

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015CC099
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Name of Service:	Clever Kids Pre-School
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Address of Service:	Anfield House, Shanballymore, Mallow, Co. Cork
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Eircode:	P51 YR86
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Name of Registered Provider:	Vanessa Buckley
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Service type:	Part Time, Sessional
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Date of Inspection:	22/05/2024
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No of pre-school children:	AM	27	PM	7
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Address of the Early Years Inspectorate:	13 Market Square, Mallow. Cork. P51 DD5Y
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Inspection undertaken by:	E. Friel
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Title:	Early Years Inspector
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Authority to Inspect

The Tusla Early Years Inspectorate carries out inspections of Early Years Services under Section 58(J) of the Child Care Act 1991 (as inserted by Section 92 of the Child and Family Agency Act 2013).

Conditions if applicable	N/A
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Description of service

Clever Kids Pre-school is a private early years care and education facility offering both sessional and part-time services, accommodating children aged from 2 years to 6 years of age. Opening hours are from 9.00 am until 2.00 pm, Monday to Friday, 38 weeks of the year and the Early Childhood Care and Education Scheme is facilitated between the hours of 9.00 am until 12 noon. A breakfast club is available from 8.00 am until 8.55 am and the afterschool club operates from 1.40 pm until 6.00 pm.

The service is situated in the rural village of Shanballymore, just off the main route from Mallow to Mitchelstown, in North Cork. There are two classrooms in operation namely, Ladybird and Caterpillar and an office is also in use for service administration. All buildings are located on the grounds of the registered provider's home. A Staff toilet is available in the office. Each classroom consists of a main play area, children's sanitary facilities and a kitchen area. Both classrooms have direct access to the outdoor play area, which has a covered area for all weathers. There is a carpark situated to the front of the service.

Staffing

There are eight adults employed in the service including one AIM Support Worker and the registered provider. In addition, a student was on work placement in the service on the afternoon of the inspection.

Methodology

Tusla's Early Years Inspectorate is the independent statutory regulator of early years services in Ireland. The Child Care Act 1991 (Early Years Services) Regulations 2016 define the duty of a registered provider to ensure the safety and well-being of children and to comply with these regulations. This Act also gives Tusla the authority to assess compliance with the regulations. The purpose of regulation in relation to early years services is to ensure that the care, safety, and well-being of children attending such services is upheld. Inspections of early years services are planned based on the following:

- Previous inspection history
- Any information received in relation to the service

The findings on inspection are based on:

- Information obtained through examination of documentation
- Direct observation
- Discussion with relevant staff

This inspection was unannounced and focused on the area of governance/ health, welfare and development of child and safety. The inspection may also focus on other areas as required.

Inspection findings are documented in the inspection report which is first issued in draft format to the service with an opportunity to respond to any findings. Where statutory requirements are identified as not being met, the registered provider must demonstrate how they have rectified the non-compliance and will prevent any non-compliance from re occurring. The Corrective Action and Preventive Action plan (CAPA) will be used to inform decisions about compliance with regulatory requirements. Where the registered provider fails to meet the statutory requirements an escalation process may be commenced.

The inspectorate reserves the right to edit responses received for reasons including clarity, completeness and compliance with administrative and legal processes.

The contents of the report are compiled by the inspectorate body.

Acknowledgments

The inspector wishes to acknowledge the cooperation of the registered provider, deputy, staff and children who were present on the day of the inspection.

Part II - Registration and Register

Regulation 8 - Notification of change in circumstances

(1) A registered provider of a pre-school service other than a temporary pre-school service shall, subject to paragraph (3), notify the Agency in writing of any proposed change in the details in relation to the pre-school service contained in the register pursuant to section 58C (2) of the Act or Regulation 7(2) at least 60 days before it is proposed that the change would take effect.

Non-Compliance Information

(1) During a conversation with the registered provider at the opening meeting the service was found to be operating outside its registration status. The service is currently registered to operate from 9.00 am until 2.00 pm and was found to be operating from 8.00 am until 1.00 pm. Not ensuring this change had been updated on the national register does not allow for accurate service operation details to be retained and published by Tusla on the National Register.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

The following statement was received from the registered provider;

- (1) The change of circumstance regarding the hours of opening have been submitted and granted. All future changes will be notified to Tusla prior to commencement of change.

Supporting documentation submitted

- (1) The granting of the change of circumstance, with regards to operating hours, was received in the office of the inspectorate on 10 June 2024.

Summary Comment

The corrective action taken by the registered provider has addressed the non-compliance identified under Regulation 8.

