

TÜSĻA
An Ghníomhaireacht um
Leanaí agus an Teaghlach

**EARLY
YEARS**
INSPECTORATE

Report of consultations on
the development of the

**Quality and
Regulatory
Framework**

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Foreword

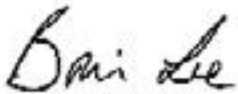
The first steps on a journey to develop a Quality and Regulatory Framework (QRF) for the Early Years sector began in 2015. A need for this type of framework emerged from the Early Years sector itself and, from the findings of research commissioned by Tusla in 2014. Both highlighted a need for greater clarity in the requirements for compliance with the Early Years Regulations. The development of the QRF has been underpinned by a comprehensive, systematic and participative approach that involved wide ranging consultations with key stakeholders including:

- » Providers;
- » Parents;
- » The Early Years Inspectorate;
- » Many organisations across all stakeholders in the Early Years sector in Ireland; and
- » International peers and regulatory organisations.

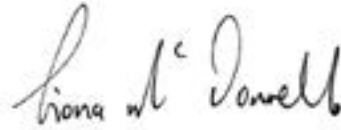
The preliminary consultation with parents, registered providers and representatives from the Early Childhood Sector was particularly helpful to us in identifying areas of concern and in providing detailed feedback about key areas. The final consultation provided an opportunity for all registered providers, national organisations and other key stakeholders to participate in a structured way. The assistance of the Department of Children and Youth Affairs and the Tusla Early Years Representative Consultative Forum were particularly important in guiding the development and the feedback and engagement with Early Years Childhood Care and Education leaders from international organisations ensured important insights and emerging issues were taken into account in the final QRF. The development of the QRF has benefited greatly from this extensive consultation process and recommendations made through the consultations were incorporated in to the final QRF document.

This framework will support registered providers in achieving compliance with the regulations and through that enhance the safety and care of children who attend these services. It will also support and promote standardisation across the Inspectorate. We are very grateful to all the people who attended meetings, completed detailed templates on key elements of the QRF, responded to requests for their opinions and expert advice and who gave so generously of their time to participate in this important work. The QRF reflects your input as well as that of the national and international literature.

Finally, we would like to congratulate and thank Ms Helen Rouine, National Quality Improvement Manager, who has led this development from inception and who has carefully balanced the research evidence with the current context for early years care and education in Ireland throughout the process.



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Introduction

The Child and Family Agency, through the Early Years Inspectorate, is the independent statutory regulator of Early Years Services in Ireland and has responsibility for inspecting pre-schools, play groups, nurseries, crèches, day-care and similar services which cater for children aged zero to six years. The role of the Inspectorate is:

“To promote and monitor the safety and quality of care and support of the child in Early Year’s provision in accordance with the Regulations. The Inspectorate implements its role by assessing applications for registration and by inspecting Registered Services.”

The draft QRF, prepared for consultations, is a document which sets 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. It presents the parameters under which the Early Years Inspectorate will assess services for compliance with the Regulations.

The 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 process of development of the draft QRF includes:

1. a review of national and international evidence from policies, strategies, standards, frameworks, and legislation;
2. bilateral consultations with national and international experts (e.g. behaviour management; health, welfare and development of the child; food and nutrition; infection control; internet safety; general safety, etc.); and
3. consultation with key stakeholders which took place over two time periods:

(a) January – February 2017: This consultation took place with key stakeholder organisations, providers and parents in face-to-face. These consultations included face-to-face meetings as well as the completion of a pre-formatted template relating to the specific content of the document. This consultation is referred to as the *preliminary consultation* throughout this document.

(b) November – January 2018: This consultation was based on a revised document based on the findings of the consultation that took place 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 national and international organisations. This consultation is referred to as the *final consultation* throughout this document.

This report presents findings from both preliminary and final consultations and highlights key issues arising. Detailed information emerging from the completed templates completed by stakeholders in both consultations are reflected in the content of the QRF document and are not considered in this report.

Report on the preliminary consultation

January - February 2017

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Preliminary consultation process

This consultation process took place during January and February 2017 with the purpose of:

“Providing the Inspectorate with an understanding of key stakeholder views on the overall approach being adopted to the QRF and to give participants an opportunity to contribute to the further development of the document.”

Participants

Participants from six key stakeholder groups were involved in the consultation as follows:

1. Early Years Inspectors (EYIs).
2. Parents (identified through the City and County Childcare Committees).
3. Providers (identified through the City and County Childcare Committees).
4. An extended Tusla Early Years Representative Consultative Forum.
5. The Department of Education and Skills.

Table 1: Number of participants by stakeholder and date of consultation

Stakeholder	Number of participants	Date of consultation
Early Years Inspectors	46	9th January 2017
Parents	8	28th January 2017
Providers	42	28th January 2017
An extended Tusla Early Years Representative Consultative Forum	17	31st January 2017
The National Council for Curriculum and Assessment	3	31st January 2017
The Department of Education and Skills	2	9th February 2017

Approach adopted to the consultations

Each consultation commenced with an introduction to the consultation by the National Manager of the Early Years Inspectorate. This was followed by a Microsoft PowerPoint presentation delivered by the Quality Improvement Manager of the Early Years Inspectorate setting out the role of the inspectorate, the purpose of the QRF and discussion points and questions to be addressed.

At each consultation, it was emphasised that the purpose of the day was to inform the development of the QRF and to consider this resource in a general, rather than specific way. For the majority of consultations, the draft QRF document was not circulated prior to the event. It was highlighted that a separate opportunity would be provided for participants to give detailed feedback on specific elements of the draft QRF. This was done to ensure discussions could focus on the broad issues arising with the QRF rather than engage in detailed considerations of information that may not be included in draft for wider consultation. Parents and Registered Providers were provided with a confidential draft of the QRF on arrival at the consultation and were asked to return the document at the end of that consultation.

Each consultation followed a standard format around four key areas:

1. General view on the QRF (through a show of hands and individual comments on post-it notes)
2. Potential benefits arising from having a QRF (through small group discussion and feedback)
3. Challenges and solutions (through small group discussion and feedback)
4. Supports required (through small group discussion and feedback)

Participants were advised at each consultation that feedback would be digitally recorded and transcribed for ease of analysis. Additional handwritten information collated during the course of discussions within each group was also analysed and used to supplement the feedback provided. These documents were used in a thematic analysis and form the basis of the following section of this report.

Overall impressions

Participants were asked to give their overall impressions on the QRF in two ways. Participants were asked to indicate whether they “were generally in agreement with the QRF”, “not in agreement with the QRF” or “whether they were unsure about it”. In the larger groups, this was done with a show of hands and there was a consensus that everybody was generally in agreement with the QRF. A small number of participants indicated that they agreed with the QRF overall but not necessarily with all the content, while one individual indicated that they were not clear about what type of document it was intended to be.

A second approach adopted in the larger groups was to ask participants to write a general comment focusing on the concept of the QRF (rather than

the content) on a post-it note and these comments were collated and shared with other participants at each consultation. As noted earlier, the QRF was not generally circulated in advance of the consultations; there were many comments about this across all stakeholder groups except parents. Comments such as “unfamiliar with document”, “not knowledgeable enough re content to analyse at this stage”, “no time to read QRF”, “Why not have emailed us and pointed out it was not a final draft?” and “We did not have enough time to look at the document” were made. Nevertheless, a number of similarities in the feedback across groups and positive benefits, as well as challenges and supports required, were identified.

An overview of the key areas identified through this process are presented in Table 2.

Table 2: Overview of key issues from written post-it notes

	Early Years Inspectors (EYIs) (61 post-it notes)	Parents (13 post-it notes)	Providers (40 post-it notes)	Tusla Extended Early Years Representative Consultative Forum (17 post-it notes)
Positive comments including benefits	●	●	●	●
Challenges in implementation	●		●	●
Length and format of the document	●		●	●
Consultation	●	●	●	
Assessment of compliance	●	●		
Other			●	

As highlighted above, there was substantial overlap across individual stakeholders in the commentary provided on the post-it notes and some positive comments welcoming the development were presented by participants in all stakeholder groups. Other issues that were common across three of the four groups in the initial consideration of the QRF related to: challenges in implementation; length and format of QRF; and the need for consultation. These issues are presented in the next section.

In summary, the initial impressions of the QRF were generally positive and, in a show of hands, everybody indicated they were in general agreement with the concept of it. Participants were invited to write a short comment on a post-it note at the consultations and these focused on various aspects of the QRF including: benefits; challenges in implementation; format and length of the document; the assessment of compliance; and the need for meaningful consultation with, and buy-in from, all stakeholders. A more in-depth discussion about the QRF took place throughout each consultation and the findings from these discussions are now presented under the key themes arising.

Overview of key issues arising

In addition to short comments on post-it notes, a thematic analysis was conducted of the audio-recorded transcripts arising from consultations and a number of common issues emerged (Figure 1).

