



**Early
Childhood
Ireland**

Tusla: The Child and Family Agency

Early Childhood Ireland Explainers

History

Tusla was established on 1st January 2014 and became an independent legal entity, encompassing parts of the Health Service Executive (HSE) Children and Family Services, the Family Support Agency, and the National Educational Welfare Board. The state agency also absorbed some psychological services as well as those responding to domestic, sexual, and gender-based violence.

Tusla is responsible for improving the wellbeing and outcomes of children. It operates under the Child and Family Agency Act 2013. It oversees a range of services including child welfare and protection services, educational welfare services, alternative care, Early Years and School Age Care services, domestic, sexual, and gender-based violence services, services related to the psychological welfare of children, and family and locally based community supports.

Registration

To open an Early Years service, prospective providers must register with Tusla. It is a legal requirement for new services to apply under S.58D(2) of The Child and Family Agency Act 2013 at least three months before it intends to begin operating. To register, prospective services must submit an application via the Tusla online portal. This application is then assessed by the Early Years Inspectorate.

The Early Years Inspectorate assesses applications in two parts. The first part is a desk assessment and verification of the application. This involves going through the supporting documents that are required in a registration application. These documents include Garda Vetting disclosure, two recent written and validated references, and evidence of identification. These are required from both the owner of the service and the person who runs it if they are different people. Registrations must also be accompanied by a clear plan of the interior layout of the service's premises, the outdoor area plans, drawings of the service and the premises, a copy of the certificate of insurance, or written confirmation of insurance cover. The prospective service must also provide policies, procedures, statements of service, planning permission, and a fire safety certificate.

Childminders and exempt premises do not have to provide planning permission for the service, a Fire Safety Certificate for the service, or a Building Compliance Certificate. Where applicable, services must provide evidence of registration with the Company Registration Office (CRO), and sole traders are required to submit confirmation of registration of their business with the CRO.

The second part of the application assessment involves an onsite evaluation and inspection of the premises. This is known as a Fit for Purpose (FFP) inspection. Following the FFP inspection, the prospective provider will be sent a draft copy of the inspection report. The applicant will be able to correct any factual inaccuracies in the report through a Factual Accuracy form. They can also request a review to dispute any findings in the inspection report.

If the prospective service does not meet regulatory requirements, the applicant will complete and return a Registration Requirement form. When all the regulatory requirements for the FFP inspection are met, the service will be registered.

Early Years (Pre School) Inspectorate

The Tusla Early Years Inspectorate promotes the safety, quality of care, and support of children in Early Years services by assessing applications for registration and inspecting registered services.

It is the duty of every Early Years provider to take all reasonable measures to safeguard the health and safety of the children attending the service. They must comply with the Child Care Act 1991 (Early Years Services) Regulations 2016 and the Child Care Regulations (The Child Care Act 1991 (Early Years Services)(Amendments) Regulations 2016.

Tusla oversees the inspection of Early Years services, including pre-schools, play groups, day nurseries, crèches, and similar services that cater to children from birth to six years. Tusla inspects services to ensure children are safe in the service and that their health, welfare, and development are supported. Inspections also serve to ensure that services are well-managed and that the premises are safe, suitable, and appropriate for the care and education of children. Inspections are nearly always unannounced, and each service receives a report following the inspection.

The **Quality and Regulatory Framework (QRF)** was developed by the Early Years Inspectorate to help services to comply with the regulations. The QRF sets out the core regulatory requirements clearly, bringing together evidence-based, national, and international research and best practice in early years.

The Department of Education also undertakes inspections of services, but these are focused on the quality of the early educational experiences for children.

School Age Care (SAC) Settings

From January 2019, these services must also register with Tusla. A SAC setting means any service which caters for children under the age of 15 who are enrolled in school. Settings must provide activities that are developmental, educational, and recreational, which take place outside school hours, and provide care for children when their parents are unavailable.

Future Changes

In April 2023, proposed legislation to give Tusla greater enforcement powers in its regulation of Early Years and School Age Care (EY and SAC) services, was approved for drafting by the Government.

These changes include allowing the Minister of Children, Equality, Disability, Integration and Youth to make “fit person” regulations. These regulations will allow Tusla to assess the suitability of a person to become a registered provider or any person involved in the management of an EY and SAC setting. Tusla will also be able to refuse registration to an applicant or remove a service provider or manager where it considers the person unfit to run an EY and SAC service.

Another change will involve the establishment of a single register for all EY and SAC services. Tusla will then be allowed to seek a Court Order for the closure of an unregistered service. They may suspend the registration of a registered provider where there is reason to believe that the continued provision of the service poses a grave or immediate risk to the health, safety, and wellbeing of children in the service. [You can read more about these changes here.](#)

