
For Written Answer on : 19/11/2019
Question Number(s): 586,587 Question Reference(s): 47855/19, 47856/19
Department: Children and Youth Affairs
Asked by: Anne Rabbitte T.D.

QUESTION

* To ask the Minister for Children and Youth Affairs the powers Tusla has sought in order to strengthen the early years inspectorate; when such powers will be introduced; and if she will make a statement on the matter.

- Anne Rabbitte T.D.

For WRITTEN answer on Tuesday, 19 November, 2019.

* To ask the Minister for Children and Youth Affairs if she is considering the introduction of a compulsory requirement to compel early years providers to display their certificate of registration; if such a requirement can be introduced by way of a Ministerial order; and if she will make a statement on the matter.

- Anne Rabbitte T.D.

For WRITTEN answer on Tuesday, 19 November, 2019.

REPLY

Tusla's Early Years Inspectorate was given substantial new powers just three years ago. These include the powers to:

- Maintain a register of early years services;
 - Place conditions on that registration, refuse to register a service, or remove a service from the register where that service is not operating in accordance with the Regulations;
 - Prosecute a service that has not complied with a condition of registration;
 - Prosecute a person or persons who are operating an unregistered service; and
 - Re-examine the registration status of every service on at least a three-yearly cycle.
- Following the RTE Investigates broadcast *Behind Closed Doors* on 24th July 2019, I wrote to the Chairperson of Tusla to ask what additional powers Tusla's Early Years Inspectorate might need in order to address concerns it may have about provision within years services. The Chairperson of Tusla wrote back to me in August, setting out a range of additional powers that might be provided to Tusla, which included:
- Power to close a service immediately where it has failed to register (rather than having to go to Court to seek a prosecution);
 - The ability to request and acquire parents' contact details, in order to inform parents as early as possible regarding ongoing investigation / proceedings;
 - Power to require services to display in a prominent position their registration status, and any conditions attaching to the registration;
 - Power to immediately close a service (already registered) where Tusla has evidence of very serious breach of regulations;
 - A requirement to have a 'fit person' regulation related to the registered provider and person in charge;

- Provision when a service is to be removed from the register for a process to allow for continuation of the service under interim management where appropriate; and
- Adding Tusla to the list of services under protected disclosures legislation in order to enable staff working in early years services to make disclosures to Tusla.

While it may be possible to give effect to some of these powers through Ministerial Order, some will require amendments to primary legislation, and careful consideration is needed of each to ensure that any measures taken are robust and legally sound. I have asked my officials to move as quickly as possible, but I recognise that there are complex legal issues involved which will take time to address.

For Priority Answer on : 22/10/2019
Question Number(s): 52 Question Reference(s): 43572/19
Department: Children and Youth Affairs
Asked by: Anne Rabbitte T.D.

QUESTION

To ask the Minister for Children and Youth Affairs her views on whether it is satisfactory that parents are not informed when a crèche is placed at the critical level by Tusla; and her further views on whether it should be addressed.

REPLY

Where Tusla has evidence of a serious risk to children, Tusla's Early Years Inspectorate bring this to the attention of Social Work services. This is a requirement under the Children First Act and in such instances, parents are informed.

As the independent, statutory regulator, Tusla's Early Years Inspectorate employs a risk-rating system for all early years services. This system informs inspection scheduling and levels of oversight and scrutiny of a service.

A "critical" status on Tusla's risk-rating system implies a high and intensive level of scrutiny by Tusla's National Review and Enforcement Panel. It does not imply that children attending these services are at risk, or that they should be removed from the service.

I understand that having limited information available with regard to a service's current status may be a cause of frustration and concern for parents. However, I share Tusla's concern about the implications for parents, children, and services, including causing undue worry among parents, if Tusla were to inform parents whenever a service is categorised as "critical".

The reasons for this categorisation can be varied and do not necessarily imply a child is at risk. Tusla's National Review and Enforcement Panel meets about every 2 weeks, and services are de-escalated whenever concerns are addressed.

The number of services at 'critical' status changes continuously as the inspection process proceeds and as services react to Tusla's concerns. For example, of the 37 services described

as 'critical' at the Joint Oireachtas Committee on the 31st July last, 18 had been de-escalated by 1st October and their cases closed.

While parents have a legitimate interest in knowing the findings of inspections, a service's registration status and the outcomes of legal proceedings, there is a need to give service providers the right to correct potential inaccuracies in inspection reports before publication. Tusla publishes inspection reports as soon as due process has been followed.

My Department is actively exploring additional powers for Tusla, including mechanisms to give more information to parents at an earlier stage. I have asked my officials to move as quickly as possible, but I recognise that there are complex legal issues involved, which are likely to require amendments to primary legislation.

In summary, therefore, I am committed to a transparent and open system of inspection, which is fair to both parents and providers.

