

**Tusla - Child and Family Agency's
Early Years Inspectorate
Annual Report 2017**



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Foreword

Tusla – Child and Family Agency’s Early Years Inspectorate is the independent statutory regulator of Early Years Services in Ireland. It gives me great pleasure to present the third *Annual Report* of the Early Years Inspectorate. In 2017, the inspectorate continued to implement a number of important initiatives to support reform and develop early years services in Ireland.

There is a robust governance structure in place within the Early Years Inspectorate to ensure that all early years services are appropriately considered for registration by the registration panel. This registration panel takes account of information provided by the service provider and the Early Years Inspector in making a determination as to whether a service is approved for registration or continues to be registered.

In parallel with the introduction of the Child Care Act 1991 (Early Years Services) Regulations 2016 and the Child Care Act 1991 (Early Years Services) (Amendment) Regulations in 2016, the Regulatory Inspectorate has provided all services with a right of reply to the findings of the inspector. Following inspection, providers are invited to advise the inspector of any issues arising in respect of the factual accuracy of reports.

Importantly, where non-compliances are identified, providers are given an opportunity to set out corrective and preventive actions and these are agreed and implemented in an iterative process that takes place between the inspector and provider. This approach clearly demonstrates the positive impact of regulatory inspection on the quality of services provided and in 2017, 83% of services took corrective actions, based on the findings of the Early Years Inspectors report, to improve their service. Areas where improvements were identified include:

- The health, welfare and development of the child;
- Governance of the service;
- Safety, and;
- The suitability of the premises and facilities.

A further 10% of services identified actions that would lead to improvements in their service and it is noted that these improvements will be verified in the next inspection that takes place. The development of good relationships underpins and informs all the work of the inspectorate at all levels for the ultimate purpose of ensuring better outcomes for children in early years services. These relationships have built on local, regional, national and international linkages and these have shaped many initiatives being progressed by the Early Years Inspectorate. Of particular note, is their role in the development of the quality and regulatory framework. This framework, when complete, will help and support registered Early Years Services to comply with the 2016 Regulations by setting out the Inspectorate’s interpretation of these regulations in a transparent way.

The Early Years Inspectorate increased and greatly expanded its collaborative engagement with statutory and non-statutory organisations who engage in policy development and practical support for Early Years Services. We have also increased our engagement with parents and providers and in recognition of the importance of this work, we published in November 2017 the first Early Years Inspectorate Newsletter. The purpose of this newsletter is to provide a mechanism for two-way communication between the Early Years Inspectorate and interested parties. Submissions are invited for inclusion in the newsletters and in addition, services are informed about, and alerted to relevant areas of interest on current and new developments taking place. The newsletter has been very well received and its publication will continue in 2018.

Finally, I would like to thank the National Manager, Fiona Mc Donnell, and all members of the Early Years Inspectorate for their commitment and flexibility in 2017.

Brian Lee,
National Director of Quality Assurance.
Tusla.

1.0 Introduction

Tusla, through the Early Years Inspectorate, is the independent statutory regulator of early years services in Ireland and has a responsibility for inspecting pre-schools, playgroups, nurseries, crèches, daycare and similar services which cater for children aged up to six years. The Early Years Inspection service was introduced in 1997, under Part VII of the Child Care Act 1991, which gave effect to the Child Care (Pre-School Services) Regulations 1996. The regulations were subsequently revised in 2006 and placed greater emphasis on the health, welfare and development of the child. The Minister for Children and Youth Affairs published the Child Care Act 1991 (Early Years Services) Regulations 2016 and the Child Care Act 1991 (Early Years Services) (Amendment) Regulations on 4th July and 30th December 2016 respectively. These revised regulations build on Part 12 of the Child and Family Agency Act 2013, provide for the inclusion of school-aged services within the definition of Early Years, and also enhance the enforcement powers of the Inspectorate. This legislation and these regulations provide the basis for inspections carried out by the Tusla Early Years Inspectorate.

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.

Benefits and impact of Early Years Inspection

Many positive benefits of regulation in early years services have been identified. These are highlighted in the Report of the Expert Advisory Group in 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

A random sample of changes made by early years services following inspection was carried out in respect of the corrective and preventive actions. This analysis demonstrated that 83% of the noncompliances were addressed before the report issued. It was noted that a further 10% would be verified at the next inspection.

¹ Department of Children and Youth Affairs(2013).*Report of the Expert Advisory Group in the EarlyYears Strategy*. Dublin: Department of Children and Youth Affairs.

2.0 Summary of 2017 Key Activities and Achievements

This section summarises key activities and achievements by the Early Years Inspectorate in 2017.

Governance of Early Years Inspectorate

In 2017, the governance of the inspectorate was led by Fiona McDonnell, National Manager for the Early Years Inspectorate. Governance of the Inspectorate includes a number of activities and developments (Figure 1).

Figure 1: Overview of 2017 governance activities and achievements

Strategic development

- Implementation of new management structure
- Strategic planning for implementation of 2016 Regulations

Implementation of business processes

- HR management
- ICT management
- Financial management

Public accountability

- Response to 447 parliamentary questions
- Response to 324 public representations
- Response to 10 freedom of information requests
- Managing legal processes around inspections
- Publication of inspection reports

Relocation of premises

- Relocation of national inspectorate offices to more suitable premises for the national office based in Limerick

Implementation of the functions provided through the Tusla Early Years Inspectorate is structured around three main areas and these are:

- Registration
- Operations
- Quality

A summary of key activities and achievements in respect of these for 2017 is now presented.

Registration: Summary of key activities and achievements

The 2016 Regulations heralded a number of additional significant regulatory legislative requirements. The findings in respect of registration change in circumstances and notification of incidents and closures are described in this annual report. A summary of these is now presented.

Figure 2: Overview of 2017 activities and achievements in respect of registration

•4,484 Early years services registered at year end 2017

- 96 new services were approved for registration in 2017
- 31% were based in the Dublin Mid-Leinster (DML) region
- 28% in the Dublin North East (DNE) region
- 22% in the West and 18% in the South

•1,604 notifications of changes in circumstances were notified to the Early Years Inspectorate by 1,028 services

- 22% (n = 363) of all changes notified related to changes to the services
- 116 services intended to increase the number of sessions provided
- 65 services intended to increase their service from sessional to part-time
- 45 services intended to decrease the level of service they provided

•317 of all notifications of changes in circumstances in 2017 related to the children attending the service

- 82% intended to increase the number of children in their service
- 6% intended to decrease the number of children in their service
- 12% intended to change the age range of children in the service
- 23% intended to take younger children (14 intend to take babies under one year)
- Three services notified an intention not to take babies in the future

•117 service closures were notified to Tusla in 2017

- 70% of service closures accommodated children aged 1-6 years and 30% children aged 0-6 years
- 44% of closures related to sessional services, 24% to full daycare, 12% to part-time services and 14.5% to childminding services
- 26% gave no reason for closure, 24% cited personal reasons (e.g. retiring and ill health), 15% identified insufficient numbers of children, a further 8% cited financial reasons, 13% identified the reason for closure as the premises, and three services cited regulations

•204 incidents were notified to Tusla in 2017

- 64% related to a serious injury to a pre-school child, 14% to an incidence of a notifiable infectious disease, 14% related to unplanned closures, and 5% related to a missing child
- 37% of incidents were from the DML region and the remainder were spread equally across the remaining three regions

Operations: Summary of key activities and achievements

This section provides information about the services inspected by the Early Years Inspectorate and the impact of statutory regulation on their quality.

Figure 3: Overview of 2017 activities and achievements in respect of operations

2,033 early years inspections were carried out in 2017

- 29% of inspections were carried out in the DML region, 25% in the South and the West and 21% in the DNE region.

1,563 inspection reports on existing services were analysed

- Full daycare services were most likely to be assessed as having noncompliant regulations (32% of 12,857 regulations assessed) and childminders the least likely (17% of 358 regulations assessed).
- The highest level of compliance (90.5%) was identified in the West region and the lowest level in DNE (62%).
- Regulation 23 (55% of regulations assessed as noncompliant), Regulation 16 (38% assessed as noncompliant) and Regulation 9 (13% noncompliant) are most likely to be assessed as noncompliant.

147 Fit for Purpose inspection reports were analysed

- 99 reports on Fit for Purpose inspections, on new applications for registration, were analysed.
- 48 reports on inspections relating to change in circumstances were analysed.
- 87% of services were assessed as having two or less noncompliant regulations.

Complaints

- 65% of complaints received referred to full daycare services.
- Two thirds of all complaints received related to services in the DML region (37%; n = 103) and the DNE region (29%; n = 80). Less than 10% of complaints (9%; n = 26) received were from the South region.
- Many complaints included more than one issue and while the total number of complaints was 276, the number of areas included in the focus of complaints was 335.
- The most common area of complaint related to the health, welfare and development of the child (n = 122; 36%) and this was followed by governance (n = 116; 33%).

Impact of statutory regulation on quality of existing services

- A random sample of 500 regulations analysed in respect of corrective and preventive actions identified improvements made to services in 83% of cases as a result of the inspection. It was noted that a further 10% would be verified at the next inspection.

Quality: Summary of key activities and achievements

The Early Years Inspectorate strives to support and advance good quality in both the Early Years Inspectorate and in early years services. It does this through a variety of means (Figure 4).

Figure 4: Key activities and achievements in respect of quality

Initiatives to support and advance quality assurance in 2017

- Further development of the Quality and Regulatory Framework
- Development and review of policies
- Extensive engagement with key stakeholders

Education, training and CPD

- Organisation of training and education of the Early Years Inspectorate
- Implementation of updates and initiatives for Inspectorate

Management and promotion of information

- Management of communications and information systems
- Collation and management of information
- Development and distribution of newsletter and updates

Priorities for 2018

1. Publish and commence implementation of the Quality and Regulatory Framework (QRF) at a pilot site
2. Publish inspection reports on the Tusla website
3. Develop a Question and Answer document relating to the registration of services
4. Further develop the structure of the Early Years Inspectorate
5. Develop policy documents to support the registration, operations and quality assurance function of the inspectorate
6. Establish MOU with Better Start quality development service
7. Extend eligibility criteria for working as an Early Years Inspector

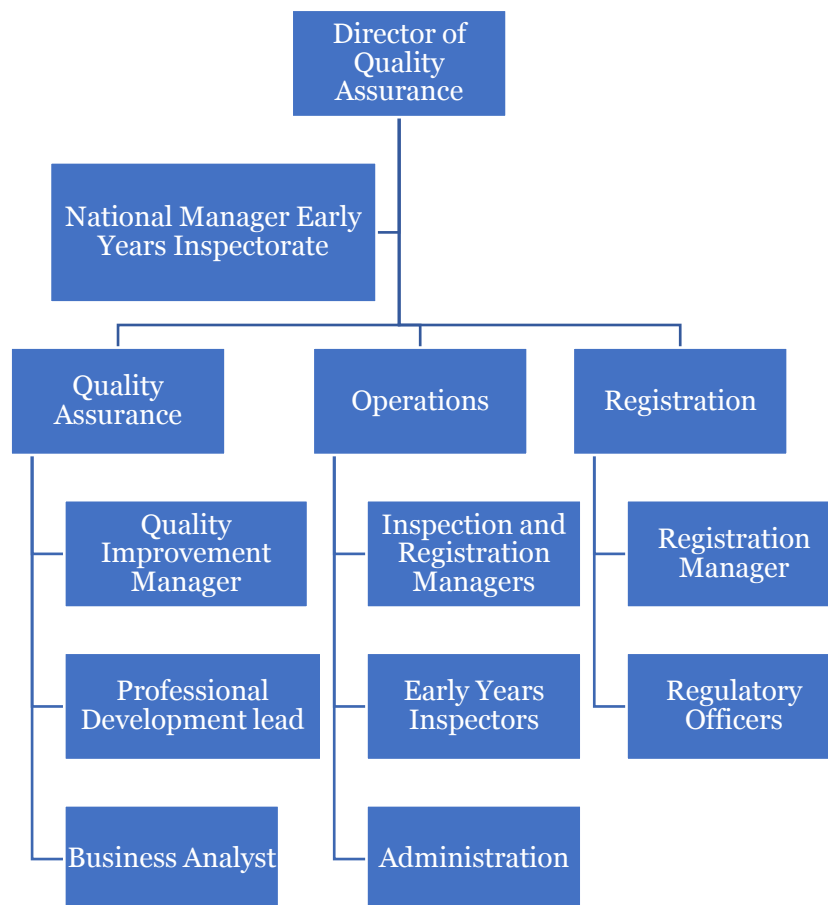
3.0 Governance

The Early Years Inspectorate moved to a national system of governance in 2015 and the services are implemented according to three key pillars:

- **Registration** which focuses on registration of new and continuing services;
- **Operations** which includes inspection, reporting and communicating with relevant stakeholders; and
- **Quality assurance** which focuses on the overall implementation of quality and safety within the service.

These pillars are reflected in the organisational structure and personnel are assigned according to each service. The overall service is led by the National Manager of the Early Years Inspectorate, Ms Fiona McDonnell. Figure 5 presents the overall structure of the service.

Figure 5: Organisational structure of the Early Years Inspectorate



Number of Early Years Inspectors (EYIs)

The current number of whole time equivalent (WTEs) Early Years Inspectors at December 2017 is 47.14. The inspection teams are divided into four regions, with Early Years Inspectors assigned to specific geographic areas. Their distribution across these regions is set out in Table 1.

