order to Include

- Opinion that the service should be prohibited (not more than 6 weeks)
- State the date the order applies from
- Identify the matters that give rise to the risk
- Direct that the service be prohibited unless and until the matters above have been remedied

Appeal within 7 days to District Court – does not suspend order while being heard, but can apply for same
Failure to comply is an offence

Closure Order

Overview

**Improvement
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**Improvement
Order**

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**Temporary
Prohibition Order**

Closure Order

Improvement Notice

Issue of significant concern
If allowed to continue will/is likely to pose a risk of harm

Improvement Order

Court Order if Improvement Notice is not complied with

Immediate Action Notice

Issue that poses an immediate risk of harm
Immediate action needed to address

Immediate Action Order

Court Order if Immediate Action Notice is not complied with

Temporary Prohibition Order

Continued provision of the service. Poses immediate and grave risk to health, safety, or welfare of children

Closure Order

Court Order if Temporary Prohibition Order is not complied with or for closure of a service operating without registration

Early Years Inspectorate Enforcement Powers Webinar




What will a Notice look like?



EYI-IN44.1
V1.0
01/01/2026

Notice Code: IN 0001



IMPROVEMENT NOTICE
S58JA CHILD CARE ACT 1991 (AS AMENDED)

Registered Provider: Tusla Number:

Service Address:

Service Name: Inspection Date:

The authorised person has identified/formed the opinion in exercising his or her powers under S58J of the aforementioned Act relating to a premises in which a registered provider is providing a prescribed early years service that there is **an issue of significant concern** that is of such a nature that if it persists it will, or is likely to, pose a risk of harm to a child attending the service the details of which are as follows:-

You are hereby required on or before the day of 20 by am/pm to undertake action to address the risk identified.

You should submit a written response with evidence of the actions undertaken by you to address the identified risk to: @tusla.ie

Should you fail to comply with this Notice on or before the day of 20 by am/pm we reserve the right to proceed with an application for an Improvement Order pursuant to S58JA(5) of the Child Care Act 1991(as amended).

Signed: Dated: day of 20

Details to be completed on Duplicate Copy where appropriate	
Confirmation of Notice Served: This Notice was served by at am/pm on personally/registered post on the day of 20 Signed:	
In instances where Notice is Withdrawn:	Notice Withdrawn:- day of 20
In instances where Notice is Varied:	Notice Varied by Letter dated:- day of 20



Statutory Notices – Improvement Notice

All Statutory Notices will have a unique Notice Code at the top of the page.

EYI-IN44.1
V1.0
01/01/2026

Notice Code: IN10402

IMPROVEMENT NOTICE
S58JA CHILD CARE ACT 1991 (AS AMENDED)



The inspector will detail the issue identified on the Notice.

The authorised person has identified/formed the opinion in exercising his or her powers under S58J of the aforementioned Act relating to a premises in which a registered provider is providing a prescribed early years service that there is **an issue of significant concern** that is of such a nature that if it persists it will, or is likely to, pose a risk of harm to a child attending the service the details of which are as follows:-

Contrary to safe sleep guidance, a child aged 18 months was observed to be sleeping in a buggy at 10:20am in the toddler room.



Statutory Notices

The Notice will detail:

1. When action must be taken by
2. The email address a written response should be sent to

You are hereby required on or before the day of 20 by am/pm
to undertake immediate action to address the risk identified.

You should submit a written response with evidence of the actions undertaken by you to address the
identified risk to: @tusla.ie

The Notice will also be signed and dated by the inspector.



Points to note:-

- Notices will be served on the day of inspection
- They may be served by registered post following Inspection
- Notices will have immediate effect
- The time specified on the Notice to undertake action will start running immediately
- Registered Providers will need to act fast in some instances



How do you Respond to a Statutory Notice?

- Action must be taken to address the issue identified on the Notice by the specified date and time.
- A written response must be submitted
- Registered Providers will be sent a Response to Statutory Notice form which will request a Corrective and Preventive action in response to the issue identified.
- The Registered provider is then required to complete and send the form to the email address detailed on the Notice.
- If the Registered Provider fails to comply with the Notice or the response is inadequate, the service will be escalated to NREP and an application for an Improvement Order or Immediate Action Order may be made.

Responding to Statutory Notices

Notice Code: IAN10042

Notice Code

Response to Statutory Notice

Completed by Registered Provider		Office use only
1. <u>Corrective Action and Preventive Action</u> (Using SMART: Specific, Measurable, Achievable, Realistic and Timely)	2. Evidence Submitted (e.g. photo, policy, etc.)	3. Response Accepted
What corrective actions have you taken to address the issue identified on the statutory notice? Click or tap here to enter text.	Click or tap here to enter text.	Choose an item.
What preventive actions are you taking to prevent the issue identified on the statutory notice reoccurring? Click or tap here to enter text.	Click or tap here to enter text.	Choose an item.
(For office use only): Rationale for why the response has not been accepted.	Click or tap here to enter text.	