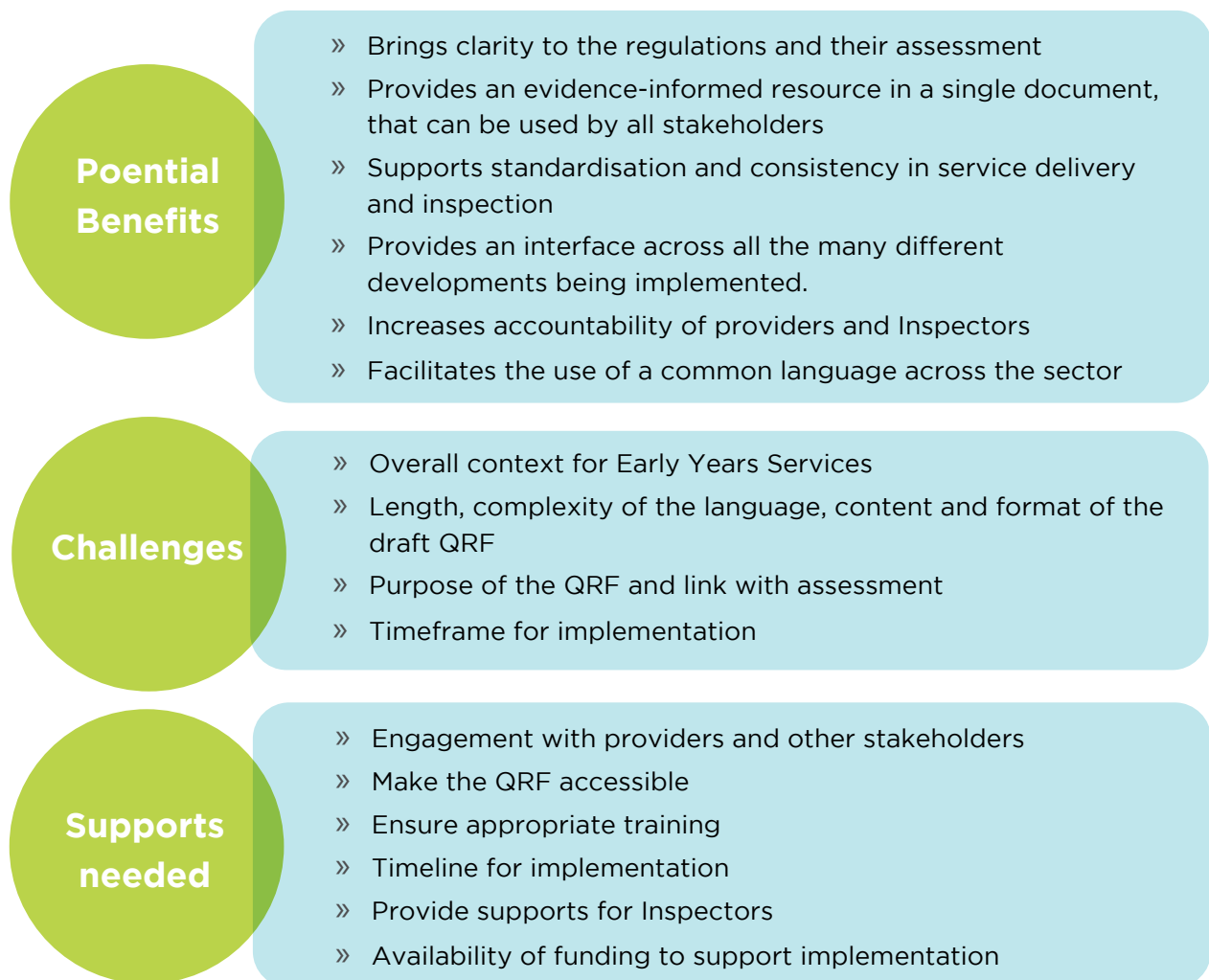


Figure 1: Overview of key issues arising

Benefits of QRF

With the exception of the consultation with parents who were very positive about the development, there was a greater emphasis on challenges, as compared to positive benefits, arising at each of the other consultations. Some benefits, however, were identified and these included:

- » the potential to bring clarity to the regulations and their assessment by Inspectors;
- » the availability of an evidence-informed resource that brings all the regulatory information together in a single document that can be used by all stakeholders;
- » the potential to support standardisation and consistency in service delivery and inspection;
- » the potential to provide an interface across all the many different developments being implemented;
- » the opportunity to increase accountability of Providers and Inspectors; and
- » the potential to develop a common language in the sector.

These benefits are highlighted in comments below. EYIs, for example, noted that the QRF is a *“well researched document”, “detailed and extensive”, “excellent document with lots of very valuable current information”, “has been very well thought out”* and *“has great potential”*. These comments were echoed by members of Tusla Extended Early Years Representative Consultative Forum who stated that *“it looks very detailed and comprehensive”, is a “good concept”* and *“the QRF will support services in working towards compliance - quality”*.

Parents were particularly positive in their views and indicated that it is *“a really useful and vital resource for parents”, that “it is good to see a document that goes some way to making the regulations easier to understand”, that “the QRF is a valuable tool to get the right information for parents rather than misinformation and anecdotal information”* and it is *“great to have a supportive tool for all stakeholders in early years”*. One parent noted in discussions that:

“It’s good for parents to know what’s expected of the crèche and what’s not expected of the crèche.”

This was also highlighted by a Provider who noted that:

“Sometimes you might have controversy with parents and different things and you can take out the Regulations there and say, ‘I’m following the Regulations...’”

A small number of Registered Providers identified positive views on post-it notes indicating that *“the concept is good – amount of regulations is overwhelming”*, *“clarity is a good move”*, it is a *“good idea to explain what is required (for compliance) in practical terms”* and *“the new document will benefit the childcare setting...”*. It was also noted that this type of document could give *“reassurance to Providers”* that what they were doing was compliant with Regulations. A member of Tusla Extended Early Years Representative Consultative Forum welcomed the single point of information noting that: *“Regulations + evidence required in one place = good reference point”*.

It was also suggested that the document could have benefits in bringing consistency to the assessment process by enabling *“less subjective inspections”*. This was also an issue for EYIs who noted that it would make it easier to conduct inspections because sometimes Providers think *“we are looking for an awful lot, and that we have just made up these rules”*, so to have a document that clearly sets out what is required would be of assistance.

It was highlighted that this resource could potentially improve the quality of services by setting out what is required for a service to be compliant and what is required to be *“better than compliant”* and that it could *“bring up the level and move from minimum standards to quality standards”*.

The possibility of using the document to set out the broader, and increasingly complex, national landscape around Early Years provision was highlighted at one consultation. It was noted that it would make the *“connections for practitioners”*. The following quote from feedback presented at the consultation with the Consultative Forum summarises many of the benefits as follows:

“So, it clarifies expectations of all participants. It increases accountability of the Provider but also of the Inspectors. It provides for more consistency of the inspections. It crosses different areas and different members of staff and different Inspectors as well and it can be a guide to implementation of the Regulations for Providers. It can assist them in implementing the Regulations, understanding them ..and, finally, it could contribute to developing a common or language in our sector, which will be very helpful because so far, you know, people use different words for the same thing...”

In summary, while the main focus in the consultations related to challenges in respect of the QRF, some benefits were identified. The main benefits highlighted related to the QRF being able to bring clarity to what is expected

under the 2016 Regulations and as to what is required to be compliant under the inspection process. Other benefits identified were the availability of a resource that brings all relevant regulatory information together in one place and its potential to support standardisation and consistency in service delivery, along with the development of a common language around the sector. Finally, it was noted that this document would support Provider and Inspector accountability.

Challenges identified

Challenges in both having and implementing a resource such as the QRF were highlighted in all consultations that took place and the particular impact on Providers was also highlighted.

Overall context of Early Years sector in Ireland

It was noted at every consultation that the QRF development takes place in the context of a number of new initiatives and developments in the Early Years sector. It was stated that the QRF could be *“overwhelming for Providers”*, that *“Providers will not be enthusiastic about it – more rules”*, that it is *“intimidating for Providers”*, that *“it will be difficult to get some Providers on board to reach the high standard expected”* and that:

“Some of the Providers are struggling with the basic Regulations, let alone being in a position/have the capacity to implement the QRF”.

Other comments from the EYIs identified challenges for Inspectors in implementation, with one Inspector indicating that it *“will take much longer to inspect”*. Registered Providers also highlighted challenges with comments such as *“too much irrelevant to my service”* and *“I would have a concern about it becoming administrative heavy”*. One participant within Tusla Extended Early Years Representative Consultative Forum noted that it *“needs to be realistic in what it’s asking and where the sector is at”*. This was supported by a comment made by an EYI where it was noted that services differed in their provision: *“They’re (Registered Providers) not all at the same level of compliance, so you have different starting points”*. There was agreement across most consultation groups that some Providers would have no difficulty implementing all elements of the QRF, while others would have a good deal of difficulty in doing so.

It was suggested that Providers were *“overwhelmed”* and *“overloaded”* by the number of initiatives that are *“being thrown at them”*. It was also noted that *“a lot of them are just weary of all this new stuff coming at them”*. Examples

given included: new regulations in 2016; new requirements (e.g. registration processes); new programmes (e.g. Single Affordable Childcare, AIM, 2nd ECCE year); new services (e.g. Better Start Quality Development Mentoring Service); new documents (e.g. as ECCE year/Síolta Practice Guide); and new inspections (e.g. inspections by the Department of Education and Skills). At one consultation it was stated that:

“I think maybe lack of coordination for the whole sector is a huge problem...I think from a practitioner trying to keep the show on the road, pay their bills, provide reasonably high quality, they just see all these people coming at them.”-

This was also raised by Providers where it was noted that:

“There is so many different regulations being brought in, so many different regulatory bodies, there are so many different inspection teams, that all the staff need time, everybody needs time to read them, to know them, and to be able to talk about them.”
(Provider consultation)

Length, format, language and content of the document

With the exception of parents, participants in each group indicated that the length and format of the document would be problematic. Two main issues were identified. First, it was noted that the document is “*very long*”, “*too long*”, “*very wordy*”, “*level of detail too much*” and “*too much information for the Registered Providers to get where they’re coming from*”. Finding time to read the document was highlighted as problematic and was identified by a number of Registered Providers. One Registered Provider wrote on a post-it note: “*Like the idea of a Bible-type document for us but no time to read*”. Another Provider noted that “*the time to read the document would be a serious issue.*” Questions asked included: “*Where do we find the time to read it?*” and “*When do we read a 165 page document?*” One person stated they were “*worried about the detail in the document and burden on Providers*” and another noted the “*size of document is a possible challenge in terms of implementation*”.

Attention was drawn by Providers to the costs associated with reading (“*I get paid for three hours a day. Who’s going to pay me for the hours it’s going to take me to read this?*”), downloading (“*download, print and bind the document*

is costly”) and implementing the requirements set out in the document. In general, there was a view that the content of QRF would require additional time and, consequently, additional costs for Providers. One person stated:

“What I’m saying is that it’s a lot more reading and it’s a lot of different things and people are going to have to sit down with their staff....I’m not sure how this framework is going to impact, but the information I’ve already given to my staff, if I have to change that or in fact add more things onto it. There’s a lot of different things that need to be done for Providers to understand what is going to be asked of them.”

(Tusla Extended Early Years Representative Consultative Forum)

While the draft QRF was not generally available prior to the consultation process, some issues relating to the content were raised. One person suggested that the document was “raw”, “there is a lot of work to do” and that it is “at an early stage”.