Table 1: Number of whole time equivalent EYIs, vacancies, and new posts in 2017 by region

	Number of WTEs* Inspectors	Number of vacancies	New posts
DNE	8.8	1	2
DML	12.7		3
South	9.1	1	2
West	14.2	2	
Total	47.14	4	7

*WTE refers to Whole Time Equivalent

Parliamentary affairs activity 2017

Parliamentary affairs activities are an important part of the governance of the Early Years Inspectorate and contribute to public accountability. The number of parliamentary questions and representations is presented in Table 2.

Table 2: Parliamentary affairs activity 2017

	Parliamentary Questions	Representations	Total
2017 Quarter One	129	60	189
2017 Quarter Two	142	65	207
2017 Quarter Three	48	87	135
2017 Quarter Four	128	112	240
2017 Total	447	324	771

In addition, 10 freedom of information requests, and five media queries relating to the functioning of the Early Years Inspectorate were received and managed.

Move to new accommodation

The National Office of the Early Years Inspectorate relocated in December 2017 to new premises. This move took place to facilitate the expansion of the Early Years Inspectorate service due to the expansion of the regulatory requirements emerging from the 2016 Regulations. This was particularly required to ensure that processes in respect of the registration of services could be implemented effectively and in a timely way.

The national office for the Early Years Inspectorate is now based at:

2nd Floor
Estuary House
Henry Street
Limerick

4.0 Registration

Overview of registered early years services in 2017

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 these new regulations, all new services seeking registration must:

- a) Provide at least three months' notice prior to the proposed commencement of the service except in the case of temporary pre-school services that must provide at least 21 days' notice.
- b) 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.
- c) The application must be accompanied by the relevant documentation and fee.
- d) 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.
- e) Tusla then determine whether the service will be:
 - registered
 - registered, with a condition or conditions attached to the registration
 - refused registration
- f) 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.

Services registered

In December 2017, there were 4,484 services on the national register and these were distributed across four regions, as set out in Table 3. These numbers represent a slight decrease on the numbers notified to the early years services in 2016 (n = 4,507).

Table 3: Number of early years services on the national register in December 2017

Region	Geographic distribution	Number of services in December 2017
West	Cavan, Clare, Donegal, Galway, Leitrim, Limerick, Mayo, Roscommon, Sligo, Tipperary	1,147
South	Carlow, Cork, Kerry, Kilkenny, Tipperary, Waterford, Wexford	1,076
DNE	Cavan, Dublin, Louth, Meath, Monaghan	1,006
DML	Dublin, Kildare, Laois, Longford, Offaly, Westmeath, Wicklow	1,255
Total		4,484

Types of services registered

Services may be registered to provide one or more types of service, but each must identify a main service type. There are seven types of service identified in the regulations and these are:

- Childminding service
- Full daycare service (FDC)
- Overnight pre-school service
- Part-time daycare service (PT)
- Pre-school in a drop-in centre
- Sessional pre-school service
- Temporary pre-school service

A breakdown of the main service types by region is presented in Table 4. The data shows that there are more childminders registered in the West region (n = 66) than in all other areas combined. Full daycare (FDC) services are more common in DML (n = 469) and least common in the South (n = 329), while sessional services are least likely to be available in the DNE region (n = 509).

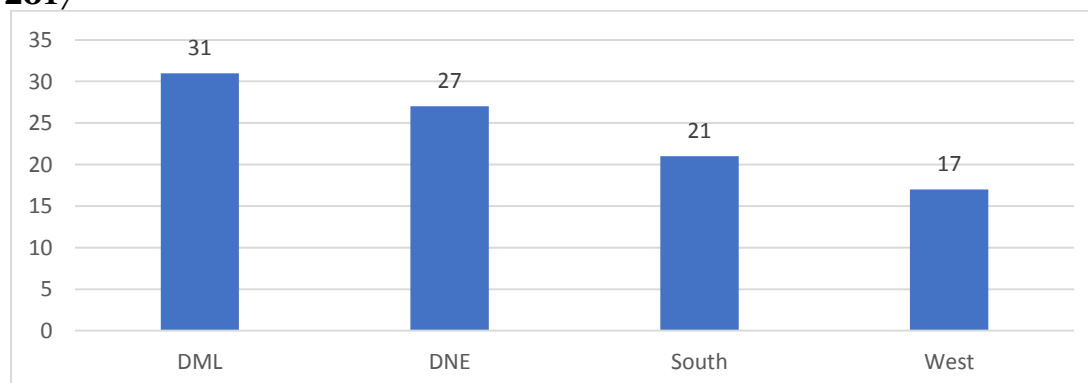
Table 4: Types of registered services by region

Region	Childminder	Drop-In	FDC	Part-Time	Sessional	Temporary	Total
West	66	8	370	97	606		1147
South	18	12	329	111	606		1076
DNE	16	7	380	94	509		1006
DML	17	10	469	147	611	1	1255
Totals	117	37	1548	449	2332	1	4484

New registration applications approved at year end by the Early Years Inspectorate

Ninety-six new applications to become a registered provider of an early years service were approved by the Early Years Inspectorate during 2017, and they are presented in Figure 6. The highest number of applications was in the DML region and the lowest in the West.

Figure 6: Number of new applications to become a registered provider approved in 2017



Change in circumstances

A registered provider is required to inform Tusla of a change in circumstances 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.

Change of circumstances to be notified

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.

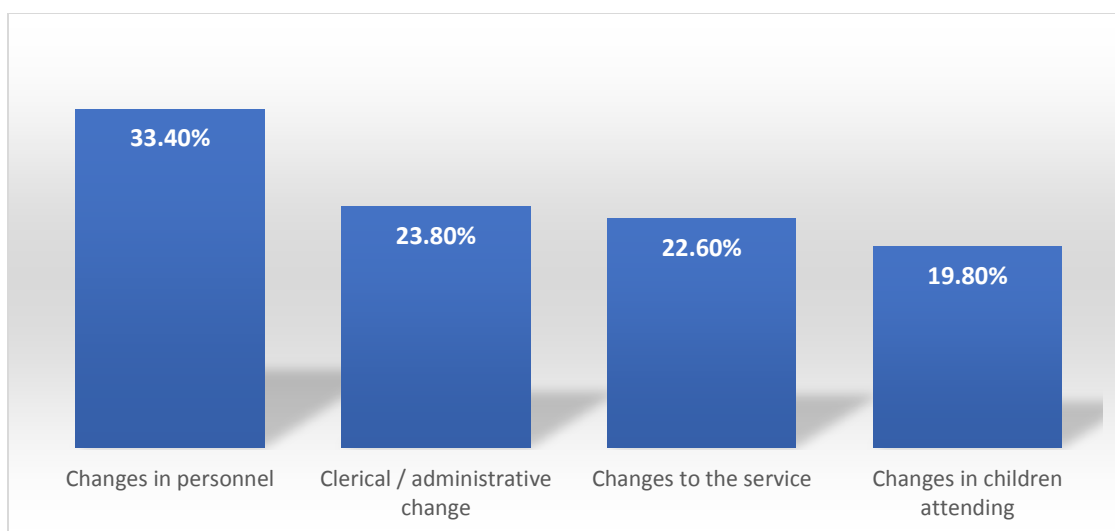
Overview

In total, 1,604 notifications of changes in circumstances were notified to the Early Years Inspectorate by 1,028 services and of these, the highest proportion was from the West region (29%; 465 notifications). This was followed by the South which accounted for about 25% (n = 403). The remaining notifications were spread almost equally between DML (23%; n = 369) and DNE (23%; n = 367).

Types of changes notified

Four main changes in circumstances were notified and of these, the largest increase related to changes in personnel. This accounted for about one-third (33%; n = 536) of all changes notified. Changes to the service accounted for about one-quarter of changes notified (23%; n = 363) and a similar proportion of changes referred to clerical and administrative changes (24%; n = 382). Changes in the number or age group of children attending services accounted for about one-fifth of all changes notified (20%; n = 317) (Figure 7).

Figure 7: Percentage of types of changes notified



Note: Totals may not add to 100% due to rounding

Changes in personnel

There were 536 changes notified about an intent to make changes in respect of personnel. These included intentions to make changes in respect of the person in charge (n = 263; 49%) which accounted for about half of all personnel changes notified. A further one-third related to an intention to make changes to the registered provider (n = 165; 31%). About one in five notifications intended to increase the number of staff (n = 102; 19%) and only six notifications, accounting for fewer than 1% of all notifications in this area, referred to intentions to decrease the number of staff (Table 5).

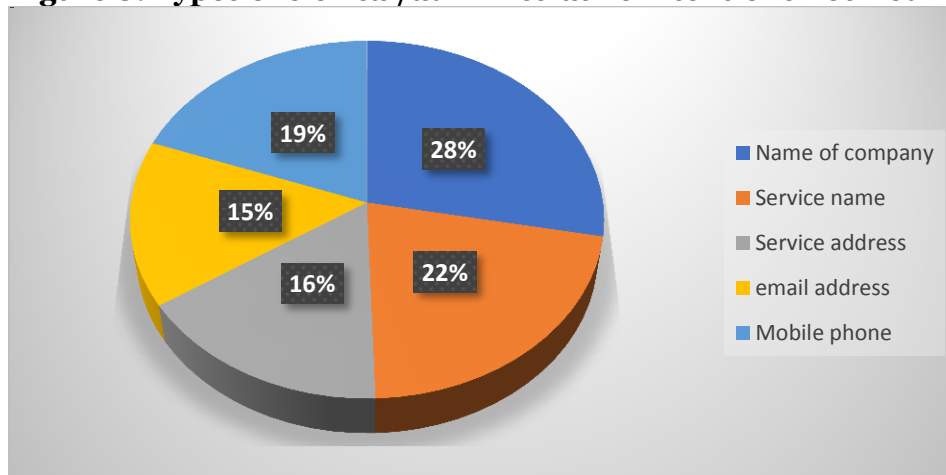
Table 5: Changes in personnel

	Number of notifications	% of notifications relating to changes in personnel
Changes in person in charge	263	49%
Changes of registered provider	165	31%
Increase in number of staff	102	19%
Decrease in number of staff	6	1%

Administrative/clerical changes

Administrative/clerical changes were notified in 382 cases and accounted for 23% of the overall notifications received. These notifications mainly relate to changes to the legal name of the company (n = 107), change of service name (n = 82) and change in service address (n = 62). Other changes relating to changes in email address (n = 57) and mobile phone (n = 74) were also identified. Many of these changes are related to each other and for example, a change in the name of a service often resulted in a corresponding change in email address (Figure 8).

Figure 8: Types of clerical/administrative intentions notified



Changes in service

There were 363 notifications relating to intentions to make changes to the service provided. Two-thirds of these intended to increase the service ($n = 225$; 62%). About 20% ($n = 72$) intended to change the times their service was available which resulted in neither an increase nor a decrease in the service. About 12% ($n = 45$) of notifications related to an intent to decrease the level of service being provided and a small number of other changes, about 6%, related to other changes (Figure 9).

