

## PRESS RELEASE



**An Roinn Leanaí, Comhionannais,  
Míchumais, Lánpháirtíochta agus Óige**  
Department of Children, Equality,  
Disability, Integration and Youth

### **Government approves proposals to strengthen enforcement powers of the Tusla Early Years Inspectorate and pave the way to regulate childminders**

**Tuesday 31 January 2023**

**Roderic O’Gorman, Minister for Children, Equality, Disability, Integration and Youth, has today secured Government approval to bring forward legislative amendments in relation to the enforcement powers of the Tusla Early Years Inspectorate.**

The proposals brought to Cabinet by the Minister seek to ensure that Tusla has the appropriate enforcement powers to address serious non-compliance with the Regulations by early learning and childcare services and that parents have access to information in relation to the quality of these services.

The proposals arise from a review of the enforcement powers of the regulator which was instigated in 2019 following an RTÉ Investigates Programme which made allegations of serious and significant breaches of regulations in three early learning and childcare services.

The review has been informed by a comprehensive public consultation, ongoing consultation with Tusla, and research in relation to regulatory oversight in other jurisdictions and in other

sectors in Ireland. The report on the public consultation is being finalised at present and the Minister intends to publish the report in the coming months.

Measures being proposed include new powers to allow Tusla to immediately close unregistered early learning and childcare services, to temporarily suspend registered services where there are concerns about significant risk to children, to share information on enforcement action with parents, to place some additional enforcement measures on a legislative footing, and to introduce a “Fit Person” regulation.

Minister O’Gorman also received approval for proposals to change the legal status of childminders, which would make possible the future regulation of childminders and allow for access to the National Childcare Scheme to be opened in future to parents who use registered childminders, in line with the National Action Plan for Childminding 2021-2028. The National Action Plan for Childminding sets out an incremental and supportive pathway to regulation, subsidies and supports for childminders. An Inspection and Regulation Expert Advisory Group has been established to scope out the content of the childminding regulations. It is intended that the Minister will bring draft childminding-specific regulations to Government for consideration later this year with a view to bringing them into force at a later date.

Speaking today, Minister O’Gorman said:

*“The safety and protection of children remains a priority of Government. Key to ensuring this is the enforcement of Regulations which have children at the heart of their implementation.*

*“I think it is important to emphasise that the intention of the proposals which I have brought to Government today is not to increase enforcement action but instead streamline it where appropriate and address some of the limitations of the current legislation, making the enforcement process more effective and so improving overall compliance with Regulations within the early learning and childcare sector.*

*“Amending the legislation to bring the policy proposals to fruition will also provide an opportunity to address the exemption from regulation for childminders which is currently*

*included in the legislation. This will pave the way for the introduction of appropriate and proportionate childminder-specific regulations in the future. Future regulation and support of childminders will help to recognise the valuable role childminders play and the service they provide for children and families. Importantly, it will also pave the way to open up the National Childcare Scheme to childminders, extending subsidies under this Scheme to families who use childminders”*

**ENDS**

**NOTE TO EDITORS:**

A full review of the enforcement powers of the Tusla Early Years Inspectorate was commenced in 2019. The review was paused due to Covid-19 but recommenced in late 2021. A public consultation took place in 2022 and the report on that consultation is being finalised at present.

The legislative amendments arising from the review will be incorporated into the General Scheme already being prepared by the Department of Children, Equality, Disability, Integration and Youth in relation to a wider review of the Child Care Act 1991. Approval to draft the General Scheme of an Amendment Bill to the Child Care Act 1991 was provided by Government in July 2021. The General Scheme, including all proposed changes to the Act, will be brought back to Government for approval.

**Childminding**

Most childminders are currently exempt from the requirement to register with Tusla, as a result of long-standing exemptions in the Child Care Act 1991.

The National Action Plan for Childminding 2021-2028 sets out a phased approach to reform:

- Phase 1, which is a preparatory phase lasting 2-3 years, involves: review of regulations, development of bespoke training and supports, detailed costings, and further consultation.
- Phase 2, which will be a transition phase lasting 3-5 years, will see new regulations coming into force, access opened to the National Childcare Scheme, transitional training requirements, and expansion of supports.
- Phase 3 will involve full implementation, with the end of transitional arrangements, and childminders regulated and able to access multiple supports

**Issued by the Press and Communications Office at the Department of Children, Equality,  
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