Regulation 19 was particularly highlighted as being problematic. It was stated that:

“I’m not saying that the content isn’t valid. I haven’t had enough time to say it is or it isn’t. It is very dense. I mean there’s 144 indicators or whatever you’re calling them for Regulation 19 which is the one I just had a brief look at.”

It was also suggested that there was “duplication” in the content of the document and that “some of the wording is not practical”. An example given of this was that:

“We’re not allowed to use Tipex. We’re not allowed to use black pens. That’s in the document, which is your interpretation of a Regulation.” (Provider consultation)

Another person drew attention to “an instruction that all staff must have MMR immunisation should they work with children,” which it was stated “so it’s just that type of stuff, that’s illegal”. This point was clarified by a member of the Tusla management team who noted the intention of the point was to protect the member of staff by ensuring that Providers were aware of any unvaccinated staff member at risk of getting Measles, Rubella or Mumps from a child.

Other examples given related to:

- » sleep position where it was noted that some providers are “not comfortable about looking at positioning” of the child while sleeping;
- » “settling in” which it was noted had 74 points on how to actually settle in a child; and
- » behaviour management policies which it was stated had “a big long thing about it in the book and there’s not a lot of training for people to know exactly what they’re meant to do”.

It was also suggested that the language included in the QRF was “overly complex” and “corporate-speak” and the revised QRF should take account of the need for the document to be in an easily readable style.

Purpose of QRF and role in assessing compliance

Questions about the purpose of the QRF were raised, predominantly by individuals from the Education sector. The purpose of the QRF is set out at the beginning of the QRF document which states:

“The QRF sets 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) Regulation 2016 S.I. No. 632 of 2016. It presents the parameters under which the Early Years Inspectorate will assess services for compliance with the Regulations.”

At one consultation, it was stated that:

“It is an interpretation of the law, so it could be open to legal challenges. So to mitigate against that, obviously the legal team would need to look at it, ensure that it’s their interpretation of it.”

Discussions took place at some consultations about whether the QRF represented additional requirements for Providers to be compliant and whether it included new regulations and material. In response to a suggestion that “we would need to be looking at what resources would come alongside”, another participant responded that:

“The Regulations are already in place, so it is not that you bring in another level of regulation or another status people have to reach... It’s a resource for people to be combined with Regulations rather than something new in addition to what they already have to do.”

Others raised concerns that it included material that was not required for compliance and at one consultation, it was stated that there *“is an arguable continuum in relation to quality”* which is *“not equal to compliance”* and is *“not the same”*. It was stated as the title of the QRF *“includes both quality and regulatory”* that it *“is a little bit confusing”*. It was also questioned that *“if all of that is required for compliance, then what’s the point of having quality in there?”* This was also argued by a participant from the education sector who noted that, *“I’m struggling with the compliance bit versus very high quality, which some of this is for, and trying to see where this sits in the spectrum of a setting”*. Further, it was suggested that *“if we always went with the visible minimum compliance to get through the regulatory inspector and then the other stuff was a bonus”*.

It was also suggested, however, that the QRF would be used as a “tick list” and that providers may adopt an approach of *“This is what I need to do. Tick, I’ve done it”*. It was highlighted that this could result in people *“trying to deliver on things that actually are not appropriate for that age group”*. It was also suggested that what is required *“becomes very black and white”* and that Providers *“don’t think beyond what I’m actually seeing here or I lose the bigger picture in terms of what all of this has to look like for a child in front of me”*. It was noted that this would be a risk to service provision.

The issue of using the QRF in the assessment process was subject to much consideration by the EYIs and they raised questions about *“the risk appetite, i.e. tolerance. Which ones do we have a zero tolerance for?”*, *“whether there needs to be critical indicators”*, and how achievement would be calculated and compliance measured. At another consultation, a question was asked about

“What is the standing of these interpretations of the regulation when it comes to assessing compliance?”

A query was raised about whether the inspection process was a measurement of *“input”* or *“outcomes for children”*. A question was also raised about whether the focus is *“largely on the adult in terms of what the adult provides or does for children? Or is the intention of the focus also on outcomes?”*

Some differentiation was made between children aged zero to three years and those aged three to six years, with it being suggested that the initiatives in place at present focus only on the older age group. At one consultation it was stated that:

“The under threes were mentioned. A few people are very passionate about that. You know up to now obviously the focus on different things has been for the three to five year olds and it’s really up to Providers as to what quality they provide for under threes. So we need to ensure that the same quality is provided for under threes as the three to five year olds.”

At another consultation, it was suggested that most brain development takes place between zero to three years and that “*assessment for learning and supporting*” for these children should take place in a similar way to that taking place under the Aistear programme for children aged three to six years.

Summary challenges

In summary, a number of challenges were identified. First, these focused mainly on the current context for the provision of Early Childhood Care and Education in Ireland, which, it was suggested was increasingly complex, rapidly changing and involving multiple stakeholders. Second, challenges were identified in respect of the length, language, format and content of the document and there was general agreement that the current document was too lengthy and would create difficulties for providers in both reading and implementing it. Third, concerns were raised about the role of the QRF in assessment of compliance and it was suggested that compliance was different to the continuum of quality and that this continuum was at a higher level than that required for compliance.

Supports required

There was agreement across different consultations that some supports would be required for the implementation of the QRF and there was consistency in the areas identified (Figure 2). In general, the supports required focused on the Registered Providers with some suggestions highlighted in respect of the EYIs.



Figure 2: Supports identified

Engage with Providers and other stakeholders

In general, comments about engagement with Providers were made by Registered Providers, although other stakeholders also identified this area as important. One parent, for example, stated that she *“would love to see meaningful consultation with Early Years Practitioners and Providers with QRF”*. A number of comments by EYIs highlighted the need to ensure stakeholder buy-in (e.g. *“need plan to ensure Registered Provider buy in”*) and the potential benefits accruing from this approach: *“Excellent concept provided input and analysis of the QRF from all stakeholders will be considered”*.

Participants who took part in the consultation for Registered Providers had been identified and invited to take part by the City & County Childcare Committees. Frustration was expressed by some participants about a lack of information about the purpose and processes of the day and one person indicated that they had *“only heard about the consultation on social media”*. Both were identified as sources of irritation.

Some concern was also expressed by Providers that they were not adequately represented by existing childcare organisations and structures (e.g. City & County Childcare Committees) and it was stated that:

“They’re a lobby group and they’re looking for primarily funding in Ireland for full-time care for children...They do not think about sessional. They do not think about early education...”

Another person stated that they had been told by their Childcare Committee that they were not there to “represent Providers”.

One Provider stated that, *“This is the first time I’ve ever had an invite to come and speak directly with regard to any consultative process”*, while another noted that, *“We’re being expected to come to this meeting, that meeting...and there’s nobody listening to us”*.

It was suggested by them that they should be given an opportunity to give their views directly and an example of the direct approach adopted to the Single Affordable Childcare document was provided. Here, it was noted that people went through page by page of the document and then came back in groups and made submissions which were then fed back to the Department of Children and Youth Affairs. Another Provider suggested the following:

“For consultation with Providers, ask CCCs (City & County Childcare Committees) to host consultation meeting with Providers. Then one Provider from each county comes back to you with that county’s feedback.”

It was also stated that “online consultation does not seem to work for Providers” and one person asked, “Would it be possible for the consultative process to move around the country?” One person stated:

“The only overwhelming message that we’d like to get across is just to listen to the people doing the job. That’s all we’re asking. We’re not asking for you to involve us in the decision making; we’re asking you to listen. We’re asking you to consult on what is practical and what isn’t. And by doing that and by actually listening to what people are saying, that you will get an idea of it isn’t right to go to ask a parent, ‘Why is your child not vaccinated? I need proof from the doctor why you’re doing that?’ It’s discriminatory. It’s not realistic.”

It was recommended that Providers be facilitated to give feedback on the QRF through face-to-face mechanisms.

The provision of a helpline was identified as another mechanism to engage with stakeholders, particularly Providers, and it was suggested that the current offering in this regard is insufficient.

“We also felt that a support or helpline would be beneficial and a lot of people were saying that if you’re on your own, it’s literally to have that somebody on the end of the phone...that, generally, if we phone any kind of helplines, we have to leave a message and then they phone back at times when we’re busy, where when we try to phone it’s at a quiet time, so it’s really that you need that answer...But that there’s somebody on the end of that line, not that it’s an answering machine.”

It was recommended that consideration be given to the provision of a helpline to ensure timely responses to queries.

Others drew attention to the role of other organisations in the sector and it was suggested that in implementing the QRF “support from CCCs (City & County Childcare Committees)” and “voluntary organisations” be sought. It was also noted that there is a lot of inconsistency across organisations involved in the sector and this is highlighted in the following comment:

“That’s what we suffer from...in this sector is the inconsistency across messaging. So many membership organisations, all with their own focus, whether it is philosophy or educational approach or whether it’s a type of service provision that they have. They’re all looking at their own little area and there was nothing cohesive that was bringing it all together.” (Consultation with education sector)

At the same consultation, it was also highlighted that since “regulation is such a fundamental concern for the sector that there’s a huge opportunity for the QRF really to again put another layer in that really reinforces all of that work that’s been done to try to bring consistency and coherence to everything.”

An exploration of how the QRF can assist in supporting consistency across the voluntary and statutory organisations in the sector should take place.

Accessibility of the QRF

Three main issues emerged in respect of the accessibility of the QRF. First, it was suggested that there needed to be different documents for different service types. Second, the format, language and content of the document needed to be accessible for all stakeholders and thirdly, mechanisms for ensuring the document is widely available and easily accessible were identified.

Different documents for different service types

It was strongly recommended that different documents be prepared for different parts of the sector and it was suggested that there are considerable differences in the requirements for different types of services (e.g. full-day care, sessional services, part-time services, and childminding). This was particularly highlighted in respect of childminders, where questions such as *“How does the document fit with childminders or single-handed operators?”* and *“Will there be a specific document for childminders – pared back?”* were asked. Another person asked, *“Are all the services all being regulated on the same rules?”* An example of an application of potential differences for childminders was given as follows:

“What would you say, for example, for the requirement to have a separate space for nappy changing, where you’ve got one childminder minding a few kids in a normal house that won’t necessarily have a designated room with a nappy changing table or whatever? How would that be applied?...If you were to read this document, it looks like you need a separate designated space for nappy changing.”