Figure 9: Overview of changes in services

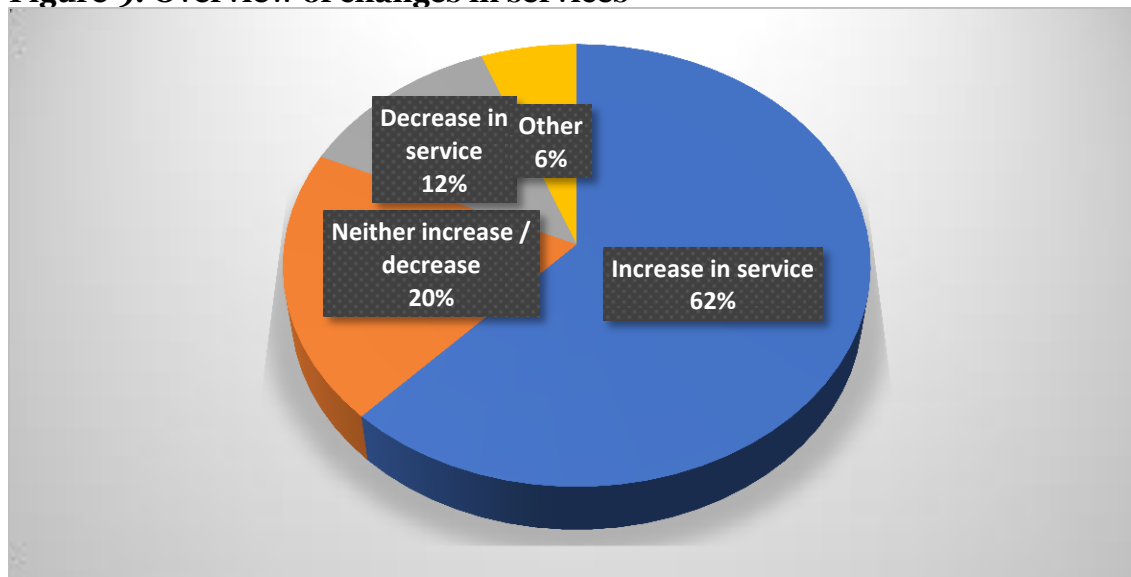
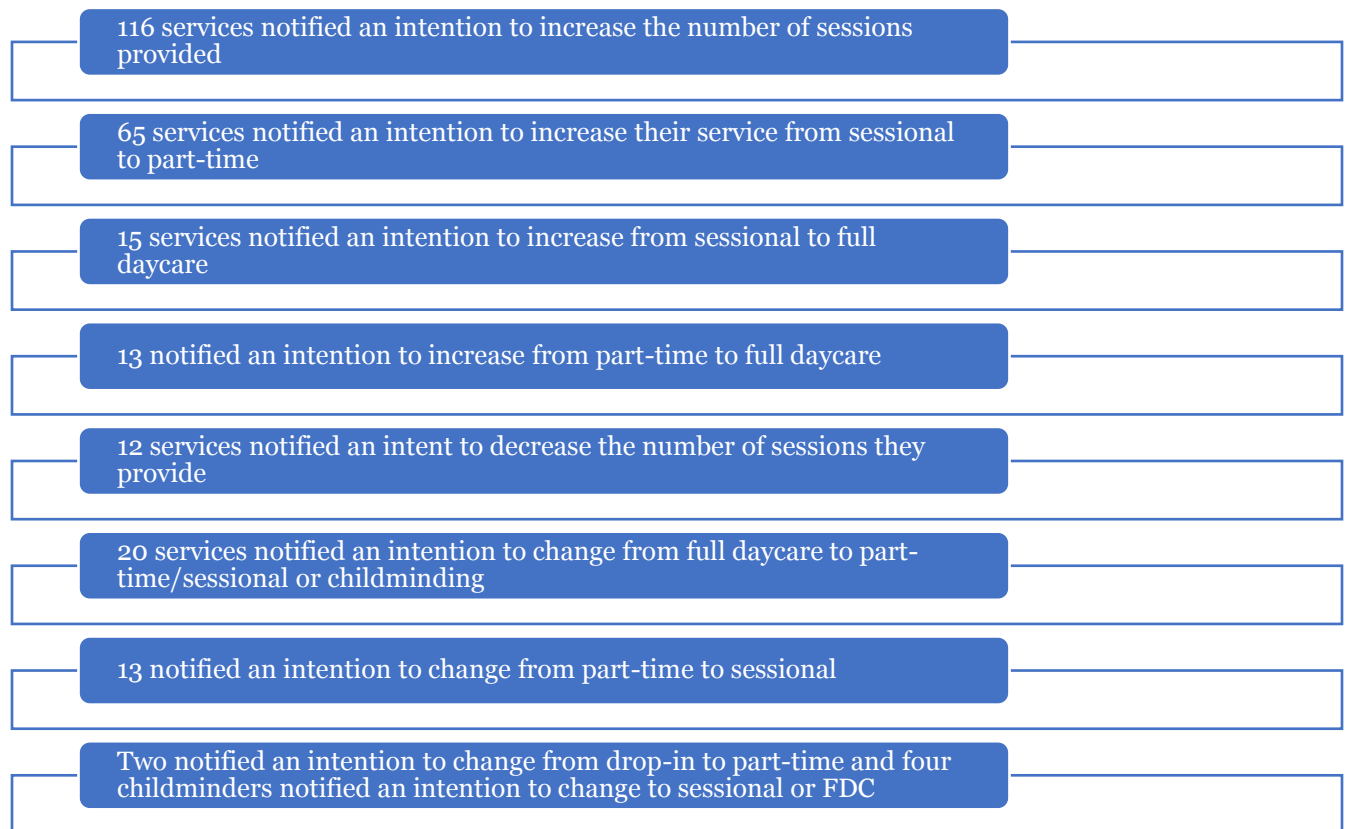


Figure 10: Information about specific intentions to increase or decrease the service



Intentions to make changes in number and age group of children attending

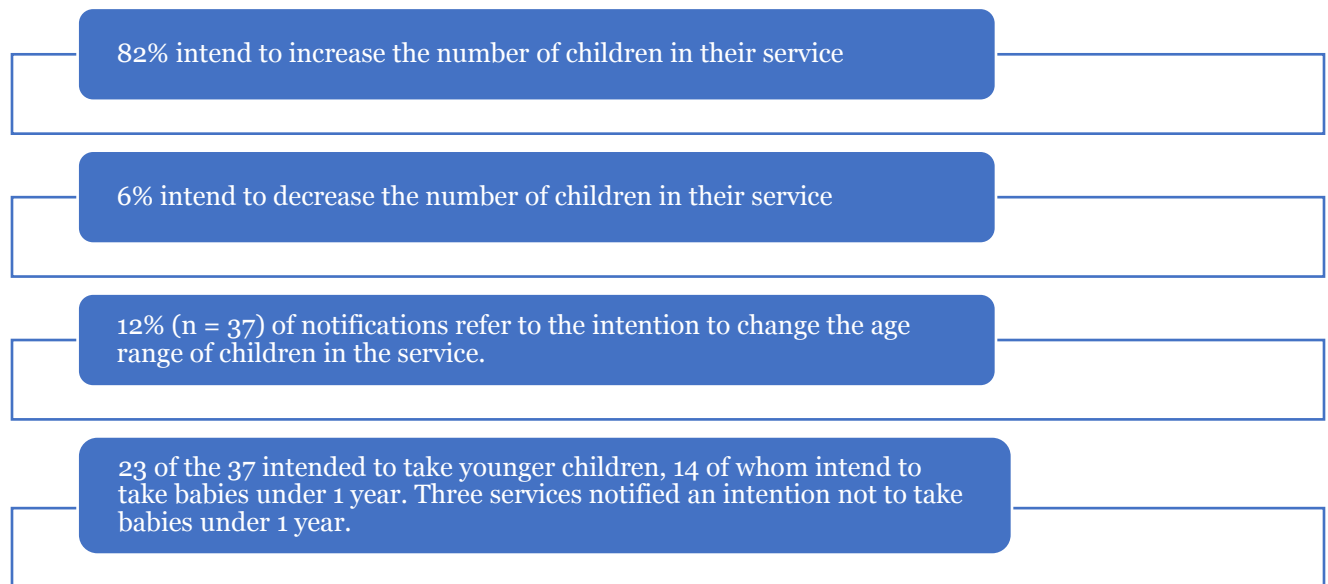
Changes in children attending the service include those services where there is an intention to:

- Increase or decrease the number of children attending
- Change the age group of the children attending which may include an increase or decrease in the upper or lower age limits set

Almost one in five notifications (n = 317) of intentions to make changes relate to the children attending the service. The main areas relating to this are presented in Figure 11 and this highlights that more than eight in every ten (82%; n = 260) relate to an intention to increase the number of children in the service. Nineteen (6%) notifications relate to an intention to decrease the number of children in the service and the remaining 12% (n = 37) of notifications relate to the age range of children attending the service.

The highest number of notifications relate to an intention to take younger children (n = 23) than previously and of these, more than half (n = 14) intend to lower their age limit to take infants under one year. Three services notified an intention not to take infants.

Figure 11: Intentions to change the age or number of children in the service



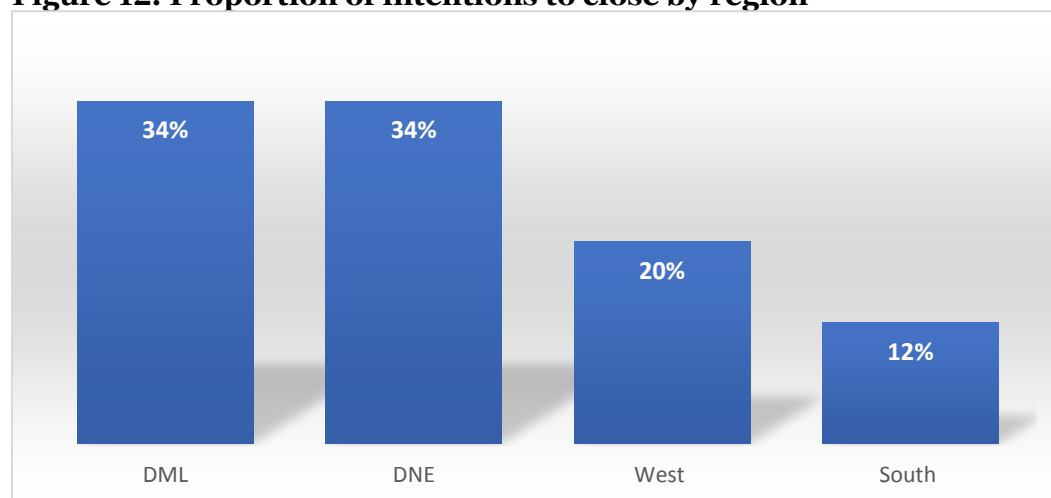
Closures

In 2017, there were 117 closures of services notified to Tusla. An analysis of key information relating to these closures is now presented.

Closures by regions

About one-third of closures were based in the DML region and a similar proportion in DNE (n = 40; 34%). The lowest number of closures was in the South (n = 14; 12%) followed by the West (n = 23; 20%) (Figure 12).

Figure 12: Proportion of intentions to close by region



Not-for-profit vs for profit status

More than 80% of services that notified their intention to close in 2017 were for-profit services (n = 87). A further 16 (14%) services were not for-profit. Information was unavailable for 12 services who notified an intention to close.

Age profile of children catered for in notifications of service closure

Early years services can enrol children of the age group from 0-6 years and consequently there is considerable variation in the age profile of services. Some services, for example, take all children aged 0-6 years; others only take children that are older than one year or two years or three years. Others only take children aged 0-3 years. This variation is also evident in closures notified to Tusla and differences according to these four categories (0-6 years, 1-6 years, 2-6 years and 3-6 years) are now presented (Table 6).

Table 6 Age profile of children identified in notifications of service closure

Age group	Number	%
0 - 6 Years	32	27.4
1 - 6 Years	10	8.5
2 - 6 Years	44	37.8
3 - 6 Years	28	23.9
Unknown	3	1.7
Total	117	99.3*

*Does not add to 100% due to rounding

Table 6 shows that in total, services accommodating children one year of age or older accounted for 70% (n = 82) of closures and services that accommodated children aged 0-6 accounted for about 27%.

Types of services notifying intention to close

Almost twice as many sessional services notified their intention to close (n = 52; 44%) compared with full daycare (n = 28; 24%). About 12% (n = 14) of services notifying their intention to close provided part-time services and 17 childminding services (14.5%) notified their intention to close. Information was not available for two services (Table 7).

Table 7: Percentage and number of different types of services in notifications of closure

Type of service	Number of services	% notifying intent to close
Childminder	17	14.5%
Drop-in	3	2.5%
Full daycare	28	24%
Part-time	14	12%
Sessional	52	44%
Temporary	1	1%
Unknown	2	2%
Total	117	100%

Fourteen services notifying a closure (n = 13%) provided multiple services, and of these, four related to an intention to close sessional services and a further additional five services to close part-time services. One quarter (n = 29; 25%) of services notifying a closure reported providing

afterschool services and 52% (n = 61) reported they did not. Information was not available on a further 23% (n = 27 services).

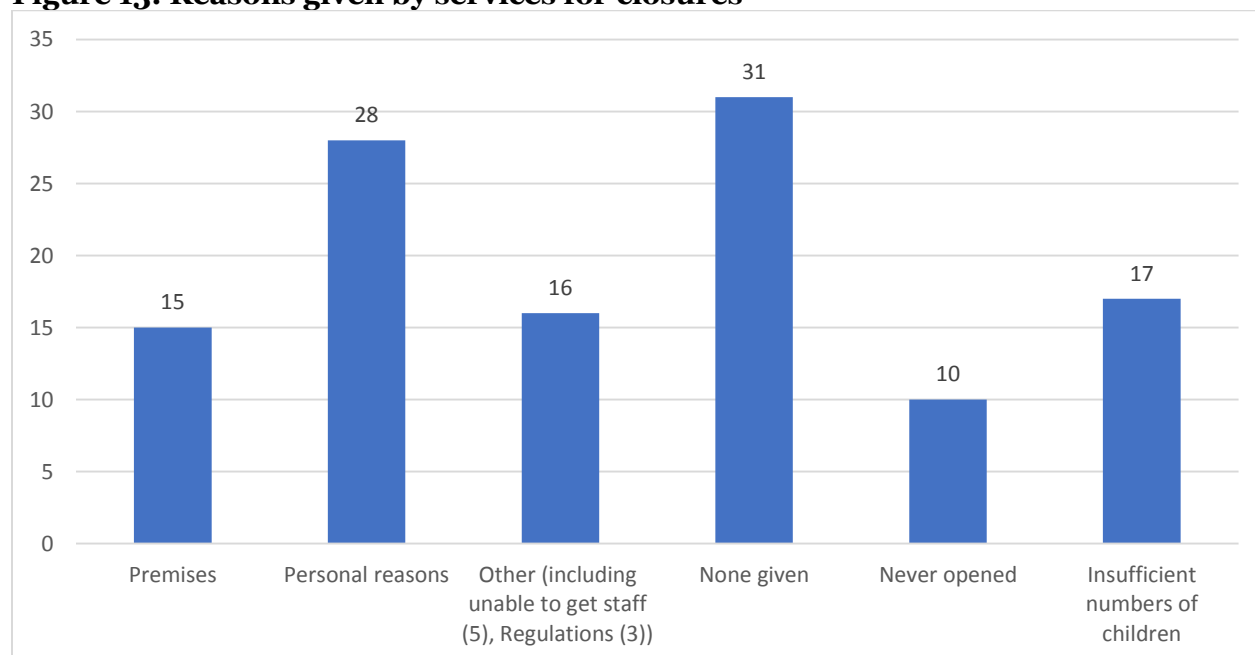
Number of staff employed

Almost 9 in every ten services notifying an intention to close reported employing four or fewer staff, just over one-third employed only one person (n = 41; 36%), and 98% employed less than 10. Information was not available for 17 services.