Corrective Action

Preventive Action

Evidence of Actions

The Notice is **not subject to the CAPA process**, as it is responded to through the Response to Statutory Notice Form.

How are Notices reported on the Inspection Report

The regulation will be reported as non-compliant where a Notice has issued relating to that regulation.

Non-Compliance Information

2(c) See Statutory Notice section in relation to Immediate Action Notice IAN0026 served.



Inspection Report

Statutory Notices		
Notice	Date Served	Detail
Immediate Action Notice IAN0122	22/01/2026	A child was observed at 11:15 playing with a blind cord which was unsecured in the Toddler room.
Status	Action was taken by the registered provider immediately following service of the Notice and the provider submitted a written response with detailed corrective and preventative actions which were accepted by the Inspectorate.	
Improvement Notice IN00056	22/01/2026	Contrary to safe sleep guidance, a child aged 18 months was observed to be sleeping in a buggy at 10:20am in the toddler room.
Status	The registered provider submitted a response detailing the actions taken within the timeframe. The actions as detailed by the registered provider were accepted by the Inspectorate	

Inspection Report

Details of other enforcement actions will be reported in an ‘Escalation and Enforcement’ table in the Inspection Report.

Escalation and Enforcement Actions		
Action	Date	Detail
Regulatory Compliance Meeting	01.02.2026	A Regulatory Compliance Meeting was held in relation to the service’s sleep practices.
Status	Actions provided by the registered provider adequately addressed the issues identified and were accepted.	



Inspection Findings Review

Statutory Notices are not subject to the Inspection Findings Review Process. If the subject of an Inspection Findings Review submission relates to a Statutory Notice, it will be screened-out.



Garda Vetting

- ◉ Garda vetting must be **renewed within every three years** of initial receipt, in line with the Regulatory Notice (EYI-RN12.3).
- ◉ It is the responsibility of the registered provider to ensure that the Garda Vetting disclosure is assessed with regard to suitability of an individual to work in an early years setting.
- ◉ Garda Vetting must be **available** to the Early Years Inspectors **on the day of an inspection**.
- ◉ Garda Vetting **cannot be transferred** from a previous employer.
- ◉ Garda vetting obtained by a university for a student will be accepted, however only for the hours of the student's placement.



International Police Vetting

- ◉ It is the responsibility of the registered provider to ensure that, if required, International Police Vetting is available and assessed with regard to suitability of an individual prior to commencing work in an early years setting.
- ◉ International Police Vetting must be **available** to the Early Years Inspectors **on the day of an inspection**.
- ◉ International Police Vetting must be **translated by a certified translator**.
- ◉ If it is not possible to assess whether International Police Vetting is required, e.g. no CV available or gaps in a CV; a Notice may be issued.



International Police Vetting

Statutory Notices may be served where:

An employee, unpaid worker, contractor or a board member :-

- has access to children
- has lived outside of the state for more than 6 consecutive months as an adult
- Certified translated International Police Vetting is not available to the Inspector on Inspection.

Immediate action will be required, which will involve the person not having access to children until certified translated International Police Vetting can be made available.



Garda and Police Vetting

No vetting or inadequate vetting

Equals

No access to children

Immediate action will be required, which will involve the person not having access to children until Vetting can be obtained/made available.

Statutory Notices will be issued following the identification of:

1. An issue of **significant concern that is of such a nature that if it persists it will, or is likely to, pose a risk of harm** to a child attending the service or

(Improvement Notice)

2. An issue that poses an **immediate risk of harm** to a child attending the service. (Immediate Action Notice)

Sharing information and resources for the sector

- Tusla EYI webpages -live
- Guidance document under development
- Q and A document under development
- Webinar for sector- planned
- Queries to rpdd@tusla.ie
- Ongoing engagement with sector and stakeholders

New Webpages developed and published

[://www.tusla.ie/services/preschool-services/early-years-providers/](http://www.tusla.ie/services/preschool-services/early-years-providers/)

Changes in Circumstances & Cessations	Provider Resources (including Quality & Regulatory Framework)
Enforcement	Register of services
Feedback and Concerns	Registration renewal
Inspections	Regulations & Legislation
Inspection Reports	Regulatory Notices
News Archive	Stakeholder Engagement
Notifications of Incident	



New Webpage developed and published

<https://www.tusla.ie/services/preschool-services/early-years-providers/early-years-enforcement/new-enforcement-powers/>

**Enforcement
Policy and
Practice**

**New
Enforcement
Powers**

**Regulatory
Enforcement
Decisions**

New Webpages developed and published

Webpages will be updated regularly

New Enforcement Powers

Home / Services / Early Years Inspectorate - Pre-School Services / Early Years Providers / Early Years Enforcement / New Enforcement Powers

New Enforcement Powers

Following recent amendments to the [Child Care Act 1991, as amended](#) (the Act), the Early Years Inspectorate has been given additional powers for enforcement, and where risk of harm to children is identified in an early years service.