Another person at the same consultation stated that:

“Things like this will be off-putting....If you look towards the financial benefits that you can get from using a Registered Childminder now with the new legislation, there’s obviously a desire for parents to have an option of Registered Childminders. I think they’d probably need a lot more clarity for them to feel that, ‘Yeah, we want to register.’”

Implementing this recommendation would also assist in shortening the length of the QRF which, it was agreed was too long.

It was recommended that different documents be created for different service types.

Accessible format, language and content

A number of different recommendations were made in respect of the format, language and content of the QRF. It was recommended that the document apply the *“principles of universal design in its formatting”*, *“have labelled dividers on the printed document so people can flick to the section they want to look at”*, *“ensure the text size is large enough to read easily”* and use *“colours, fonts and design features”* that are compatible with good design. The following comment made at the Tusla Extended Early Years Representative Consultative Forum exemplified these recommendations:

“Maybe break up some of the text heavy side of it. If there were processes in there, put visuals in to represent those. Make it a bit more accessible. Maybe have colour coded sections for various parts so people can very easily pick it up, look at it, and know which piece that they’re more familiar with and where they need to go.”

It was recommended that the document be designed and formatted in a way that is incorporates the principles of good design.

Hard and soft copies

Participants taking part in the consultations supported the availability of the QRF in web-based formats (*“on the internet”* and *“in an accessible place”*). Suggestions are detailed in the table below for developing a website, podcasts, linkages with other online resources, hard copies, and a short guide to the QRF.

Resource	Explanation and example quotes
An interactive website	<i>“...an interactive website to actually make it user friendly for practitioners, that they could go in and look at various sections of it and then maybe in a physical format of it or a digital format of it, that you would look at the design.”</i> <i>“If the website became the place to go to if you want information and it was clearly done, I think that would be a great resource.”</i>
Podcasts	<i>“The podcasts and stuff are really good because the practice gate has worked really well with that regard because, again, it’s kind of been interactive. You can click on podcasts and get real life examples”.</i>

continued

Linkages with other online resources	<p><i>“It is a kind of rather nifty idea to have maybe connections from your website over to Aistear / Síolta or the practice guide because people don’t set out to have a bad practice real life examples. Not someone looking at the camera talking. Exactly showing what’s...Trying to get the message across and a visual is very important.”</i></p>
Hard copies	<p>It was also suggested that hard copies of the QRF should be made available and since it would be “very costly to download, print, and then to bind the QRF”, it “would be beneficial then to have a free hard copy.” Another person noted that if the provider is living in a geographic area where internet coverage is poor, Providers would be disadvantaged if only web-based copies were available.</p>
A short guide to the QRF	<p><i>It was noted that “a user guide, is so important that it can be reduced down to just a handy pocket guide at some point down the way”.</i></p>

It was recommended that the QRF be made available in both hard and soft copy, including interactive websites, podcasts, and linkages with other resources.

Removal of references

There was some consensus that the references should not be included in the document with one individual stating that:

“...even in terms of your referencing, I wouldn’t think it is as important to put the international referencing in as it is to put the national referencing in and the connections to the national policies and the national, what’s happening here in Ireland. I think that sometimes, and this is just from experience, and painful experience at that, citing international references has the opposite effect in terms of the Irish sector. We are a bit contrary, we don’t like to be told what to do by people who are outside the jurisdiction. We like to think that this is being created for us and it is owned by us and it is ours. It is kind of an oxymoron in a way. They want the evidence-base but they don’t want the evidence-base.” (Consultation with education sector).

It was also suggested that the inclusion of references to other jurisdictions and other statutory instruments from the UK or elsewhere could be *“really confusing for practitioners”* as *“somebody “who is reading it may not be from a legal background, but look, ‘Does that apply to me? That must apply to me if it’s in the document.’”*

As noted previously, it was suggested that the QRF had the potential to provide a link across developments taking place and this was particularly highlighted in terms of the Aistear/Síolta developments. One participant suggested that the QRF set out the landscape for Early Years Care and Education as follows:

“This is the landscape in Ireland in relation to promoting the quality and it begins with regulation. It begins with the statutory context. This document elucidates or describes or makes very clear what the requirements are for compliance with the regulatory environment. You will then be supported in your journey (by a number of other developments).”

It was recommended that references be removed from the document, while an acknowledgement of other national developments taking place be incorporated.

Written in plain English

Other commentary related to the importance of ensuring the language in the document is *“consistent”*, *“reflects the language used in the sector”*, is *“easy to understand”* and *“is written in plain English”*. The benefits of adopting this type of approach was highlighted by one parent who noted:

“The ‘intent box’ ‘Englishizes’, to make up a word, what the Regulation actually is, and then if you need to go into it more in-depth, then you can go to the actual legal-speak and try and understand that but I think that gives it to you in a nutshell, and you can decide, “Is that relevant or not?” and if not, then you can move onto the next one.” (Parent consultation)

However, it was also cautioned that:

“Again, in terms of plain English, this has happened when we’ve done legal documents in plain English, you have to ensure you don’t lose the legal meaning of it, making it accessible so it is...It adds an extra layer of review I suppose, but it is important.”

It was also suggested that a disclaimer be included at the beginning of the document:

“Because again, in any document or anything like that, there’s always a disclaimer saying, “This is not a legal document.” I think it’s important that this isn’t seen.. This is an interpretation...I can’t imagine that your legal team will let you publish it (without it).”

It was recommended that the document be written in plain English, approved by Tusla legal advisors and include a disclaimer.

Translation of QRF

It was recommended that the QRF be made available in different languages including Portuguese, Indian, Polish and Arabic in order to increase accessibility. In terms of publication in Irish it was recommended that the document should be published bilingually: *“i.e. not separate versions in Irish and English to allow Naíonra Providers to engage with it in their working language”*. This, however, was challenged by others who suggested it would double the size of the QRF. It was also stated that 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 is not available yet in the Irish language.

It was recommended that the QRF be made available in different languages.

Ensure appropriate training

Training on the use and implementation of the QRF was identified as an important support mechanism for Providers, Inspectors and other stakeholders at almost all of the consultations. At the Tusla Extended Early Years Representative Consultative Forum, it was identified as a priority area of support for both Providers and Inspectors. Questions were asked about *“What training / education will be available to them (Providers) and who will provide it?”* Others simply stated that *“training”* was crucial. At the Provider consultation, it was suggested that *“maybe Tusla could do an induction for all staff with this new book, if that was a possibility”*. It was suggested by EYIs that a module relating to the QRF could be developed and that this could be incorporated into Early Childhood Care and Education curricula. This was supported by a member of Tusla Extended Early Years Representative Consultative Forum where it was suggested that:

“The education training providers can draw on it to make sure they’re providing programs that are consistent.”

One participant highlighted the “new CPD program for Aistear and Síolta”, noting that “there shouldn’t be any inconsistency between what you have in this and what is included (in the QRF)”. It was also suggested that the training should be recognised for “CPD points” and that some consideration might be given to “licensing” the training to Tusla and ensuring that only trainers with the appropriate knowledge and expertise would be allowed to deliver it. Within the training, it was noted that there should be a focus specifically on the “legal and professional responsibility on Registered Providers and staff”.

It was recommended that training be provided by knowledgeable trainers to support Providers in the implementation of the QRF.

It was recommended that a specific module be prepared for inclusion in Early Years Education and Care training and that consideration be given to licensing the module to Tusla.

It was also highlighted that support for funded training should be provided and this is dealt with below in the area relating to supports for providers.

Have a reasonable timeline for implementation

As noted earlier, a number of different initiatives are taking place at present in the Early Years sector and this has created a challenging environment for Providers. It was suggested that consideration be given to the timeline for implementation and it was specifically suggested that an “extended”, “phased” and “coordinated” timeline be put in place. Concerns were expressed by one Provider who questioned whether there would be lead-in time as follows:

“One of our groups talked about, ‘Well what if we got that document today?’ If an Inspector went out in the morning, would they be using that document right away? Would there be a transitional or lead-in time that you would be expecting?”

In response to a question about how long the lead-in time should be, it was suggested that it be “way down the line from now”. However, there was not general agreement about this and one participant at the Tusla Extended Early Years Representative Consultative Forum suggested that:

“The earlier this gets out and assists in the inspections, the better.”

Providers highlighted the relevance of timing of the implementation and suggested that it should take account of the particular challenges arising for Providers in September when new children are just settling in to the environment. It was also suggested, however, that it might be better to start at that time since the providers would have an opportunity over a summer period to familiarise themselves with the QRF and to prepare the necessary materials. One EYI suggested:

“Much easier for them with regards to documentation to prepare, without having to change in the middle. It’s very difficult when the process is in place than to suddenly in the middle of the year start changing.”

In discussions with one organisation, it was noted that *“huge lessons”* could be learned from the implementation of the Síolta which it was noted *“took two years to get to a point where it was at the stage”* of the QRF. It was also noted that while it was published in 2009, and started with a *“field test”*, it is still not widely implemented. A similar issue was identified in respect of Aistear which had also been published in 2009, and it was noted *“we still have no clarity around whose role it is to implement it”*.

It was recommended that there be a reasonable lead-in time to implementation of the QRF. It was suggested that the time of the year should be considered in terms of commencing the process of implementation.

Supports for Providers

Key elements arising relating to providers related:

- **to the need for payment for non-contact time;**
- **ensuring paid continuous professional development;**
- **additional funding required to meet the administrative requirements of the Regulations;**
- **provision of a dedicated website, podcasts, templates;**
- **the availability of guidelines for policies ;**
- **the availability of a mechanism where advice can be sought.**

Supports for Inspectors

In addition to appropriate training for Inspectors, a range of other supports were identified by Inspectors to support implementation of the QRF. These included:

- allocating a national lead and putting a Steering Group in place to oversee implementation of the QRF;
- ensuring that the Inspectors have sufficient time to familiarise themselves with the QRF;
- ensuring appropriate training for Inspectors, including taking account of areas of non-compliance emerging from inspections;
- implementing and evaluating a pilot scheme to identify issues arising in the process of implementation of the QRF;
- co-inspecting with a second Inspector during the initial period of the implementation of the QRF; and
- providing appropriate IT and administrative support for inspections.