Reasons given for intending to close

No reason was provided for closure in 31 (26%) notifications. Personal reasons, such as retiring and ill health, were identified as the most common reason for intending to close the service and accounted for almost one in every four (n = 28; 24%). Fourteen per cent (n=17) reported having insufficient numbers of children and 13% (n = 15) reported difficulties with the premises (e.g. lease ending). A further 16 (14%) gave a range of other reasons, including being unable to get staff (n = 5) and the regulations (n = 3). Ten services had never opened (Figure 13).

Figure 13: Reasons given by services for closures



Notification of incidents 2017

Overview

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 preschool service. These incidents are presented in Table 8 below.

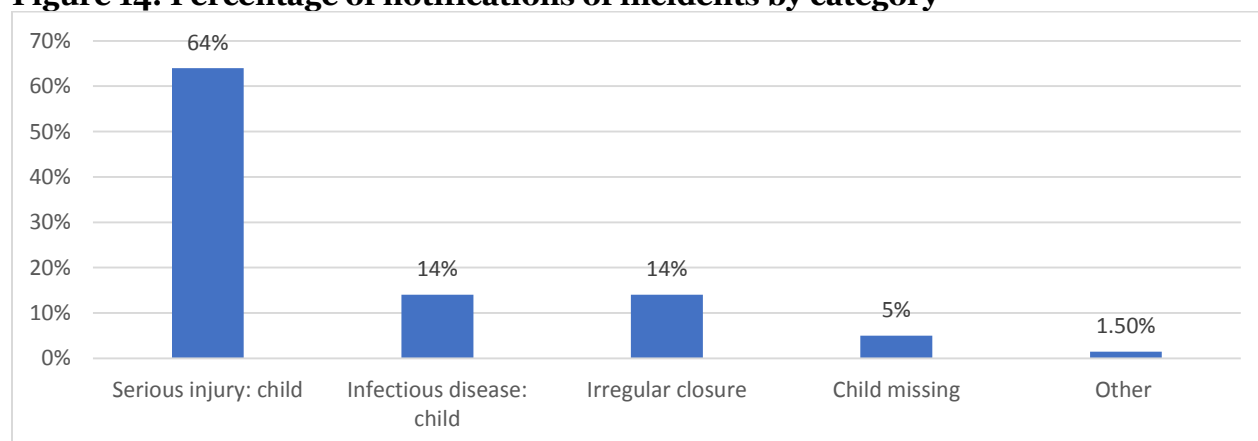
Table 8: Specific incidents to be notified to Tusla

Death of a child in service		Irregular closure of a service following an incident in the service
Death of a child in hospital following his/her transfer from service		Serious injury to a pre-school child while attending the service that requires immediate medical treatment by a registered medical practitioner
Child diagnosed with infectious disease		Child missing from service
Employee, unpaid worker, contractor or other person working in the service diagnosed with infectious disease		

In total, 204 incidents were notified and four main categories identified:

- **Serious injury to a preschool 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)

These are presented in Figure 14.

Figure 14: Percentage of notifications of incidents by category

As highlighted, almost two-thirds related to a serious injury to a child (n = 131; 64%).

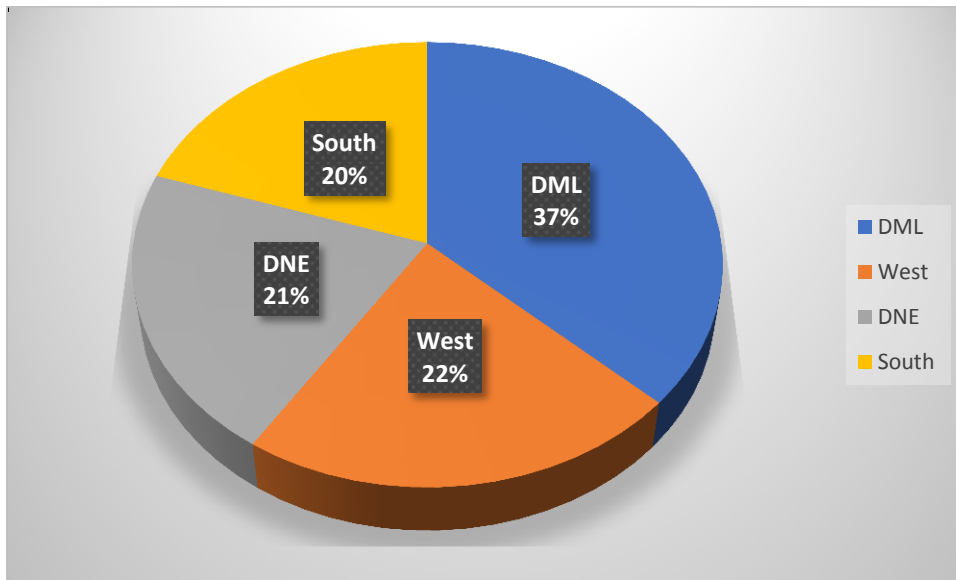
Table 9: Examples of serious incidents notified to Tusla**Examples of serious incidents notified to Tusla in 2017**

Child's hand was accidentally pierced with another child's Epipen.
Two children in the playground put their arms around each other. Both fell and one child banged his head on the concrete kerb causing a laceration.
One child headbutted another who had a seizure later that day. Parents sought medical attention.
Child fell from high chair.
Child sustained cut to forehead from falling.
Child sustained cut to lip having slipped on slide. Child was comforted and mouth cleaned. Later parent noticed chipped tooth which had not been noticed by staff earlier.
Child was pushed by another child. Arm broken.
Child tripped and sustained laceration.
Child handled "roughly" by the room leader, twice in one day.
Child was bumped by another child, was knocked over and hit his head on the ground. Child has blood disorder.
Child suffered "pulled elbow" due to staff lifting child by forearms.
Two children bumped into each other playing and one fell and broke his elbow.
Child bumped face against a gate, and needed two stitches.
Child fell while playing outside. Parent called. Fractured arm.
Child got finger trapped in door jam.
Child had no shoes on and chair was put down on toe. Bruising appeared immediately.
Child fell, minor fracture to elbow.
Child fell off slide and broke femur.
Child sustained burn from hot water spillage.
Child not responding. Had two convulsions and vomiting.
Loss of tooth due to collision with another child.
Child fell off slide and landed on his elbow.
Child fell and hit head against wooden box.
Child fell, bumped head against leg of table. One paper stitch received.
Child fell and injured hand. Thumb fractured.
Child tripped over shoelace and hit his head on leg of table. One stitch to wound.
Child sustained fracture to collar bone and chipped elbow.
Child refused snack, became pale in colour, breathing heavily, no energy.
Child received bump to forehead. Vomited shortly afterwards.
Choked on a piece of marshmallow, staff unable to dislodge it.
Child slipped on sandpit cover and broke his elbow.

Incidents according to region

Services in the DML area (n = 75) were most likely to notify a serious incident and more than one-third (37%) of all incidents were notified by services in this region. This compares with other regions which accounted for between 20% (South) and 22% (West) of incidents notified. Twenty-one per cent (n = 43) of incidents notified were from the DNE area (Figure 15).

Figure 15: Percentage of incidents notified by region



All incidents notified to Tusla are reviewed, assessed and inform the plan for inspection of the relevant service.

5.0 Operations

Inspections 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 vast majority of inspections, however, are undertaken in relation to existing registered services and a number of inspections are also undertaken in response to complaints received.

The following section presents an analysis of the findings from 1,563 inspections conducted in 2017 by Early Years Inspectors.

Findings from an analysis of Early Years Services Inspection reports 2017

Overview

In this analysis, the reports of 1,563 Early Year Services Inspections that took place between January and December 2017 have been taken into account. These reports were transformed into an analysable format using a customised IT programme.

The purpose of this analysis is to:

1. Describe the extent to which each type of early years services are compliant with the regulations
2. Identify key issues arising in respect of noncompliance
3. Compare findings across geographic and service characteristics
4. Ascertain the impact of inspections on early years services

The analysis conducted was both quantitative and qualitative in nature, and all ethical considerations relating to anonymity and good practice in data protection were addressed.

Reports available for analysis

Inspection reports were available for each of the four regions. The highest number of reports relate to the South region (n = 441; 28%), followed by DML (26%; 411) and the West (25%; n = 390). About 20% (20.5%; n = 321) refer to services in the DNE region.

Table 10: Number and percentage of reports by region

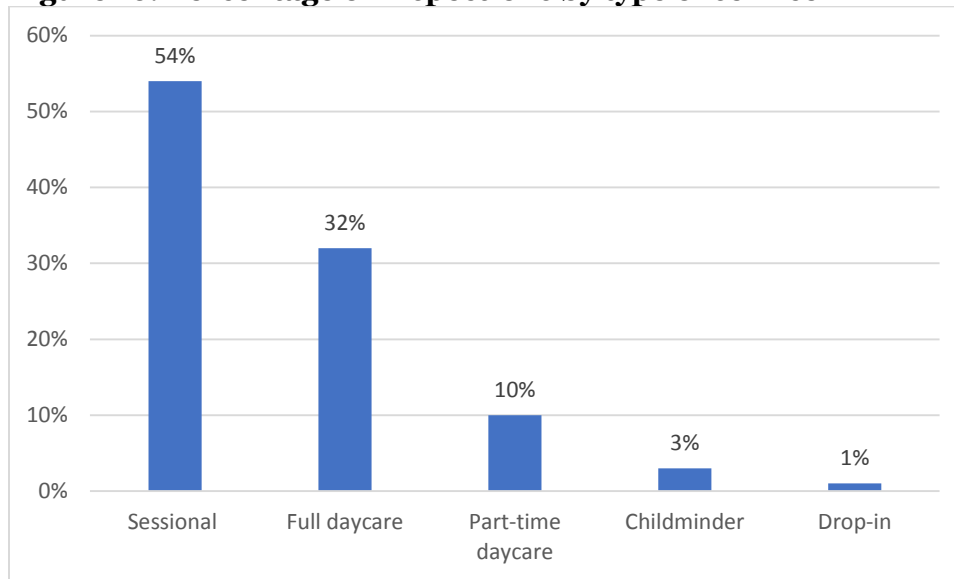
Region	% of reports	N
DML	26%	411
DNE	20.5%	321
South	28%	441
West	25%	390

*Column 2 does not add to 100% due to rounding

Number of reports by type of service

Information is available on the type of service inspected in 1,553 reports and more than half of these relate to sessional services (n = 848; 54%). About one-third (n = 497; 32%) of reports relate to full daycare services and the remaining 20% are distributed across part-time daycare (n = 155; 10%), childminder (n = 40; 3%) and drop-in (13; 1%) services. The differences between the numbers of services included in this analysis are significant and this should be taken into account in interpreting any findings.

Figure 16: Percentage of inspections by type of service



Number of children

Most services included in this analysis reported having fewer than 40 children in their service and only four reports referred to services accommodating more than 100 children. About 40% (n = 634; 41%) of services were recorded as accommodating 11-20 children and a further 23% (n = 353) accommodated 1-10 children.

Table 11: Number of children

	Number of services	% of services
1-10	353	23%
11-20	635	41%
21-30	269	17%
31-40	135	9%
41-50	73	5%
51-100	94	6%
>100	4	0%

Note: Columns may not total to 100% due to rounding

Overall levels of compliance and non-compliance in services inspected

The range of non-compliant regulations in individual services ranged from 0-12 and the mean average was 2.06 regulations. About one-third (n = 501; 32%) of inspection reports did not record any non-compliant regulation and a further 32% were reported to have only one (n = 266; 17%) or two (n = 237; 15%) non-compliant regulations.

About 13% (n = 243) of services inspected were reported to have five or more noncompliant regulations and about 1.5% (n = 20) of services were reported to have eight or more. In terms of compliant regulations, about one-quarter of services (n= 392; 25%) were reported to have nine or more compliant regulations.

Regulations assessed

In total, 12,857 regulations were assessed and of these, 9,640 (75%) were found to be compliant and 3,217 (25%) non-compliant. Not all regulations are assessed at each inspection and Table 12 presents an overview of the number of services assessed for each regulation. With the exception of Regulation 29, assessed in 129 services, all others have been assessed in more than 1,200 services. Regulations assessed in fewer than 50 services are excluded from Table 12 and Figure 17.