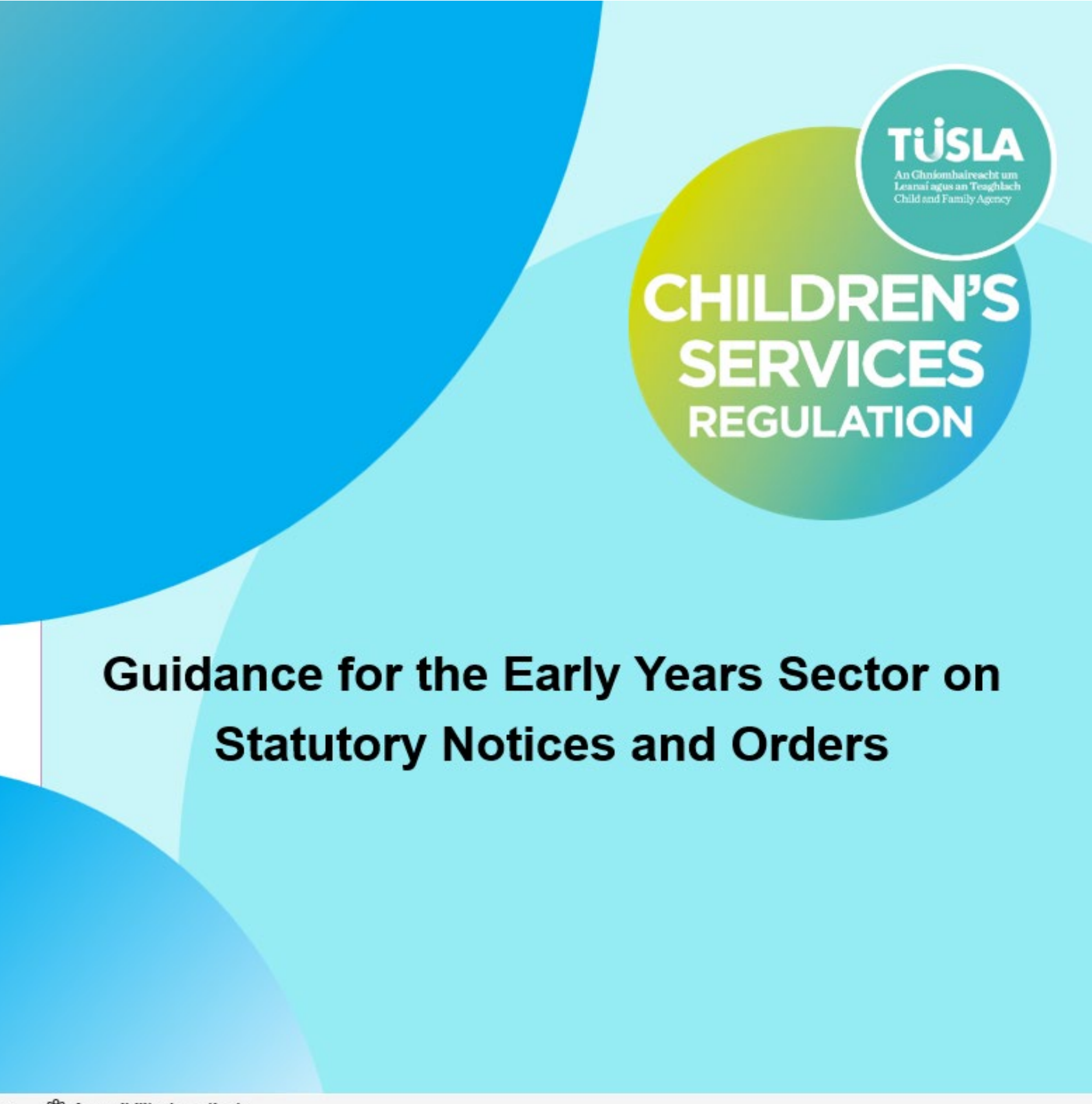
The following powers are live as of **01 January 2026**. The Inspectorate does not intend to implement the use of these powers until **01 February 2026** but reserves the right to use all lawful powers available to it where deemed necessary in the interests of the health, safety and welfare of children. Further detail concerning each power will be provided shortly.

Improvement Notice/Order



New Guidance document

New guidance document in development for the sector



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Questions and Answers

Q and A currently in development

- The Q and A document will be published on EYI website
- Questions from today's and future forums, from webinar with sector and those that come directly to RPDD will be responded to and included in Q and A.
- Document will be updated as required.

Questions and Answers

Any queries can be sent to rpdd@tusla.ie

TÜSLA
An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

CHILD SAFEGUARDING STATEMENT COMPLIANCE UNIT



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ALTERNATIVE CARE INSPECTION & MONITORING



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CHILDREN'S SERVICES REGULATION



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ALTERNATIVE EDUCATION ASSESSMENT & REGISTRATION



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EARLY YEARS INSPECTORATE