

TÚSLA

An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

Children's Services Regulation

**Summary Report of
Early Years Inspection
Reports 2018–2019:
Analysis and Trends**

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

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Foreword

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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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*,¹ 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.

¹ 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.

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 in 2017 to identify emerging trends over the three-year period 2017–2019. A more detailed report is also available from Tusla².

Overview of approach adopted

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

The aim of the 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 included in analysis

The reports of two types of inspections are included in this summary document (see Table 1). These are inspection reports (IR), which refer to the main inspections carried out, and fit-for-purpose reports (FFP), which refer to inspections carried out for new applications and where there is a proposed change in the registration status of the service.

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

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

All reports that completed all of the processes associated with inspection in 2018 and 2019 were included in the analysis. The reports do not include those that were still in the process of completion at the time of 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.

Analysis of reports

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 the 2018 and 2019 regulations and qualitative analysis using both content and thematic approaches was carried out on textual information presented in the reports. This analysis was supported by the use of NVivo qualitative research software.

Ethical issues

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/>).

Findings from analysis of inspection reports

Key findings: Inspection reports (IR) 2018

Ninety per cent of the 1490 IR included in this analysis were unannounced inspections.

The majority of services were assessed as having three or fewer non-compliant regulations.

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

Some regulations were 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 was wide variation in the level of compliance and non-compliance among the most commonly assessed regulations.

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

- 7% (Regulation 11, Staffing Levels)
- 45% (Regulation 9, Management and Recruitment)
- 72% (Regulation 23, Safeguarding Health, Safety and Welfare of Child)

Regulations assessed in full day-care services were most likely to be non-compliant.

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

Services in the DNE area were more likely to be non-compliant.

- Three-quarters of regulations assessed in services in the West region were deemed compliant (73%), which was the highest proportion across all regions.
- Regulations in services in the Dublin North East (DNE) area were assessed as having the lowest level of compliance, with only 58% of regulations deemed compliant.

For-profit services had slightly higher levels of non-compliance 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 non-compliance.

- Services with larger numbers of staff employed were more likely to be assessed as having higher proportions of non-compliant 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).

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

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, while the number of compliant regulations ranged from 3 to 11.
- The mean average number of non-compliant regulations in reports was 1.51, while the number of non-compliant regulations in individual reports ranged from 0 to 7.
- About one-half of the reports reported no non-compliant regulations and one-quarter reported between 1 (n=8; 11.9%) and 2 (n=10; 14.9%) non-compliant regulations.

Regulation 23 (Safeguarding Health, Safety and Welfare of Child) was identified as non-compliant in 40% of reports.

- Regulation 23 (Safeguarding Health, Safety and Welfare of Child) was identified as non-compliant 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 Regulation 11 (Staffing Levels), where only two services (3%) were identified as non-compliant.

Key findings: Inspection reports (IR) 2019

Eighty-eight per cent of the 1327 IR included in this analysis were unannounced inspections.

The majority of reports were assessed as having three or fewer non-compliant regulations.

- Over one-third of IR recorded no non-compliant regulations (n=484; 36.5%), while a further 43.5% (n=577) recorded between one and three non-compliant 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, while 32% (n=2534) were identified as non-compliant.

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 Child)

Regulations assessed in full day-care services were more likely than those in sessional services to be non-compliant.

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

Services in the West region were most likely to be compliant.

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

Not-for-profit services had slightly higher levels of compliance than 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).

The larger the service the higher the level of non-compliance.

- Services with larger numbers of staff employed were more likely to be assessed as having higher proportions of non-compliant 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).

Key findings: Fit-for-purpose (FFP) inspections 2019

Sixty-two 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, while the number of compliant regulations ranged from 3 to 11.
- The mean average number of non-compliant regulations was 1.65, while the number of non-compliant regulations in individual reports ranged from 0 to 7.
- Almost one-half of reports (46.8%; n=29) did not include any non-compliant regulations.

Regulation 23 (Safeguarding Health, Safety and Welfare of Child) was identified as non-compliant 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 non-compliant were Regulation 23 (Safeguarding the Health, Safety and Welfare of Child; 40.3%); and Regulation 29 (Premises; 37.1%).

Key findings: non-compliant regulations

The following summary is based on a thematic and content analysis of a random sample of 500 non-compliant regulations from 2018 and 2019 reports.

Main areas of concern and their frequency according to individual regulation

Regulation 23: Safeguarding the Health, Safety and Welfare of Child

- General safety (24%); outdoor safety (21%); fire safety (21%); sleep facilities (20%); administration of medication (9%); infection control (5%).

Regulation 9: Management and Recruitment

- Lack of availability of two verified references for each staff member (36%); Garda/police vetting not in place for all personnel (36.9%); a recognised educational award not in place for all personnel working with children (24.6%); and a curriculum vitae not available on file for each member of staff (2.3%).

Regulation 19: Health, Welfare and Development of Child

- 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: Fire Safety Measures

- Lack of availability and maintenance of records (82.7%); 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: Premises

- 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: Record in Relation to Preschool Service

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

Regulation 25: First Aid

- First aid box inadequately stocked (60%); and requisite number of staff not adequately trained in first aid (40%).

Trends in early years inspections 2017–2019

Key trends: number of services

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.

Key trends: Inspections and regulations assessed

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.

The mean average number of regulations assessed at inspections was 8.79 in 2017, 4.83 in 2018, and 6.21 in 2019.

- 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 Levels); Regulation 9 (Management and Recruitment); Regulation 23 (Safeguarding Health, Safety and Welfare of Child); Regulation 26 (Fire Safety Measures); Regulation 19 (Health, Welfare and Development of Child); and Regulation 25 (First Aid).

Key trends: Compliance and non-compliance

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 day-care services are most likely to be assessed as non-compliant; this proportion was 32% in 2017, 45% in 2018, and 41.7% in 2019.

The proportion of regulations assessed as non-compliant 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 (Safeguarding Health, Safety and Welfare of Child) was identified as having the lowest levels of compliance ranging from 45.7% in 2017 to only 30% in 2018 and to 38% in 2019.

Key trends: Notifications and unsolicited information

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 preschool 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 (Maintenance) 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.

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