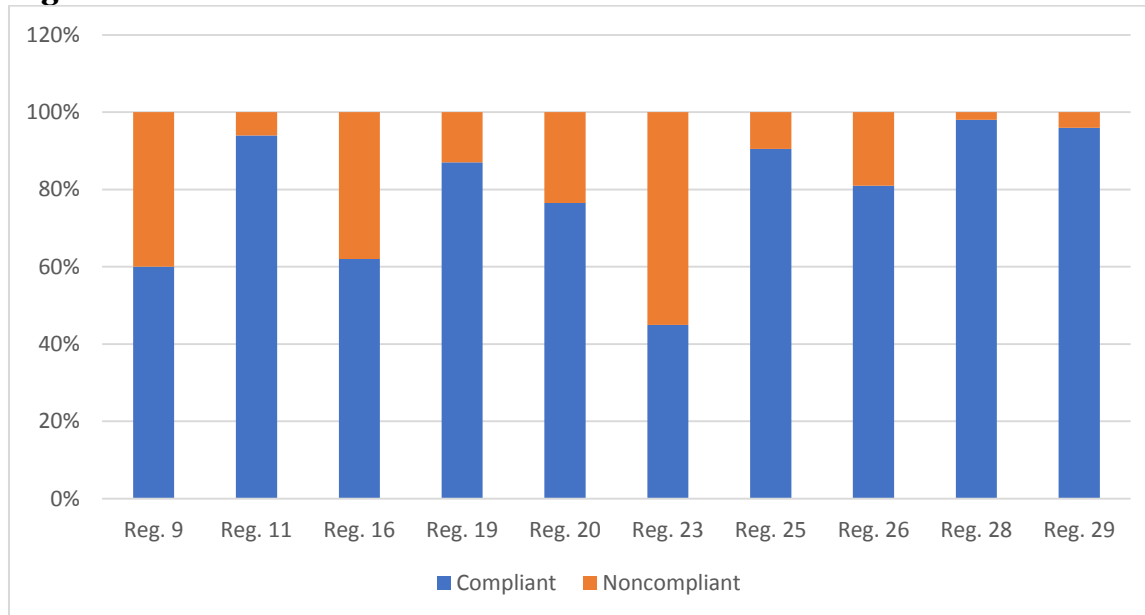
Table 12: Number of services inspected according to individual regulation

Regulation	Focus of regulation	Number included in analysis
9	Management and staffing	1,486
11	Staffing levels (adult-child ratio)	1559
16	Record in relation to pre-school service	1,281
19	Health, welfare & development of the child	1,423
20	Facilities for rest and play	1,282
23	Safeguarding health, safety and welfare of child	1,447
25	First aid	1,420
26	Fire safety records	1,427
28	Insurance	1,276
29	Premises	159

Compliance and non-compliance according to individual regulations

The findings relating to compliance and non-compliance show that some regulations are more likely to be assessed as compliant than others. More than 90% of services assessed under Regulation 29 (96%), Regulation 11 (94%) and Regulation 25 (90.5%) were reported to be compliant. This compares with Regulation 23 (55%) and Regulation 16 (38%) where the lowest levels of compliance were reported.

Figure 17: Compliance and noncompliance findings in respect of individual regulations



Compliance and noncompliance according to type of service

Some caution is urged in interpreting the findings presented in this section since only small numbers of drop-in and childminder services are included in the data. Regulations assessed in full daycare services are least likely to be assessed as compliant and regulations in childminder services most likely to be assessed as compliant.

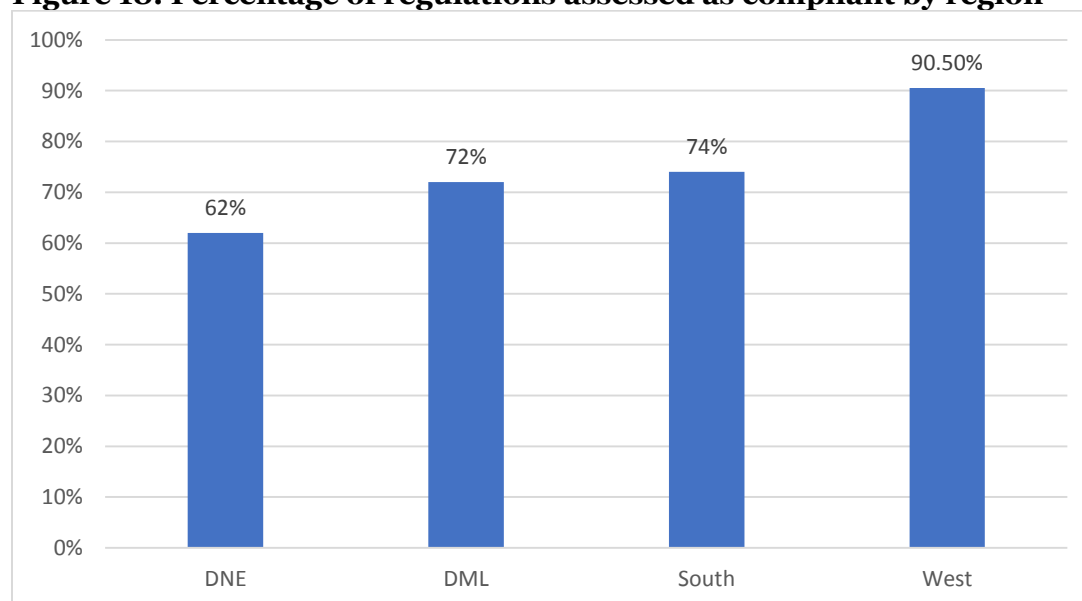
Table 13: Compliance and noncompliance according to type of service

Type of service	% compliant	% noncompliant	Number of regulations assessed
Full daycare	68%	32%	4345
Part-time daycare	75%	25%	1269
Drop-in	76.5%	23.5%	119
Sessional	79%	21%	6675
Childminder	83%	17%	358

Compliance and non-compliance according to region

The levels of compliance and noncompliance vary according to the region and as in previous years, regulations assessed in services in the West are the most likely to be compliant (90.5%; 2843 regulations) and those in DNE the least likely (62%; 1,651). Similar levels of compliance are evident in DML (72%; 2,378) and in the South (74%; 2,768) where about three-quarters of regulations are assessed as compliant.

Figure 18: Percentage of regulations assessed as compliant by region



Compliance and non-compliance of regulations according to the size of the service

Minor differences were identified in respect of compliance and non-compliance of regulations according to the size of the service. The lowest level of compliance was identified in respect of services that accommodated 41 to 50 children (67%) and the highest in the largest (more than 100 children; 79.5%) and the smallest (1-10 children; 78%). As noted previously, only a small number of large services were assessed and caution should be applied in interpreting these findings (Table 14).

Table 14: Compliance and non-compliance according to the size of the service

	% compliant	% noncompliant	Number of regulations assessed
> 100 children	79.5	20.5	39
50-100 children	71	29	816
41-50 children	67	33	622
31-40 children	73%	27%	1140
21-30 children	71%	29%	2280
11-20 children	77%	23%	5120
1-10 children	78%	22%	2840

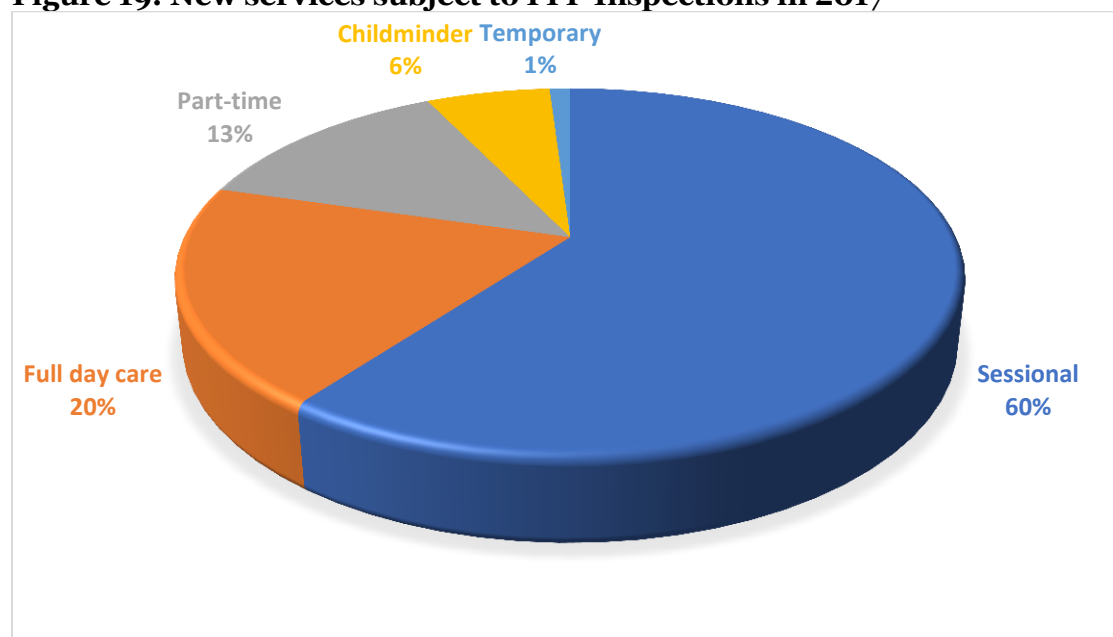
FFP Inspections

A 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
- Change in number and age profile of children in certain circumstances (e.g. if a service changes from accommodating children aged 3-6 years to children 0-6 years)

In 2017, 147 FFP Inspections were carried out and 48 of these were in respect of changes in circumstances and 99 were in respect of new services. Types of new services proposed are presented in Figure 19. The most common type of new services proposed relates to sessional services (60%) followed by full daycare (n = 19).

Figure 19: New services subject to FFP Inspections in 2017



Regional distribution of FFP Inspections

The highest proportion of FFP Inspections took place in the DML region and these accounted for almost one-third (31%; n = 46) of these inspections. About one quarter took place in the DNE (24.5%; n = 36) and West (24.5%; n = 35) regions and about one fifth (20%; n = 30) in the South (Table 15).

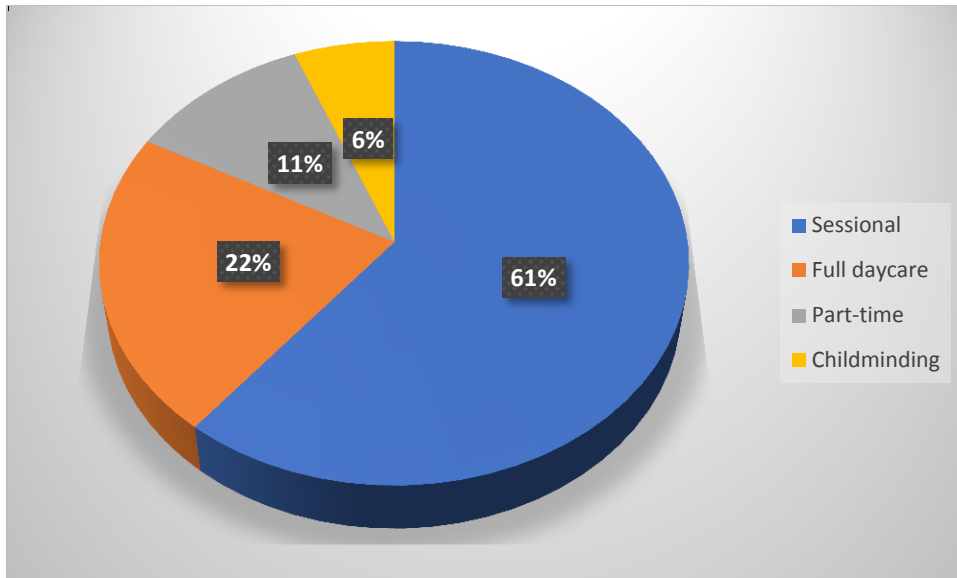
Table 15: Number and percentage of services inspected according to region

Region	Number of FFPs	% of overall FFPs
DML	46	31%
DNE	36	24.5%
South	30	20%
West	35	24.5%

Type of services

A majority of FFP Inspections were carried out in respect of sessional services (61%; n = 89) and this was followed by full daycare services (22%; n = 33). Just over one in ten (11%; n = 16) FFP Inspections took place with part-time daycare services and 6% (n = 9) with childminders. Two FFP Inspections took place with temporary services.

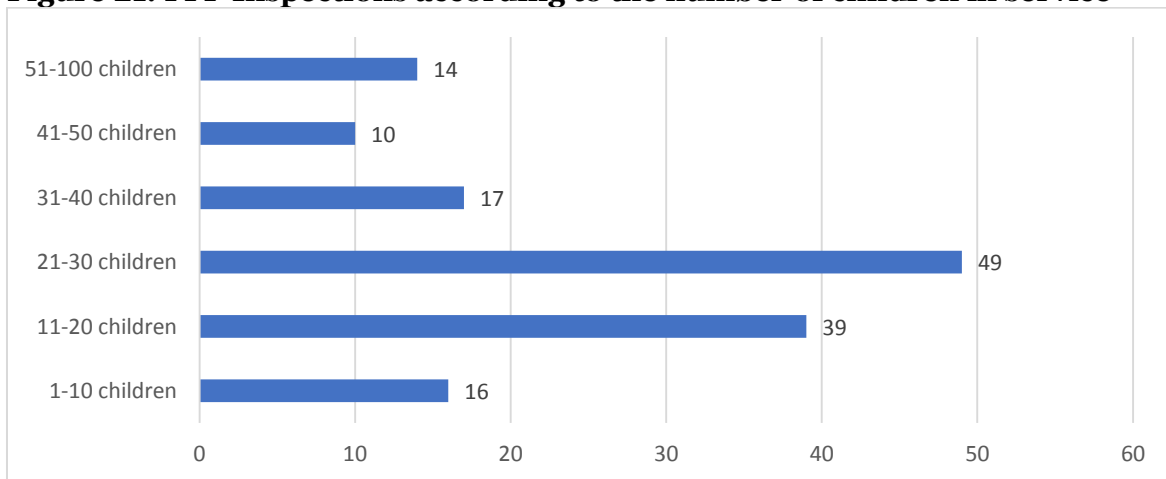
Figure 20: FFP Inspections by type of service



FFPs according to the number of children

Only one inspection related to a service with more than 100 children. One-third of FFP Inspections were with services relating to 21-30 children and just over one-quarter (26.5%) related to services with 11-20 children.