I believe that improvements will be possible, but I am satisfied that Tusla is carrying out its current inspection powers effectively and I will continue to support Tusla's inspection system in its work to protect children and ensure a safe, quality-driven service.

For Written Answer on : 01/10/2019
Question Number(s): 556 Question Reference(s): 39468/19
Department: Children and Youth Affairs
Asked by: Anne Rabbitte T.D.

QUESTION

To ask the Minister for Children and Youth Affairs the level of funding paid to a company (details supplied) in Dublin in 2016 to 2018 and to date in 2019, to each of its centres in tabular form; and if she will make a statement on the matter. (Details Supplied) Hyde and Seek creches

REPLY

There are four childcare services operating under the name referred to by the Deputy.

The level of funding paid from 2016 to date is outlined in the table below. Minus figures in the table represent funding which each location received but was subsequently paid back to Pobal.

The funding provided, other than approximately €12,000 for the Access and Inclusion Model (AIM) and Capital, was to provide the free preschool programme (ECCE) to children and to reduce the costs of childcare to parents eligible for the CCS, CCSP and TEC programmes.

No funding has been paid to Location D to date.

Funding by Programme call from 2015/2016 to 2019/2020:

Programme Call	Location A	Location B	Location C	Location D	Total
AIM Level 7 2016-2017	3,120.00				3,120.00
CCS 2016-2017	13,420.00		36,234.00		49,654.00
CCSP 2017-2018	100,742.00	42,686.00	118,165.00		261,593.00
CCSP 2018-2019	72,702.00	10,976.00	81,493.00	-	165,171.00
CCSP 2019-2020 to date	3,488.00	1,536.00			5,024.00
CCSP 2016-2017	6,113.00		2,120.00		8,233.00
ECCE 2015-2016	-1,109.60		-1,168.00		-2,277.60
ECCE 2016-2017	55,637.70	58,084.20	58,037.10		171,759.00
ECCE 2017-2018	48,581.40	67,606.32	60,075.30		176,263.02
ECCE 2018-2019	39,653.64	72,314.76	57,201.69		169,170.09
ECCE 2019-2020 to date	3,980.40	7,341.60			11,322.00
Early Years Capital 2015 - Strand 4	500.00	500.00	487.24		1,487.24
NCS Capital 2019	1,000.00	1,000.00	1,000.00		3,000.00
School Aged Capital 2017 Strand C			4,459.00		4,459.00
TEC - (ASCC) 2015-2016			10,770.00		10,770.00
TEC - (ASCC) 2016-2017			10,494.00		10,494.00
TEC - (ASCC) 2017-2018			3,792.00		3,792.00

TEC - (CETS) 2015-2016	11,455.00	22,910.00	21,130.00		55,495.00
TEC - (CETS) 2016-2017	11,426.00		27,433.00		38,859.00
TEC - (CETS) 2017-2018	6,119.00		22,550.00		28,669.00
TEC - (CETS) 2018-2019	9,802.00		25,826.00		35,628.00
TEC - (CECAS) 2017- 2018			2,268.00		2,268.00
TEC - (CECAS) 2018- 2019			225.00		225.00
TEC - (CECPS) 2015-2016	4,800.00				4,800.00
TEC - (CECPS) 2016-2017	4,320.00		1,680.00		6,000.00
TEC - (CECPS) 2017-2018	1,776.00		4,416.00		6,192.00
TEC - (CECPS) 2018-2019			2,704.00		2,704.00
Grand Total	397,526.54	284,954.88	551,392.33		1,233,873.75

For Written Answer on : 01/10/2019
Question Number(s): 555 Question Reference(s): 39466/19
Department: Children and Youth Affairs
Asked by: Anne Rabbitte T.D.

QUESTION

To ask the Minister for Children and Youth Affairs if her attention has been drawn to legal action being pursued by Tusla against a company (details supplied) based on the material gathered during a programme aired in July 2019; and if she will make a statement on the matter. (Details Supplied) Hyde and Seek creches. RTÉ Investigates

REPLY

My Department has been informed about current investigations into serious allegations within the early learning and care settings in question. In relation to this case, Tusla has assured me that all appropriate investigations are being carried out in line with procedures, within the shortest possible timeframes, and that the Department will be kept informed of further developments on an ongoing basis.

Given the risk of prejudicing legal proceedings, neither I nor Tusla, which is the independent statutory regulator of early years services, can provide any further detail in relation to an ongoing case.

As the statutory regulator, Tusla exercises its regulatory powers to respond to continuous and serious breaches of regulations within its remit while respecting fair procedures and natural justice.

There are approximately 4,500 Tusla-registered early learning and care and school-age childcare services operating in Ireland. Tusla has given assurances that there is a high level of compliance with regulations across the country, as can be seen in the inspection reports Tusla publishes each year. Tusla carried out some 2,513 inspections in 2018.