Additional issues arising from the consultation process

Some issues raised related to the broader Early Years environment and were not specific to the QRF. These issues related to costs, Garda vetting and references, childminders, the Language used in the 2016 Regulations and the Access and Inclusion Model.

Costs

The consultation with Providers highlighted concerns by the sector around the costs of providing a service and it was suggested that if Providers were to be paid appropriately, *“they’d (the Department of Education and Skills) have to increase our fees by 283%. That’s how badly treated we are compared to teachers”*.

There were also concerns about the *“free”* childcare year and it was stated that while *“the ECCE scheme is welcome, but three hours of funding, and I have a lease that I have to pay. It doesn’t cover my cost”*. It was also highlighted that:

“If you say to parents, ‘It’s free’, they come with an expectation not to top-up the fee. The fees have to be topped up. If we always had a fee of 100 Euro for a Montessori session which we’re running for the program, that’s a huge cost. And suddenly the government comes and says it’s 64.50, and we take the hit on the 40 Euro a week. That’s huge.”

One Provider raised concerns about the cost of providing a service that meets the regulatory requirements compared with others who are not providing the same level of care and education. The Provider stated that:

“...There’s a huge disparity between what I’m doing, and what I can charge my parents... We’re doing it because of safety...If another service decides not to do it, that’s okay, that’s their reason...But there’s a huge difference in fees, and you have parents thinking, ‘Why is this 100 Euro here? You’re 120.’ I’m just saying it is really difficult on the ground to actually implement a regulated environment and charge a fraction of a fee.”

Garda Vetting and references

Issues about Garda vetting were raised at two consultations where it was suggested that this *“whole area needs to be considered”*, particularly in the context of the requirement that *“if you move to service to service, that the Garda vetting”* has to be repeated. A query about a specific situation arising in terms of providing supports to services was also raised at a consultation. The main areas highlighted were:

- » processes around Garda Vetting including the non-transferability and the length of time to secure vetting.
- » challenges in obtaining references particularly from past employers.

Childminders

Some discussion took place about the impact of the QRF on childminding at the consultation with parents. Some concerns were raised about the need for a childminder to care for four or more children before they could register with Tusla. It was highlighted that this was a problem as parents were unable to avail of Government financial support when the childminder was not registered. Issues were also raised in the feedback about sole operators, including childminders, and it was suggested that all services should have a second person available. It was also suggested that childminders should be subject to the same rules and regulations as those providing full day care services.

A recommendation was made that the number of children cared for in the home by a childminder be increased and that the age restriction be removed (currently, only 2 children under the age of fifteen months can be minded at any one time).

It was considered that the list of policies and procedures outlined in the Regulations themselves is excessive for childminders and it was suggested that this list could be reduced for this sector.

Language used in the 2016 Regulations

At one consultation, it was suggested that the change in terminology from “*wellbeing*” in Regulation 5 in the 2006 regulations to “*welfare and development*” in the equivalent 2016 Regulations (Regulation 19) was unhelpful. It was also suggested that the term “*emotional*” to describe a domain of development was less preferable than the term “*wellbeing*” to describe the same concept.

Access and Inclusion Model (AIM)

AIM is a model of supports designed to ensure that children with disabilities can access the Early Childhood Care and Education (ECCE) Programme. Some concerns were raised in the course of the consultation about the application process, which it was suggested is onerous and lengthy. It was also suggested that funding available for therapeutic equipment is not sufficient.

In summary, a small number of issues unrelated to the QRF were raised at consultations that took place and these related to the costs of providing services, Garda Vetting for staff, issues relating to childminders and the language used in the 2016 Regulations.

Conclusion: Preliminary consultation

This section of the report provides an account of the preliminary consultation that took place with key stakeholders involved in the Early Years sector, including Inspectors, Providers, parents, and representatives from Early Years organisations and national educational bodies. The consultation focused on the broad issues arising and a further opportunity will be given to all stakeholders to provide detailed commentary on the content.

While the main focus in the consultations that took place related to challenges in respect of the QRF, some benefits were identified. The main benefit highlighted related to being able to bring clarity to what is expected under the 2016 Regulations and also to what is required to be compliant under the inspection process. Other benefits identified included the availability of a resource that brings all the regulatory information together in one place and its potential to support standardisation and consistency in service delivery, along with the development of a common language around the sector. Finally, it was noted that this document would support Provider and Inspector accountability.

A number of challenges were identified and these focused mainly on the current context for the provision of Early Childhood Care and Education in Ireland, which, it was suggested was increasingly complex, rapidly changing and involving multiple stakeholders. Challenges were also identified in respect of the length, language, format and content of the document and there was general agreement that the current document was too long and would create difficulties for providers in both reading and implementing it. Finally, concerns were raised about the role of the QRF in assessment of compliance and it was suggested that compliance was different to the continuum of quality and that this continuum was at a higher level than that required for compliance.

Key supports required in the implementation of the QRF included the importance of engaging with providers and other stakeholders, making the QRF accessible in terms of format, contact and dissemination, giving consideration to the timeline for implementation and finally, the need for specific supports for both Providers and Inspectors.

Report on the final consultation

Nov 2017 – Jan 2018

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Final consultation

The draft Quality and Regulatory Framework (QRF) was substantially revised based on the findings from the preliminary consultation. This included redrafting the QRF and creating separate documents for different types of services (Full daycare/part-time daycare; Sessional services; Childminder; drop-in/Temporary Service and overnight). An online consultation, available in both English and Irish, opened on 30th November 2017 and remained open until Monday 15th January. This report presents findings from the second consultation which involved an online survey.

Invitations to take part

An individual letter of invitation to take part in the survey was issued by the National Manager of the Early Years Inspectorate was issued to the following stakeholders:

- » All registered providers
- » Parents who attended the preliminary consultation
- » Early Years Care and Education representative organisations (e.g. Childminding Ireland, Early Childhood Ireland, Seas Suas, CRANN)
- » National statutory organisations (e.g. the Department of Children and Youth Affairs, Department of Education and Skills, Health Services Executive, Health and Safety Authority)
- » National organisations for children (e.g. Barnardos, Children's Rights Alliance)
- » Third-level college representatives
- » Representatives of European early years regulatory organisations.

A separate online consultation was made available for Early Years Inspectors over the same period of time.

In addition to the online survey, a number of additional submissions were received and these were also considered in the findings from this consultation.

Findings from final consultation

In total, 956 individual responses were received and more than three-quarters (n = 752; 79%) of these were from Early Years Service Providers. The remaining responses were received from parents/guardians (n = 24; 2.5%), City/County

Childcare Committee (n = 23; 2.4%), researchers / academics (n = 12; 1.3%), representative organisations (n = 6) policy organisation (n = 5) and support / mentor organisation (n = 1). A further 14% selected the “other” category and of these, the vast majority identified as childminders.

Information was provided by respondents on the QRF documents they had read and an option to tick as many as applied was provided. Over half of respondents (53%; n = 506) indicated they had read the document on Sessional services; just over one-third (38%; n = 362) indicated they had read the document on Full and Part-time daycare and about one in five respondents (22%; n = 209) indicated they had read the childminder document. Twenty respondents read all four documents, 2 read none and 13 indicated they read the Drop-in/Temporary service document (n = 9) and 4 indicated they read the overnight document.

Overall views on the QRF

Respondents were asked to indicate their overall view of the QRF and of the 508 individuals that answered about two-thirds indicated it was either positive (46%; n = 234) or very positive (20%; n = 103). A further 18.5% responded they were neutral and 15% indicated their overall view of the QRF was either negative (10%; n = 50) or very negative (5%) (Figure 3).