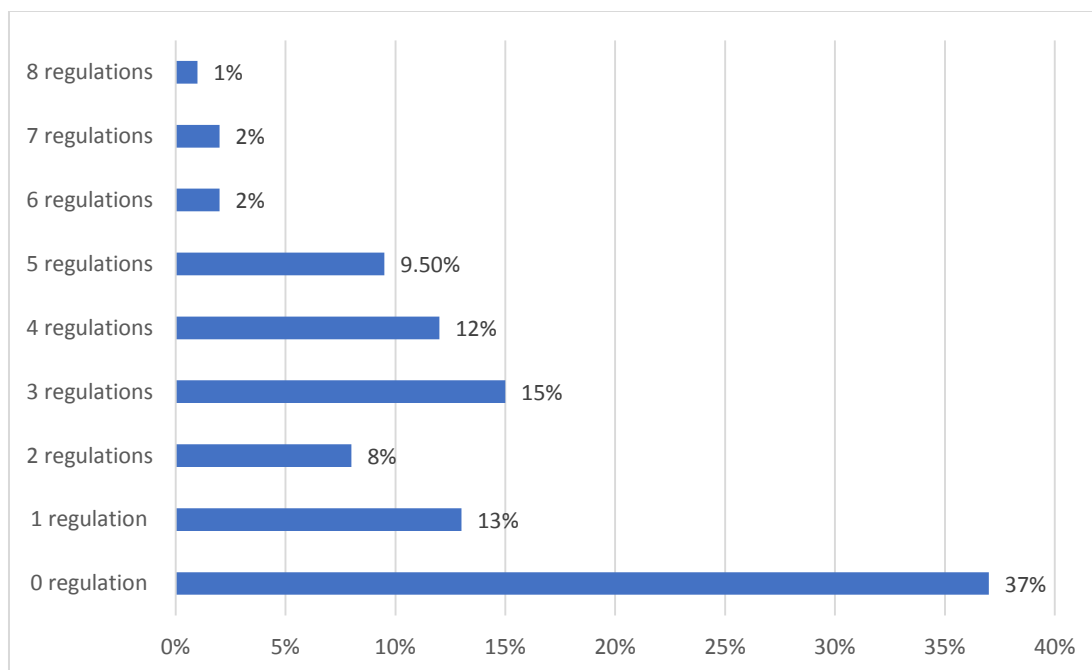
Figure 21: FFP Inspections according to the number of children in service



Outcomes from FFP Inspections

Findings relating to compliance and noncompliance arising from the FFP inspections are now presented. The mean average number of compliant regulations reported from FFP Inspections was 7.5 and the mean average number of noncomplaint regulations was 2.08. The number of compliant regulations reported by service ranged from 2-10 and the number of noncompliant regulations from 0-8 (n = 89).

Figure 22: Percentage of services according to number of noncompliant regulations



Note: Percentages may not total to 100% due to rounding

Overall, 37% (n = 54) of the 147 services were not reported to have any noncompliant regulations and of the remaining a further 20% were reported to have either one (13%; n = 19) or two (8%; n = 12) noncompliant regulations (Figure 22).

Complaints

The 2016 Regulations brought a number of new requirements to the early years sector. 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.

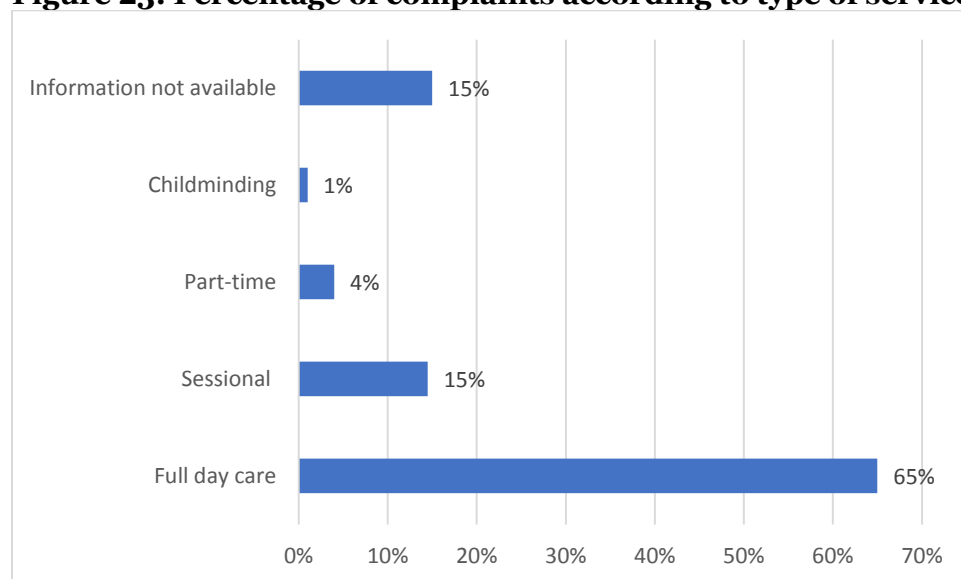
Overview of analysis of complaints received

This section provides an overview of the 277 complaints received by the Tusla Early Years Inspectorate in 2017.

Type of service

Complaints are most likely to be received about full daycare services and these account for almost two-thirds (65%; n = 179) of all complaints received. This is followed by sessional services which account for 15% (n = 40) of complaints received. Twelve complaints were received about part-time services and three about childminder services. Information is not available about the type of service in 15% (n = 42) of cases.

Figure 23: Percentage of complaints according to type of service



Complaints by region

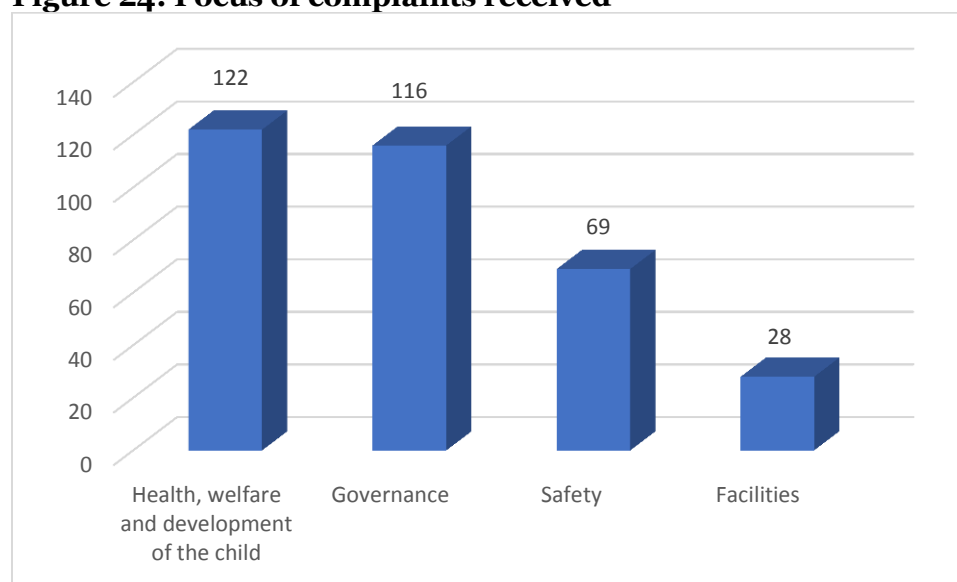
The highest proportion of complaints were received from the DML region (37%; n = 103) and the DNE region (29%; n = 80), and these accounted for two-thirds of all complaints received. Less than 10% of complaints (9%; n = 26) received were from the South region and about 23% (n = 63) were received from the West.

Region	Number	% of complaints received
DML	103	37%
DNE	80	29%
West	63	23%
South	26	9%
Unknown	4	1%

Focus of complaints received

Many complaints included more than one issue and while the total number of complaints was 276, the number of areas included in the focus of complaints was 335. The most common area of complaint related to the health, welfare and development of the child (n = 122; 36%) and this was followed by governance (n = 116; 33%), and safety (n = 69; 19%). The lowest number of complaints were received about the premises and facilities (n = 28; 8%).

Figure 24: Focus of complaints received



Multiple complaints regarding a single service

While the majority of services (n = 244; 88%) were the subject of one complaint only, about 10% of services were the subject of two complaints. One service was subject to five complaints.

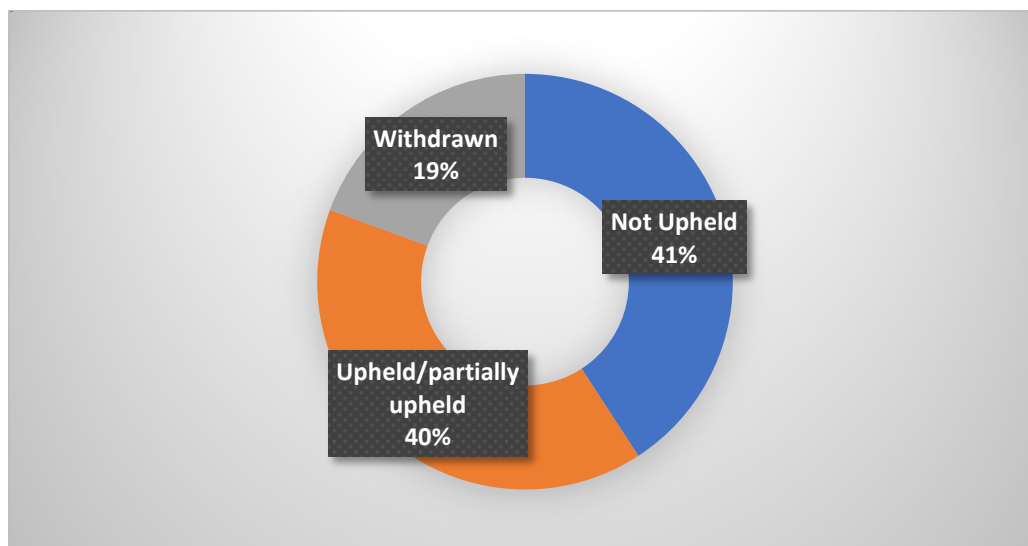
Table 16: Number of services according to the number of complaints received

Number of complaints	Number of services	% of services subject to complaints
1 complaint	244	88%
2 complaints	28	10%
3 complaints	2	0.8%
4 complaints	2	0.8%
5 complaints	1	0.2%

Outcome of 196 complaints

Information is available relating to 196 complaints. Of the 196, 38 were upheld and a further 40 were partially upheld. This accounted for about 40% of known outcomes. Nineteen percent (n = 38) of complaints were withdrawn. The remaining 41% were not upheld.

Figure 25: Outcome of 196 complaints



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/>

6.0 Quality

There are three broad areas of focus in the area of quality and these are:

- Initiatives to support and advance quality assurance
- Education, training and continuous professional development
- Management and promotion of information

Initiatives to support and advance quality assurance in 2017

A number of key activities took place in 2017 to support and assure good quality in both the Early Years Inspectorate and in early years services. These are:

- Further development of the Quality and Regulatory Framework
- Development and review of policies
- Engagement with key stakeholders

The Quality and Regulatory Framework

Further development of the Quality and Regulatory Framework (QRF) continued in 2017, commencing with a preliminary consultation in January and February 2017 and a final consultation on the revised and updated document in November 2017.

The draft QRF prepared for the consultations, set out the regulator's interpretation of the Child Care Act 1991 (Early Years Services) Regulations 2016 S.I No 221 of 2016, and the Child Care Act 1991 (Early Years Services) (Amendment) Regulations 2016 S.I. No. 632 of 2016. The purpose of the framework is to:

Present the parameters under which the Early Years Inspectorate assess services for compliance with the Regulations

The current draft QRF content brings together evidence-based, national and international research and best practice in early years services and, through this, provides a detailed interpretation of the regulations to assist registered services to comply with the relevant regulatory requirements. The document is child-centred with a specific focus on the quality and safety of the care directly provided to children utilising the services.

The preliminary consultation with key stakeholders took place over two time periods in 2017:

(a) January – February 2017: This consultation took place with key stakeholder organisations, providers and parents. It included face-to-face meetings as well as the completion of a pre-formatted template relating to the specific content of the document.

(b) November – December 2017: Commencement of a consultation based on a revised document which took account of the findings of the consultation carried out earlier in 2017. All registered providers, national organisations and other key stakeholders were invited to take part. In addition, a number of submissions were made from international organisations.

