

Escalation & Enforcement

Review 2021

Executive Summary



The Early Years Inspectorate, (part of Tulsa's Children's Services Regulation), 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 0-15 years. The role of the Early Years Inspectorate is to promote and monitor the safety, quality of care and support of the child in early years provision in accordance with the Child Care Act 1991 (Early Years Services) Regulations 2016.

The Early Years Inspectorate's Enforcement & Escalation team oversee required enforcement activity initiated under legislation against services through two panels: the National Registration and Enforcement Panel and the Conditions Panel. Services are referred to the panels for a range of reasons including,

- Consistent and persistent noncompliance with regulation,
- Operation without or contrary to granted registration.
- High or critical concerns following inspection, that pose a risk of ongoing harm to children.

Each year, a small number of early years services are assessed as requiring escalation for consideration of enforcement through the Inspectorate's two panels. This report presents an analysis of those services escalated for enforcement actions and the outcomes of escalation.

The vast majority of the services who engaged with the National Registration Enforcement Panel avoided enforcement sanctions. 26 of the 29 services that were referred to the panel, engaged with the different escalation and enforcement actions and resolved the concerns and non-compliance highlighted on inspection. 4 services received conditions to their registration. Each of these were subsequently de-escalated.

All 23 services considered at the National Conditions panel engaged with the process. 10 services with conditions attached in 2020 were brought forward from 2020 to 2021 and placed under review of this panel. 1 service had conditions proposed but were not attached following successful receipt of representations and 10 services got conditions attached from this panel. Of the 20 services with conditions attached in 2021, 10 were reinspected to assess compliance with the attached conditions and general compliance with the early years regulation. Only 1 service of the 10 services inspected was considered for the re proposal and attachment of conditions. 9 services were fully compliant at the end of their inspection process and no further sanctions were considered.

The value of positive and proactive engagement between services and the Early Years Inspectorate is clear. Good levels of engagement from services considered for enforcement actions consistently resulted in lower levels of sanctions being placed on services. No service met the threshold of removal from the register in 2021. A large percentage of services improved compliance so that no sanctions were considered. Other services had conditions attached to their registration which were then removed following inspection where full compliance was met by the service.

These positive outcomes reinforce the message that continuous engagement and communication is essential between the sector and the Early Years Inspectorate, and we look forward to the continued development of this work.