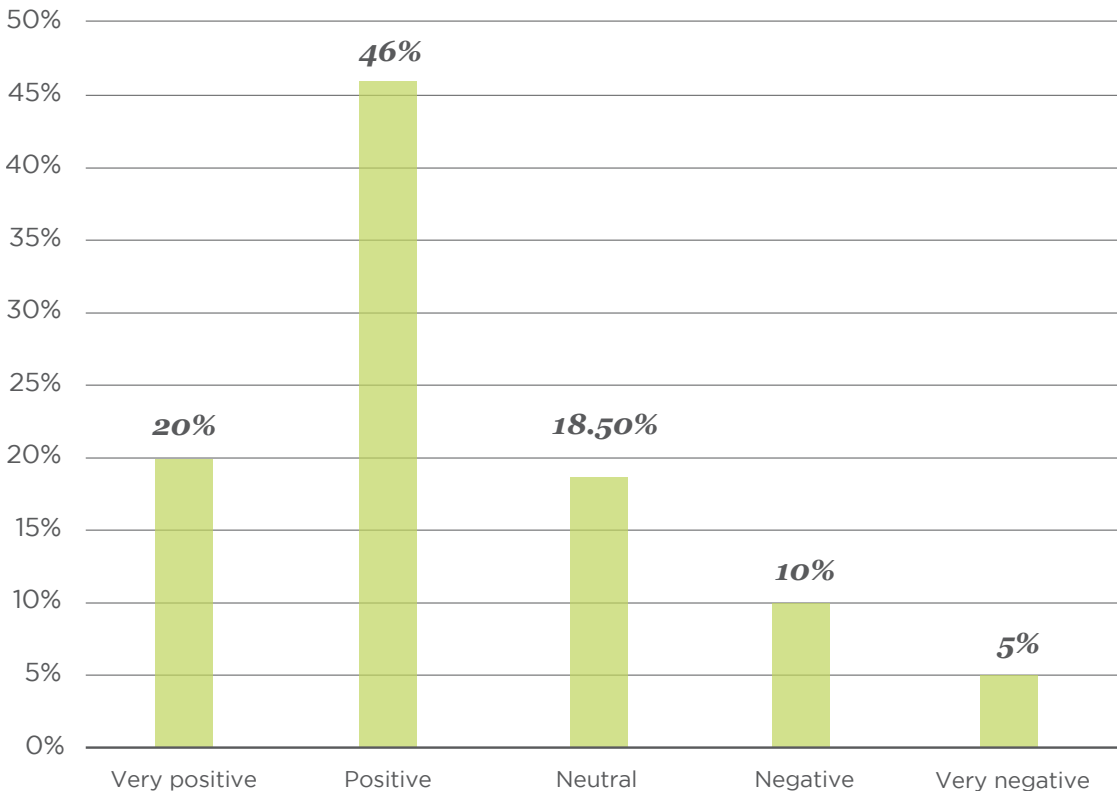
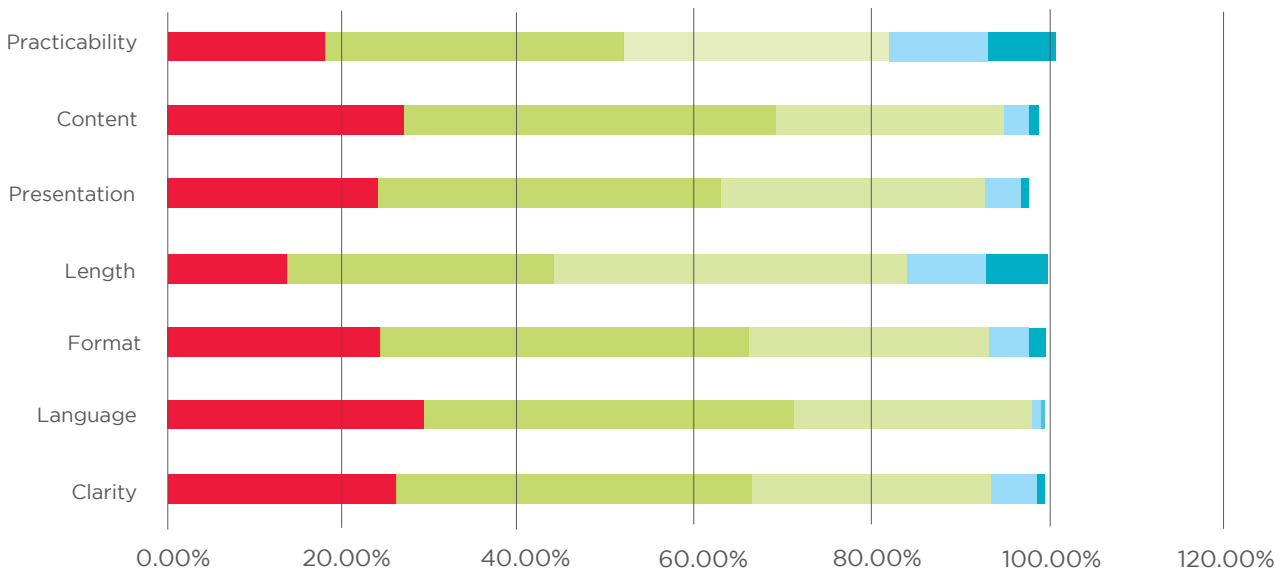


Figure 3: Overall views of QRF

Views on various aspects of the QRF

Respondents were asked to rate a number of different aspects of the QRF (clarity, language, format, length, presentation, content, practicability) from excellent to very poor and a total of 506 respondents did so.

The presentation, clarity, language and format of the document were all rated as either “excellent” or “above average” by about two-thirds of respondents and only a small proportion (8% of less) indicated they were either “below average” or “very poor”. The content of the QRF was identified as being excellent by one in every four respondents (24%; n = 123) and a further 39% (n = 197) respondents indicated that the content was either excellent or above average. The length and practicability of the QRF were identified as either below average or very poor by 18.5% (length) -24% (practicability) although just under half (46%; n = 234) indicated that the practicability of the QRF was either excellent or above average (Figure 4).



	Clarity	Language	Format	Length	Presentation	Content	Practicability
Excellent	26.50%	30%	25%	14%	24%	27%	18%
Above Average	40%	42%	42%	30%	39%	42%	34%
Average	27%	27%	27%	40%	30%	26%	30%
Below Average	5%	1%	4.50%	9%	4%	3%	11%
Very poor	1%	0.50%	2%	7%	1%	1%	8%

Figure 4: Respondent’s ratings on key elements of the QRF

The findings in respect of the childminding QRF show more negative findings and for example, less than one-third of respondents who read this document rated the clarity as being excellent (7%; n = 7) or above average (24%; n = 23). The length of the Childminding document was also rated unfavourably and more than one-third indicated it was either below average (25%; n = 24) or very poor (n = 11.5%; n = 11).

Views on the extent to which the QRF meets its purposes

There are a number of key purposes of the QRF and respondents were asked to rate the extent to which the QRF met these. The level of agreement varied from 73% (“the QRF provides a comprehensive source of information about the 2016 regulations”) to 56% (the QRF will ensure inspections are open and transparent).

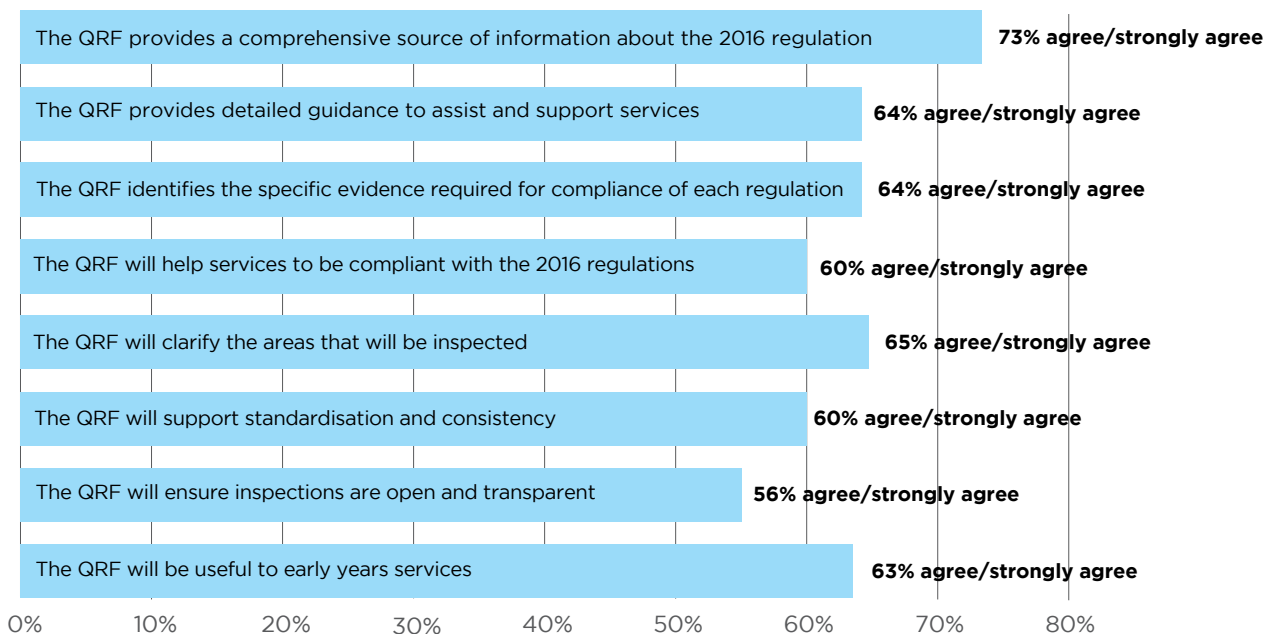


Figure 5: Agreement that the QRF meets its purposes

In the commentary, it was noted that inspectors may be subjective in the interpretation of the Regulations and the usefulness of the QRF in minimising this was welcomed.

In response to a statement that “the requirements set out for services to be compliant with all of the regulations (about a specific area) are comprehensive, the following levels of agreement were identified:

- » Governance (72% agreed/strongly agreed)
- » Health, Welfare and Development of the Child (79% agreed/strongly agreed)
- » Safety (78% agreed/strongly agreed)
- » Premises & Facilities (77% agreed/strongly agreed).

Extent to which requirements for compliance are already being implemented

Respondents were also asked about the extent to which the requirements for compliance are already being implemented by services according to the specific areas (Table 2). More than half of respondents (51%-58%) agreed or strongly agreed that in respect of each of the four areas, services were currently implementing all the requirements set out for compliance in the QRF. In respect of safety and the health, welfare and development of the child, about 10% indicated they neither disagreed or strongly disagreed that this currently took place.

Table 2: Level of agreement/disagreement

	Strongly agree	Agree	Neither agree/disagree	Disagree	Strongly disagree	Don't know	N
Governance	10%	41%	28%	10%	4%	8%	500
Health, welfare and development of the child	12%	43%	27%	7%	3%	7%	492
Safety	11.5%	47%	25%	7%	3%	7%	487
Premises & Facilities	9	46	27	8	3	6	491

Numbers do not add to 100% due to rounding.

Challenges arising in the implementation of the QRF

Respondents were asked to identify challenges arising for services in the implementation of the QRF and a summary of key issues arising is now presented according to governance, health, welfare and development of the child, safety and premises and facilities.

Challenges arising for services in respect of governance

Respondents were asked to indicate whether they agreed / disagreed that there were challenges arising for services relating to compliance with regulations about each of the four areas. In terms of governance about two-thirds of respondents (22% strongly agreed; 43% agreed) indicated that there would be challenges. It was noted that there are current staff shortages in this sector and this has implications for being able to deliver on the requirements of the QRF. A number of challenges were identified and these are now highlighted:

- » It was suggested that the volume of administrative requirements set out and the amount of “*paperwork*” necessary was very onerous, unrealistic and would be a huge challenge for services. It was particularly noted that the requirements would be very difficult for the community sector where members of the Boards of Directors may change on a regular basis. It was also suggested that the requirements would result in staff spending more time away from the direct care of children and thus have an impact on the quality of care.
- » The annual review required in the 2016 Regulations was particularly highlighted as a challenge.
- » Issues were also raised about the number of policies, procedures and statements now required under the 2016 Regulations and the reflection of this within the QRF.
- » The lack of payment for non-contact hours with children was highlighted as problematic and it was noted that the QRF set out requirements for staff supervision, policy development and training none of which were included in the capitation fee provided to services.
- » Supervision of staff as required under the 2016 Regulations was identified as being positive and was also highlighted as being very onerous.