Proposed development of the QRF in 2018

It is anticipated that the work on the QRF will continue in 2018 to bring it to publication and dissemination to the early years sector. Further steps in this process for 2018 include:

- Collate feedback and further amend QRF to reflect the views emerging from the consultations
- Ensure the framework meets best practices in ensuring it is accessible to all readers

- Develop and make available a tailored QRF for each of the main types of services (sessional, full and part-time daycare)
- Work with childminders to develop a QRF that reflects the “home from home” service provision
- Collaborate with stakeholders to make standard guidelines and templates for policies and statements available
- Create an online resource for the QRF that will provide a single point of information

Policy and strategic engagement and development

In addition to the continued implementation of existing policies, the following new policies were developed:

- Procedure for the operation of the Early Years Registration Panel
- Procedure for the receiving and processing of notifiable incidents
- Procedure for receiving and processing of change in circumstances
- Management of unsolicited information and complaints related to early years services
- Management and escalation where persons are impeded or obstructed in their work

Engagement with key stakeholders

Involvement with key stakeholders is a central part of the work of the Early Years Inspectorate who engage on an on-going basis with statutory, community and voluntary organisations at national level. The Early Years Inspectorate host two main structures to engage formally with key stakeholders. These are the Consultative Forum which has been in place since 2015 and the Early Years Inspectorate Regulatory Support Forum which was instigated in 2017.

Consultative Forum

The Consultative Forum established in 2015 convened in March, June and November 2017. Views of the group continued to be elicited on a range of subjects regarding the development and on-going processes of the Early Years Inspectorate. Membership and terms of reference of the Consultative Forum can be found on Tusla’s Early Years Inspectorate webpage at: https://www.tusla.ie/uploads/content/TOR_Consultative_Group.pdf

Creation of Early Years Inspectorate Regulatory Support Forum

The Regulatory Support Forum established in 2017 is a support forum for the organisations that support the early years settings across the country. The Forum proposes to meet three times annually and is a means of convening representatives from the support organisations with the objective of briefing the sector on key initiatives and providing information on the on-going practice, policy and protocol decisions of the Early Years Inspectorate. The Regulatory Support Forum met on two occasions in 2017, and information and views on the following topics were shared:

- Early Years Inspectorate Annual Report 2016.
- Briefing and update of the development of the Quality and Regulatory Framework.
- ‘Train the trainer’ briefing for national rollout of workshops on Corrective Action and Preventive Action (CAPA) plans.
- Function and processes of the registration office including:
 - Early years inspectorate management of unsolicited information
 - Change in circumstances process.

The Regulatory Support Forum is scheduled to meet on three occasions in 2018 and the terms of reference for the group will be finalised in 2018 following consultation and discussion.

Current representation on the Regulatory Support Forum

Current representation on the Regulatory Support Forum

Barnardos
Better Start National Quality Development
Childminding Ireland
Comhar Naíoraí Na Gaelaacha
City & County Childcare Committees Ireland
Department of Children and Youth Affairs
Early Childhood Ireland
Gaelscoileanna Teo
National Childhood Network
National Disability Authority
Irish Steiner Kindergarten Association
St. Nicholas Montessori Ireland

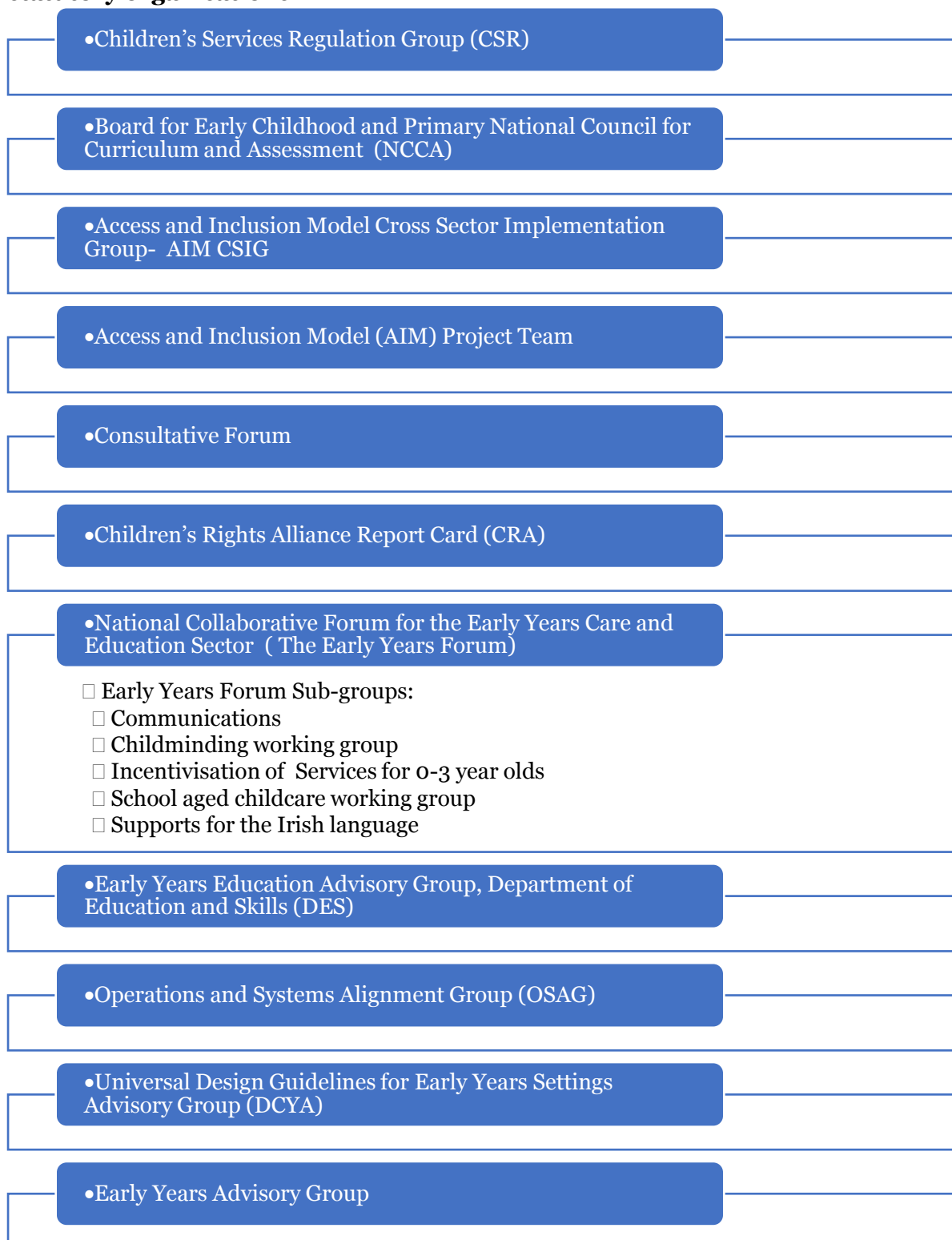
Education and training organisations

Engagement between the early years inspectorate and organisations involved in the education and training of personnel working in the early years sector continued throughout 2017.

Early Years Inspectorate representation on statutory and non-statutory organisations

In addition to these two groups, the Early Years Inspectorate is also represented on a number of statutory and non-statutory organisations. These are presented in Figure 26.

Figure 26: Early Years Inspectorate representation on statutory and non-statutory organisations



Corrective and preventive actions (CAPA) workshops

In 2017 the Early Years Inspectorate collaborated with Early Childhood Ireland (a membership organisation representing childcare providers) to deliver a series of workshops to registered providers. A total of 769 people attended 49 workshops on how to address corrective and preventive actions. These workshops took place between May and December 2017. Each workshop lasted two hours and focused on explaining how the corrective and preventive action plans could be used by early years providers to respond to the non-compliances identified. Factual accuracies responses were also discussed and their role in providing an opportunity for providers to identify any inaccuracies in their inspection reports prior to publication.

Initiatives to support continuous professional development

Training is delivered to staff for various reasons including: mandatory training for the EYI; mandatory training for Tusla Corporate; and training courses decided by service managers and the training department that may be required to enhance the inspection and registration process of all early years services.

Mandatory training

The training included in Table 17 was deemed mandatory by the senior management team, in consultation with the professional development leadership for the service. This training was provided in a variety of formats including online courses, lecture style seminars and training workshops. Each training course was evaluated by the attendees and the feedback was then taken into consideration in order to improve and develop the training processes. It was determined that a consistent approach in assessing the needs of the child is of utmost importance in the inspection process. Following a tender process Barnardos were commissioned to provide training to all EYIs on Promoting Positive Behaviours.

Table 17: Mandatory training

Course title	Number of attendees
Children First	143
Data Protection	42
De-escalation Training	87
FOI Briefing	42
Promoting Positive Behaviours	52
Total	366

Health & safety mandatory training

The Safety, Health and Welfare at Work Act, 2005, The Safety, Health and Welfare at Work (General Application) Regulations 2007, and associated legislation, govern the area of health & safety. In order to comply with these regulations all services are required to ensure a cohort of staff have been trained to guarantee the health, safety and welfare of all staff, visitors and the general public. In 2017 this training was extended within the Inspectorate.

Table 18: Health and safety training

Course title	Number of attendees
Fire Marshal Training	8
Fire Safety Training	2
Manual Handling	19
Occupational First Aid Training	13
Total	42

Continuous professional development

A number of training courses were undertaken by members of the Early Years Inspectorate in 2017, and the variety and breadth of these courses highlights the many different areas which are regulated and inspected under the 2016 Early Years Regulations.

Table 19 Training specific to 2016 Early Years Regulations

Name of programme	Name of programme
Corporate Induction	Clerical Admin Development Programme
Data Protection	Financial Regulation
EYI Induction	HR Induction
Induction Training (Admin)	Legal Briefing for Tusla Staff
Introduction to Minute Taking	Procurement Training
Personal development portfolio briefing	Fire Marshal Training
Quality Regulation Framework	FOI Decision Making and Training
Fire Safety Training	Complaints Training
Registration	Managing & Responding to Feedback & Complaints
Inspection process training (e.g. Fit for Purpose)	Regulatory Investigations, Inspections & Prosecutions (Cert)
Microsoft Office Training	CAPA (Corrective Action and Preventative Action)
Children's Wellbeing	Access and Inclusion Model Briefing
All Ireland Breastfeeding Conference	Attachment Theory
First Aid Training	Infection Prevention & Control
Lámh Research Seminar	Marte Meo training
National Forum for CCC Services Info Day	Occupational First Aid Training
PHECC FAR Instructor RPL	Sharps Awareness Training
Corporate Leadership Development Programme	

Management and promotion of information

Business process and data management procedures are implemented with reference to the creation, maintenance and analysis of key administrative datasets. These include, for example, maintenance of the national register of early years services, changes in circumstances, closures, notifications of incidents and inspections conducted.

Early Years Inspectorate Newsletter

In November 2017 the Early Years Inspectorate developed and introduced the Early Years Inspectorate Newsletter with the aim of developing and improving communication with registered providers, staff working in early years settings, stakeholders and interested parties. The newsletter provides the regulator of early years services with the added opportunity to inform and alert services to areas of interest on current and new developments regarding the regulations and inspections. The newsletter covers topics of

interest submitted by interested parties and information the inspectorate wishes to communicate to the sector.

The newsletter is also a vehicle for services to ask questions and to request clarification on any issues. The first edition was published on 10th November 2017 and the second edition on 20th December 2017. Both editions were circulated to over 5,000 registered services, representative and support organisations. Both editions in 2017 presented a range of topics including information and updates on:

- The development of the Quality and Regulatory Framework;
- Full commencement of Children First Act 2015;
- Safety issues such as the choking hazards of grapes, sleep positioners in relation to safe sleep practices, infection control, food allergy training, and maintaining warm environments during the cold weather;
- The registration office and its functions including changes to the management of complaints;
- The revised implementation date for attaining the First Aid-FAR (First Aid Response) qualification.

Any person can put forward an item of interest or a query for consideration in the next edition of the newsletter or request to be placed on the mailing list by emailing the early years information team at eyiit@tusla.ie. All editions of the Early Years Inspectorate Newsletter can be accessed on the Tusla Early Years webpage at:
<https://www.tusla.ie/services/preschool-services/early-years-newsletter/>

Example of information contained in newsletter



Newsletter

Volume 1, Issue 2

20th December 2017

If you have anything that you would like included in our next newsletter, please contact the Early Years Information Team by email at eyiit@tusla.ie.

A Chara,

Welcome to our second newsletter. As the year ends I would like to wish you and your family a very Happy Christmas and a New Year full of health, happiness and peace. It has been a busy year as we progressed many important areas this year, including the implementation of the 2016 regulations, the development of the registration process, and the quality and regulatory framework.

I thank you for your on-going cooperation and engagement with the Inspectorate as we work together to ensure that the experiences children have in early years' service are positive.

Thank you also for participating in our consultation on the draft quality and regulatory framework, we welcome your feedback and would be delighted to hear from you if you have not already engaged in this process. Further information on the QRF can be accessed at : <http://www.tusla.ie/services/preschool-services/consultation-on-the-draft-quality-and-regulatory-framework-qrf>. In addition, I am working with the DCYA to ensure that supports and training will be available regarding the QRF in 2018.

Last week we published a comprehensive annual report for 2016. It outlines the activity of the Inspectorate in 2016 and has information on the analysis of 288 inspection reports of services inspected under the 2016 regulations and outlines key findings from these reports. The Inspectorate carried out 2,008 inspections of Early Years Services in 2016, of which 36 were new services seeking to register under the 2016 Regulations. An analysis of 288 inspection reports shows that 78% of regulations were found to be compliant while 22% were deemed non-compliant, showing a clear improvement from 2015 compliance levels (an increase of 6%). The link to access the annual report is <http://www.tusla.ie/publications>

From this month the Inspectorate's practice of investigating individual complaints will cease. We are changing to the management of unsolicited information which we have expanded on in this newsletter. Children First has commenced and we alert you to the information available on the Tusla website to assist you in your responsibilities. We have included a note on the choking hazard presented by grapes and also information relating to First Aid qualification requirements.

Finally, and most importantly I want to acknowledge that your commitment to children and their families is recognised and most valued by the Inspectorate and we look forward to a positive on-going engagement with you in 2018.

Kindest regards,

National Manager, Early Years Inspectorate

Maintaining Warm Environments for Children Attending Childcare Services

As Ireland is currently experiencing very cold wintry weather it is important to ensure that the premises are adequately heated so that the welfare and comfort of both the children and staff working in the service is met.

Regulation 29(c) of the 2016 Regulations requires that the service be adequately heated. The required room temperature in sleep rooms must be maintained between 16°–20° Celsius and all other areas within a range of 18°–22° Celsius. In the event that the service cannot be adequately heated to the required temperatures by the normal heating mechanism the Registered Provider must undertake a risk assessment and put a plan in place. This plan must include the steps to be taken, in the event that the service cannot be adequately heated, so that the well-being of the children is maintained.

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7.0 Impact of Regulatory Inspection on the Quality of Early Years Services

Where non-compliances are identified on inspection, they are brought to the attention of the registered provider who is then provided with an opportunity to set out how these non-compliances will be addressed. There are two components to this and these are:

- Corrective Action(s): the action(s) taken to rectify or eliminate the noncompliance identified.
- Preventive Action(s): the ongoing action(s) (if any) required to ensure that the noncompliance does not reoccur.

These actions are then submitted to the Early Years Inspectorate for review. Where actions are found to address the non-compliances satisfactorily, the actions are incorporated into the Draft Inspection Report and submitted to the Early Years Registration Panel for consideration, and this panel then issues the Final Inspection Report.

Throughout the process, the Early Years Inspector is available for clarification and guidance including directing the registered provider to appropriate sources of information. Assistance is also available from the Tusla Early Years Inspectorate through the questions and answer document relating to the Child Care Act 1991 (Early Years Services) Regulations 2016 available on the Tusla website.

In situations where the Early Years Inspectorate have deemed that the actions outlined in the CAPA will not satisfactorily address the non-compliances, the Early Years Inspectorate notifies the registered provider and provides further assistance where it is sought. In the event that CAPA information is still not sufficient, the Early Years Inspectorate escalates the noncompliance/s to the Early Years Registration Panel in line with the Regulatory Enforcement Policy.

Analysis of 500 randomly selected reports with non-compliances identified by the Early Years Inspector

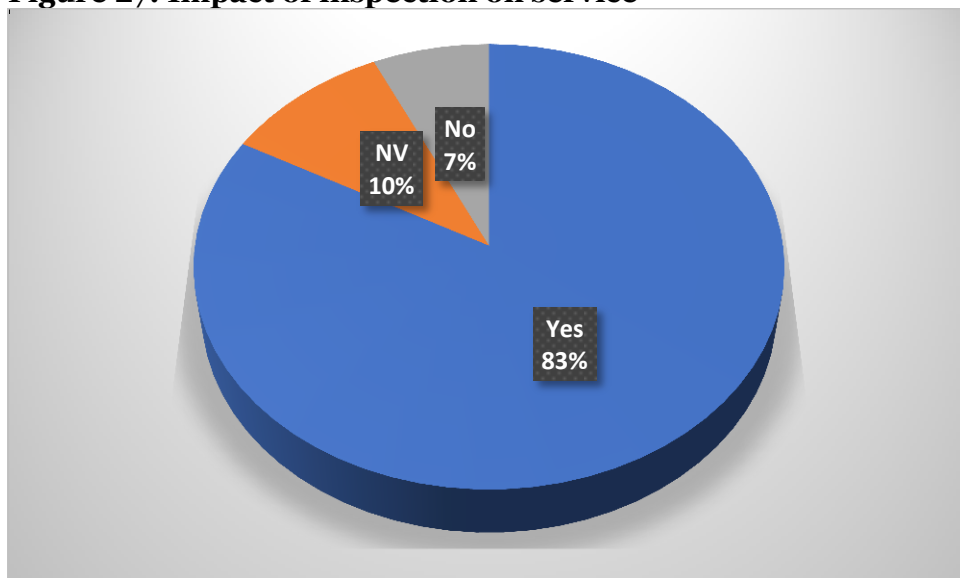
An analysis of a random selection of 500 non-compliant regulations was drawn from the 3,217 non-complaint regulations identified in the analysis of inspection reports (see section 5). A review was conducted of the noncompliance information, the corrective and preventive actions identified by registered providers and the response to the actions identified by the Early Years Inspector. The overall findings show that there are three main outcomes arising:

1. **Yes, the compliance has been addressed.** The Early Years Inspector is satisfied that the noncompliance has been addressed, and in many cases copies of Garda vetting documents and references along with photographic evidence of changes made were submitted.
2. **Yes, but not verified (NV)**, where the Early Years Inspector was satisfied that the noncompliance has been addressed but that this would be verified at the next inspection.
3. **No.** The Early Years Inspector was not satisfied that the necessary changes had been made, and the service remained noncompliant in respect of the particular regulation. In such cases, the issues are then escalated and addressed through:
 - A regulatory compliance meeting with the registered provider and the inspection registration manager
 - Escalation to the registration panel for consideration of:
 - Proposal to attach conditions
 - Proposal to remove from the register

Findings from the analysis

An analysis of the findings relating to the 500 randomly selected noncompliant regulations demonstrates the effectiveness of the inspection process in addressing issues arising (Figure 27).

Figure 27: Impact of inspection on service



The vast majority of services were reported to have achieved compliance across all noncompliant regulations (83%; 414) at the time the inspection report was issued. A further 10% (n = 52) submitted information that was deemed compliant, but would need to be verified at the next inspection that took place (not verified). Only 7% (n = 34) of noncompliant regulations had not been addressed at the time the report was issued.

Examples of improvements made

A small number of exemplars along with additional examples are now presented to illustrate the improvements made to services following inspection in areas relating to:

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

Exemplar 1: Improving the governance of the service

A full daycare service, that also provides sessional, part-time and afterschool services and which caters for between 51 and 100 children aged 0-9 years. The service operates on a private basis and most of the adults working in the service have a major award in Early Childhood Care and Education.

Governance deficits identified by the Early Years Inspector

- Three members of staff did not have two validated references on file.
- Two members of staff did not have police vetting.
- The CV of one staff member stated that she had a major award in Early Childhood Care and Education but the Inspector found this not to be the case.

Improvements made as a result of regulatory inspection

- Two validated references were sought and received for the staff who did not have them.
- The registered provider obtained the outstanding vetting disclosure in respect of one member of staff.
- The member of staff whose CV included an award in Early Childhood Care and Education subsequently received an award.
- The registered provider committed to ensuring all staff were appropriately vetted prior to employment.

Other examples of improvements in governance made as a direct result of inspection

- A review of employee files was conducted and a check list has been developed to ensure vetting documents are in place for all staff
- Applications were made for overseas police vetting for staff
- Change in policy to ensure Garda vetting is received prior to employing staff and procedures put in place going forward to prevent any person being allowed access to or contact with a child until vetting procedures are complete
- Ensuring that all staff have the required child care qualification completed prior to commencing employment in the service and maintaining all records on file

Exemplar 2: Improving the service to better support the health, welfare and development of the service for children attending

The service is located to the rear of a building in the centre of a town and has a number of pre-school rooms, dining area, kitchen, office and staff room. There is a well-resourced outdoor play area available to the side of the premises. The service provides full daycare services for up to 50 children.

Deficits identified by
Early Years Inspector in
supporting the health,
welfare and
development of the child

- The playroom was sparsely equipped.
- Toys available were stored in a locked press or on a shelving unit which was turned in against the wall and inaccessible to the pre-school children.
- There was no evidence of a specific routine or plan on the day of inspection.
- Transitions were chaotic.
- The activities observed on the day were all adult led rather than enabling the pre-school children to initiate or take the lead with a chosen activity.

Improvements made as
a result of regulatory
inspection

- The service is now getting support from Better Start to assist in developing a programme for the children.
- Changes have been made to the layout and specific areas, including the provision of an established home corner and a creative area where painting, sand and water are always available. A play dough area is also available.
- An overarching programme of development is being constructed.
- A less structured child led routine has been implemented.
- The environment has become less chaotic as access to materials, toys and play equipment is always available in the children's areas.

Other examples of improvements made as a result of the inspection to supporting the health welfare and development of children attending services

- All staff engaged in nappy changing respect the dignity and support the wellbeing of the child through sensitive interactions around personal care.
- Changes have been made to the layout and presentation of the pre-school room to include clearly defined interest areas, and resources have also been increased.
- A fridge is now available in the service for the perishable items in children's lunches.
- The mark-making area now has easily accessible crayons, pencils and chalks, as well as a variety of paper, card, and open ended materials for the children to engage in junk art, literacy and numeracy play.
- The technique on observing the children has been implemented and based on these findings staff now plan the daily activities and weekly curriculum around the observations.
- New outdoor equipment has been purchased for the outdoor play areas.
- Staff ensure that clean cups/beakers are available throughout the day.
- Daily cleaning tasks are completed and checked regularly.
- The layout of all rooms is reviewed regularly to ensure it meets and supports the needs of the children.

- The service has contacted the local public library and organised regular deliveries and change in books through the mobile library

Exemplar 3: Improving the safety of the service for children attending

The following exemplar refers to a sessional service which employs an onsite manager and two staff members. The manager does not work directly with the children and is available to assist where necessary. All staff hold at least a major award in Early Childhood Care and Education at Level 6 on the National Qualifications Framework. The service is situated in a residential area, has its own entrance and a single dedicated room on the ground floor of the building. It also has a large outdoor play area.

Safety deficits identified by Early Years Inspector

- Some of the blind cords in the pre-school room were slack and were inadequately secured posing a potential risk of strangulation.
- There was no lock on the shed door where an old washing machine and paints were stored making it unsafe for children.

Improvements made as a result of regulatory inspection

- The blind cords were secured.
- The shed door was secured with a lock and items are no longer accessible to the children.
- A system of carrying out routine risk assessments has been implemented and covers indoor and outdoor environments.

Other examples of direct improvements as a result of inspection

- Removal of dangerous items (e.g. bleach, anti-bacterial spray, plastic bags) from the reach of children
- Thermostat for water used for handwashing repaired to ensure children can wash their hands without getting burned
- Ensuring exit and entry doors are properly secured to prevent unauthorised entry of others and to prevent children leaving the premises unsupervised
- Improving infection control through changes in handwashing following nappy changing
- Putting a new system in place for the hygienic storage of soothers
- Purchase of a wall thermometer to ensure the room is kept at a recommended temperature range of between 16-20 degrees Celsius
- Introduction of a sleep log to support 10 minute checks on sleeping children and noting their sleeping position, colour and breathing pattern
- Medication stored on a high shelf to ensure the children cannot reach it

Exemplar 4: Improving the service to better support the premises and facilities

The service is located in a designated facility to the rear of the registered provider's home and consists of two playrooms. A large outdoor garden and play area is available to the pre-school children to the rear of the premises. Sessional services are provided for 21-30 children.

Deficits to the premises
and facilities identified by
Early Years Inspector

- An adequate and suitable nappy changing facility was not available to all children requiring nappy changing.
- The pre-school room, sanitary accommodation, sleep room and hall were poorly ventilated.
- Many of the window blinds were down, reducing the amount of natural light into the playrooms.

Improvements made as a
result of regulatory
inspection

- Advice is being sought as to the most suitable nappy changing unit from a support organisation.
- The windows are opened each morning to ventilate the premises.
- The blinds are lifted up in both playrooms each morning to allow as much natural light as possible.

Other examples of improvements made as a result of the regulatory inspection to the premises and facilities

- Sanitary and playroom walls are cleaned and painted
- The premises indoors and outdoors are monitored regularly by management and staff and any necessary maintenance or repair work dealt with promptly
- The wooden gate and fence have been replaced
- The broken toys have been removed and all toys cleaned
- The vents in the bathroom have been cleaned and will be replaced if required
- Room thermostats are now available to show when the room is not of adequate temperature
- Broken toilet seat has been replaced
- Two full height doors have been installed so that the children's sanitary accommodation will no longer be directly connected with the playrooms
- The blind on the door has been repaired or replaced over the summer months

Summary of impact of regulatory inspection on the quality of early years services

It is clear from the foregoing analysis of the outcomes of 500 randomly selected regulations that regulatory inspection has a real and important impact on the quality of early years services. More than eight in every ten services (83%) make demonstrable and evidenced improvements to their service following an assessment of noncompliance by Early Years Inspectors. A further 10% of services report improvements which the Early Years Inspector will review at the next inspection.

Examples of improvements presented here include applying for and receiving police vetting and references for personnel employed in the service; removing dangerous materials from the reach of children; ensuring blind cords are made safe; improving infection control measures including hand-washing; implementing programmes of activities and identifying clearly defined interest areas and resources; repairing and removing broken toys and replacing torn books; and making low cost changes to the facilities and premises (such as replacing broken toilet seats and purchasing room thermostats).