- » Vetting was identified as particularly difficult in respect of:
 - Staff who had worked abroad (police vetting)
 - Contractors working on site – Garda vetting and it was also suggested that a clearer definition of contractor is required
 - Waiting time for Garda/Police vetting which meant it greatly impacted on recruitment time
 - Length of time to get vetting for relief staff.
- » Adult-child ratios particularly in situations where staff may be unexpectedly absent through sickness.
- » Grandfather clause (where subject to specific criteria, certain staff do not have to have a FETEC level 5 qualification) was raised in both a positive (where more people should be allowed to avail of this derogation) and negative (where it was suggested Early Years Practitioners should not be allowed to avail of this) context.
- » Written references for staff – it was suggested that most organisations do not provide written references for staff and potential employers more commonly contact previous employers by phone instead.

Further information/clarification was sought in respect of:

- » the staff ratio in mixed age rooms
- » the list of notifiable diseases
- » length of time various records are to be kept for including references and Garda Vetting. It was suggested, for example, that the recommendation to keep Garda Vetting records for five years is in breach of the Data Protection Commissioner guidance.

There was a strong view that the administrative requirements set out in the QRF were not necessary, appropriate or implementable for childminders.

Challenges for services in respect of the health, welfare and development of the child

A number of challenges were raised in respect of implementing the recommendations for Health, Welfare and Development of the child as set out in the QRF. Similar to the section on governance, there was a concern about the extent of the paperwork required and in particular that the requirements for documentation would take away from the care of the children and the quality of care provided. There was also a concern that the additional training and requirements for structural changes could place services under severe financial pressure and result in them closing. A number of respondents identified a need for additional funding.

Some respondents raised concerns about the QRF being overly prescriptive and consequently, not allowing enough autonomy for professionals working in the sector. Other comments, however, suggested the QRF was too ambiguous and allowed too much subjective interpretation by Inspectors. Consistency across inspectors was identified as critically important.

Issues relating to the following areas were particularly highlighted:

Food and drink: It was suggested that parents need to be able to choose what to feed their own children and that the service would not be in a position to intervene if parents sent unhealthy food for their child. It was also suggested that the requirement to provide food/ snacks for children in sessional services was unnecessary and that it was up to parents to ensure their child had breakfast before leaving home. The requirement to have grapes out of the reach of children was identified as unnecessary and it was suggested that if these were cut in half and eaten under supervision, it would not be a problem.

Cots/mats: The recommendation for children to sleep in cots was identified as very problematic and it was suggested that children had been sleeping on mats in some services without any problem. The space requirement between cots was also identified as excessive.

Toileting: Some concerns were raised about the need for a changing area, particularly in sessional services and it was noted that most sessional services required children to be toilet trained prior to admission.

Ratio of adults to children: A number of comments drew attention to the ratio of adults to children and it was suggested that in some cases, particularly where outings were undertaken or in situations where staff had to leave the room to change nappies, that the ratio was too low.

Cross over between DES/TUSLA: A small number of comments drew attention to overlap between the inspections by DES and TUSLA. Some suggested that the inspectors from the different organisations were looking for different evidence while others suggested that only one inspection should be required.

Access and inclusion model: This model does not currently take account of children under 3 years and this was highlighted as a deficit by respondents.

Recommendations for additional information: Recommendations were made for the inclusion of additional information on vaccinations and child protection requirements.

Challenges for services in respect of safety

Again potential costs associated with implementing some of the measures identified (e.g. training in fire safety, provision of child-sized furniture, making structural changes to a service) were highlighted as a challenge for services. A small number of areas were specifically highlighted as problematic and these included challenges to the rationale for covering an outdoor sandpit; difficulties of having a record of attendance of every person who delivers and collects a child from the service; respect for requests by parents to microwave their infant's bottle; not giving grapes to younger children, particularly if they are provided by parents in a lunchbox; the added burden on providers to review product recall notices on a monthly basis; not using shaving foam, (which it was suggested, is a sensory material).

Overall, however, the commentary was of a less specific nature. Three broad issues arose as follows:

- a) challenges for childminders operating in their own homes in implementing the recommendations outlined in the QRF. Overall, it was suggested that many of the recommendations would not be feasible to implement in an individual's home
- b) A need for balance between risk and safety with some comments suggesting that the QRF was overly-restrictive in what was required and that risky play under appropriate supervision should be encouraged
- c) The ambiguity in some areas in the QRF that could be subject to different interpretations by individual inspectors resulting in a lack of consistency in implementation.

Challenges for services in respect of premises and facilities

The following issues were raised in respect of premises and facilities.

1. The requirements are too prescriptive, onerous and appear to be set out for large commercial creches. Less stringent requirements should be in place for small, home based services.
2. Where premises are rented it can be very difficult to get landlords to agree to carry out the work needed to ensure the service will be compliant.
3. Funding needs to be provided to update older, and smaller, premises. It also need to be provided for services which were compliant before the new regulations but are now non-compliant. It was suggested that an annual capital allowance would help ensure services pay for the maintenance and upkeep of premises.

4. Structural work requires planning permission and time needs to be given by inspectors to services to get the work done.
5. Specific issues (e.g. a decrease in the number of toilets (1:10 to 1:8); cots having to be 50 cms from the wall) will be challenging for individual services.

Challenges specific to the childminding sector

A number of specific issues arose in respect of the childminding sector and these are now considered. As with previous areas, there were a number of specific areas highlighted where the detail of the wording was identified as problematic and these areas are dealt with in the revision of the QRF.

A small number of respondents noted they were already meeting all the requirements and the QRF would be helpful for them in setting out what they needed to do. In general, however, respondents focused on potential challenges arising from the QRF and issues identified related to:

- » a need to differentiate between the home setting and a purpose built creche and take account of the practicalities of implementing the QRF in an individual's home
- » difficulties in meeting the administrative requirements outlined in the QRF
- » potential additional costs involved in meeting the regulatory requirements.

These are now considered in more detail.

The need to differentiate between the home setting and formal childcare settings and the practicalities of implementing the QRF in a home environment

A number of comments referred directly to the importance of recognising that the home environment differs from more formal childcare settings and this had practical implications for how the QRF should be framed. It was noted that childminders provide a “unique home from home environment” and it should not be treated in the same way as large creches. It was also suggested that homes would have to be unnecessarily modified in order to meet the requirements set out. It was suggested that the QRF was too prescriptive for the home environment as they do not have “programmes of care”; children don’t “transition from one room to another”; and childminders do not need photo ID from people collecting children from the service as they generally know them.

It was also noted that childminders operate as sole providers and consequently, references to management and staff in the QRF were redundant. Issues were also raised about the qualification required and one person suggested the requirement to have a “stand-in” relief person with a Fetac level 5 qualification was unreasonable. Others suggested that childminders did not need to have formal training as many had long standing experience of minding and caring for children.

The administrative requirements outlined in the QRF

Many comments drew attention to the administrative requirements set out in the regulations and it was strongly suggested that there were too many policies, procedures, records and “paperwork” requirements. It was also suggested that many of these requirements (e.g. settling in policy, statement of purpose and function) were not relevant to Childminders. A small number of respondents suggested that the administrative requirements set out coupled with potential additional costs could put childminders off registering with Tusla and this would be a problem for the overall sector.

Potential additional costs involved in meeting the regulatory requirements

The issue of costs was raised by a number of respondents and it was suggested that additional costs might arise for them as a result of the requirements set out. Areas highlighted related to moving boilers so that they are out of reach of children. It was also noted that large creches and other childcare services had been funded to upgrade their premises in recent years but this facility had not been made available to childminders.

In summary, a number of issues specific to the childminding sector were highlighted and these included the need to differentiate between a formal childcare setting and the service provided in the home; the difficulties arising in meeting the administrative requirements set out; and the potential for additional costs arising.

Supports to assist services

Respondents were asked to indicate the extent to which a number of named supports would assist services in implementing the requirements set out in the QRF (Table 3). Of these, guidelines, supports and templates for policies, procedures and statements were identified as extremely helpful by more than three quarters of respondents (79.5%; n = 375) and this was followed by education and training (including mentoring and workshops).

Table 3: Helpfulness of supports

	Extremely helpful	Moderately helpful	Not at all helpful
Education and training	71%	25%	4%
Hard copy of the QRF	64.5%	26%	9.5%
Online digital QRF	59%	32%	9%
Guidelines, supports and templates for policies	79.5%	18%	2.0%
Podcasts	33%	49%	18%
Videos	39.5%	50%	11%
e-learning programmes	53%	37%	11%

Podcasts and videos were considered the least helpful of the supports presented followed by e-learning programmes.

Issues were raised, however, about the costs of undertaking training programmes even if they are provided free of charge. It was recommended that there be paid days for staff training built into the funding provided. It was suggested that since people do not get paid for contact time a requirement for training was not reasonable while others suggested that the information should be made “simple enough” so that training is not needed. In that, it was suggested that there is too much information, too many requirements and too much scope for individual interpretation.

It was also highlighted that providing Continuous Professional Development certification for e-learning would provide greater motivation to learn and it would also acknowledge those staff who make the effort to learn more.

A small number of respondents recommended the development of a self-assessment tool based on the QRF that could be used by services.

Training needs

Respondents were asked to identify their most urgent training needs in respect of policies relating to governance, health, welfare and development of the child and safety. The findings are now presented.

Training needs in respect of governance

Respondents were asked to rate their most urgent training needs on a scale from 1 (most urgent) – 7 (least urgent). The most urgent training need identified under this category related to the Safety Statement (40% indicated it was the most urgent need and a further 15.5% indicated it was their second most urgent need). This was followed by accidents and incidents which was ranked highest or second highest need by 43.5%. The least urgent related to the policy on staff absences (30% indicated it was their least urgent need) followed by recruitment where 20% indicated it was their least urgent need and only 7% indicated it was their most urgent need.



Figure 6: Most urgent training needs in respect of governance

Training needs in respect of the health, welfare and development of the child

Emotional support and behaviour management was identified as the most, or second most, urgent training need by more than three quarters of respondents (77%; n = 277). This was followed by the inclusion policy identified by more than half of respondents (54.5%; n = 194) as the most or second most urgent training need. The least urgent training needs related to:

- » Policy on outdoor play (15%; n = 54)
- » policy on healthy eating (17%; n=59)
- » the settling in policy (27%; n = 104)
- » policy on use of the internet and photographic and recording devices (27%; n = 104).

Training needs in respect of safety

A number of areas were identified as urgent in respect of safety policies. These were ranked in the following order from most to least urgent:

1. Policy on infection control
2. Administration of medicine
3. Risk management policy
4. Fire safety
5. Authorisation to collect children
6. Safe sleep
7. Outings policy
8. Overnight services.

Submissions received

The QRF was circulated to a number of national and international organisations for feedback and submissions were received from national statutory organisations (e.g The Department of Children and Youth Affairs; the National Disability Authority; Pre-Hospital Emergency Care Council; Better Start Quality Development Service), International Early Years Regulatory organisations (e.g Kind en Gezin, Belgium; Programa Gulbenkian Conhecimento, Portugal; and the Inspecteur Général de l'éducation Nationale, France). In addition, national childcare organisations (e.g. Better Start, Early Childhood Ireland, Seas Suas) and private providers (e.g. Giraffe) made submissions.

In general, the QRF is widely welcomed and a number of submissions highlighted the value it will be to the Early Years sector in terms of clarifying the steps necessary to meet their regulatory responsibilities. Concerns were raised, however, about the length of the document and the extent of the information provided. It was suggested that while a comprehensive approach could be helpful, the detailed and prescriptive approach outlined does not recognise the potential of early years providers to operate as reflective professionals that are competent in early years education. One submission recommended the introduction of a traffic light system to distinguish mandatory and discretionary recommendations.

Personnel from the international organisations from France, Belgium and Portugal highlighted the benefits of having a single comprehensive document that provides a useful range of links and sources to further information. Aspects of the process of inspection were also identified as positive, particularly the

adoption of a triangulated approach (document, observation, interviews) during the inspections to the collection of evidence and also the provision of a report to services with an opportunity to set out corrective measures. A small number of recommendations were made for improving the QRF including:

- » Providing an explanation about why different aspects are being regulated;
- » The use of a visual link between different regulations to demonstrate overlap
- » An overall measure of the quality of the care and education
- » A more explicit inclusion of family participation in the child care setting

Other recommendations made by the international organisations related to the broader training environment including setting regulations about minimum training time per year, the provision of protected paid time for staff meetings and ensuring a minimum qualification for managers.

A number of national organisations welcomed the QRF and highlighted the importance of the level of specification provided about each of the regulations. One organisation noted that the QRF provided excellent detail on good practice and clear interpretation of what is expected under the regulation and throughout the inspection process. Others noted that the QRF would aid transparency, provide guidance for providers and assist in clarifying the steps required to meet regulatory responsibilities. It was also suggested, however, that the length of the document could create difficulties for providers and that some cognisance could be taken of the knowledge, competence and judgement of early childhood education and care professionals.

Some formatting changes were suggested including a re-structuring of the document to align more clearly with individual regulations and the movement of specific information from one regulation to another. The explicit links in the policies to existing practice frameworks such as Aistear and Síolta were welcomed although some organisations suggested there should be more of these throughout the document. Some organisations highlighted the need for specific supports, particularly around Regulation 16 (records), Regulation 23 (safeguarding the health, safety and welfare of the child) and Regulation 9 (management and recruitment).

Individual organisations focused on specific aspects of the QRF that could be expanded. The National Disability Authority, for example, recommended that a companion guide be provided by parents and that material produced by organisations and providers for parents be made accessible using:

- » Plain English,
- » Using headings,
- » Selecting a sans serif font
- » Using a font size of 13 or above
- » Using contrasting colours.
- » Other organisations such as the Pre-Hospital Emergency Care Council focused only on the specific regulations relevant to their organisation. It was suggested, for example, the inclusion of an additional requirement to document all first aid given to ensure the handover of the child/patient to emergency care practitioners is comprehensive.

In April 2018 a final draft version of the Framework was circulated to and discussed with Tusla Early Years Representative Consultative Forum, Childminding Ireland (with specific regard to the Framework for Childminders) and representatives from the Inspectorate for any final comments prior to publication.

Summary of final consultation

The online consultation took place between November 2017 and January 2018 and there were 956 respondents. About three quarters of respondents indicated they were Early Years Service Providers (n = 752) and the remainder included parents / guardians (n = 24; 2.5%), City/County Childcare Committee (n = 23; 2.4%), researchers/academics (n = 12; 1.3%), representative organisations (n = 6) policy organisation (n = 5) and support/mentor organisation (n = 1). A further 14% selected the “other” category and of these, the vast majority identified as childminders. Just over half of respondents (53%; n = 506) indicated they had read the document on Sessional services; just over one-third (38%; n = 362) indicated they had read the document on Full and Part-time daycare and about one in five respondents (22%; n = 209) indicated they had read the childminder document. Twenty respondents read all four documents, 2 read none and 13 indicated they read the Drop-in/Temporary service document (n = 9) and 4 indicated they read overnight document.

Overall, about two-thirds of respondents reported very positive (20%) or positive (46%) views. Only 15% indicated a negative (10%) or very negative (5%) view of the QRF. The remainder (18.5%) indicated they were neutral. The presentation, clarity, language and format of the document were all rated as either excellent or above average by about two-thirds of respondents and only a small proportion (8%) indicated they were either “below average” or “very poor”. Just under half (46%) indicated that the practicability of the QRF was

either excellent or above average while about one quarter rated it as either below average or very poor.

There was agreement/strong agreement that the QRF:

- » provides a comprehensive source of information (73%),
- » provides detailed guidance to assist and support services (64%),
- » identifies the specific evidence required for compliance of each regulation (64%),
- » will help services to be compliant with the 2016 regulations (60%),
- » will support standardisation and consistency (60%)
- » will ensure inspections are open and transparent (56%) and
- » will be useful to the early years services (63%).

About half of respondents agreed or strongly agreed that early childcare and education services were already implementing the requirements set out in the QRF in respect of governance (51%); health, welfare and development of the child (55%); safety (58.5%) and premises and facilities (55%). However, a number of challenges were identified in respect of each and these are now presented.

Challenges in respect of governance focused on the volume of administrative requirements resulting in extensive “paperwork”. Difficulties in respect of the number of policies, procedures and statements arising from the 2016 Regulations as reflected in the QRF were also highlighted as problematic with the Annual review identified as particularly challenging. Other issues arising included the lack of payment for noncontact hours; difficulties with vetting (Garda, Police), challenges in meeting the adult-child ratios, the grandfather clause relating to the FETAC level 5 qualification and the requirement for written references for staff.

In respect of the health, welfare and development of the child, the concerns related to the areas relating to food and drink; the use of cots for all children under 2 years (rather than mats on the floor), toileting; ratio of adults to children, particularly when undertaking outings; the cross over between DES and TUSLA inspections; and the Access and Inclusion Model.

Safety issues were also considered challenging and it was suggested that the QRF needed to provide a better balance between allowing children to take risks and ensuring they are safe while doing so; some areas of ambiguity; and particular issues were raised about childminders.

Challenges were also identified in respect of premises and facilities and it was suggested that less stringent requirements should be in place for small, home based services. It was also suggested that where premises are rented it can be difficult to get improvements and there were calls for funding to be provided to update building that did not meet the requirements. The time required to get planning permission was also highlighted as problematic if changes had to be made.

A number of specific challenges were identified in respect of the childminding sector and these related specifically to a need to differentiate between home settings and purpose built creches; difficulties in meeting the administrative requirements outlined in the QRF and the potential additional costs involved in meeting the regulatory requirements.

A number of supports were identified as extremely helpful including

- » the availability of guidelines supports and templates for policies (79.5%)
- » education and training (71%) and
- » a hard copy of the QRF (64.5%).

The most urgent training needs were identified in the area of emotional support and behaviour management (77%) and the inclusion policy (54%).

In addition to the online consultation submissions were received from a number of national and international organisations. In general, the QRF was widely welcomed and a number of submissions highlighted its value to the Early Years Sector in clarifying the steps necessary to meet regulatory requirements. Similar to the findings from the on-line consultation there were concerns about the length of the document and the extent of the information required. A number of recommendations were made for improvements including changes to the language, formatting, specific areas of content.

Conclusion

This report has presented the findings from the consultations on the QRF which took place at two timepoints during the course of the development. In addition to these two formal consultations, bilateral consultations and discussions about the QRF took place with a number of national organisations and international peers. The feedback and views from these discussions were incorporated as considered appropriate by the Inspector into the QRF throughout the

development. Finally, in April 2018 a final draft version of the Framework was circulated to, and discussed with, Tusla Early Years Representative Consultative Forum, Childminding Ireland (with specific regard to the Framework for Childminders) and representatives from the Inspectorate for any final comments prior to publication.

The preliminary consultation focused on face-to-face engagement with key stakeholders involved in the Early Years sector, including Inspectors, Providers, parents and representatives from Early Years Education and national educational bodies. Both benefits and challenges were identified and a number of recommendations were made for changes to the QRF. Based on these recommendations, substantial revision to the QRF took place including key changes such as:

- » the development of different documents for different sectors
- » a substantial reduction in the length of the document
- » design and formatting of the document in a way that incorporated the principles of good design
- » the removal of references from the body of the document
- » a re-writing of the QRF to reflect best practices in plain English.

The final consultation included 956 responses to an online consultation as well as written submissions from a wide range of national and international organisations. Findings from this consultation suggest that the QRF was broadly welcomed (e.g. two-thirds of respondents indicated their overall views were either positive (46%) or very positive (20%). A number of suggestions were made for further refinement of the QRF particularly in respect of the length and extent of the detail in the document. Specific issues were raised in respect of the four broad thematic areas of:

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

Some of these relate the requirements set out in the regulations (e.g. administrative requirements, qualifications necessary, ratio of adults to children, vetting of staff) while others relate to implementation (e.g. Costs, implementation of the Access and Inclusion Model, the need to balance between risk and safety). In addition, it was strongly suggested that there is a need to differentiate between the home environment where childminders deliver a service and more formalised settings such as large commercial creches.