Part III – Management and Staff

Regulation 9 – Management and recruitment

(1) A registered provider shall ensure that-

- (a) the service has a designated person in charge and a named person who is able to deputise as required,
- (b) at all times during the period when the pre-school service is being carried on, the designated person in charge or the named person referred to in subparagraph (a) is on the premises, and
- (c) there is a clear management structure in the service that identifies the lines of authority and accountability in the service and the specific roles and responsibilities of each employee and unpaid worker.

(2) A registered provider shall ensure that each employee, unpaid worker and contractor is suitable and competent taking into consideration the nature of the needs of children, including by-

- (a) consideration of references from the person's past employers, if any, and in particular the most recent employer, if any,
- (b) consideration of references from reputable sources in the case of a person who has no past employers,
- (c) consideration of the vetting disclosure received from the National Vetting Bureau of the Garda Síochána in accordance with the Act of 2012 in respect of the person, and

(d) ensuring, insofar as is practicable, that where a person has lived in a state other than the State for a period of longer than 6 consecutive months, he or she provides police vetting from the police authorities in that state.

(4) A registered provider shall ensure that, without prejudice to the generality of paragraph (2) and subject to paragraphs (5) and (6), each employee working directly with children attending the service holds at least a major award in Early childhood Care and Education at Level 5 on the National Qualifications Framework or a qualification deemed by the Minister to be equivalent.

Compliance Information

- (1)
- (a) The registered provider was the designated person in charge and a named person was available to deputise.
- (b) The staff roster evidenced that the registered provider and the deputy were available, on the premises, at all times.
- (c) There was a clear management structure available on the notice board in the porch of the Ladybird classroom. In conversation staff stated they were aware of their roles and responsibilities.
- (2) The recruitment files of all nine adults were available and reviewed;
- (a) There were eight validated references from past employers.
- (b) There were ten validated references from sources other than past employers.
- (c) Garda vetting disclosures had been obtained for all nine adults. However, the Service did not adhere to the re-vetting time frames as outlined in the Early Years Inspectorate Regulatory Notice, requiring services to renew Garda vetting every three years. Please refer to the information outlined under regulation 23 of this report.
- (d) The curricula vitae indicated that no international police vetting was required as none of the adults had lived outside of the State for a period of six consecutive months or more as adults.
- (4) Qualification certificates on file, for each adult working directly with the children, indicated that six adults had obtained a major award in Early Childhood Care and Education, ranging from levels 5 to level 7, on the National Framework of Qualifications. In addition, a Letter of Eligibility from the Department of Children, Equality, Disability, Integration and Youth (DCEDIY) was available for the seventh, qualifications were not required for the adult who worked in school age care or the student on work placement.

Part III – Management and Staff

Regulation 11 - Staffing levels

(1) Subject to this Regulation, a registered provider shall ensure that there is at all times an adequate number of adults working directly with the children attending the pre-school service.

(2) Subject to paragraphs (4) and (5), a registered provider of a full day care service or a part-time day care service shall ensure that at all times the minimum ratio of adults to children specified in column (3) of Part 1 of Schedule 6 opposite a particular reference number specified in column (1) of that Part in respect of the age range of the children specified in column (2) thereof at that reference number is satisfied.

(8) Without prejudice to paragraphs (2) to (7)-

(a) a registered provider of a pre-school service other than a child-minding service or a sessional pre-school service shall ensure that there are at least 2 adults on the premises at all times.

Compliance Information

(1) Observation of staff on the day and the staff roster evidenced that there were an adequate number of adults available while the early years children were present.

(2) The adult/child ratio was met.

Caterpillar classroom (2 years – 3 years 6months)

There were nine sessional and two part-time children in attendance with three adults in the morning and two children availing of part-time hours until 1.00 pm with one adult.

Ladybirds classroom (2 years 8 months – 5 years)

There were twelve sessional and four part-time children in attendance with two adults in the morning and five children availing of part-time hours until 1.00 with two adults.

(8) (a) The staff roster indicated that there were two adults on the premises at all times.

Part IV – Information and Records

Regulation 15 – Record of pre-school child

(1) A registered provider of a pre-school service other than a pre-school service in a drop-in centre or a temporary pre-school service shall ensure that a record in writing is kept in respect of each pre-school child attending the service containing the following particulars:

- (a) the name and date of birth of the child;*
- (b) the date on which the child first attended the service;*
- (c) the date on which the child ceased to attend the service;*
- (d) the name and address of a parent or guardian of the child and a telephone number where that parent or guardian or a relative or friend of the child can be contacted during the hours of operation of the service;*
- (e) authorisation for the collection of the child;*
- (f) details of any illness, disability, allergy or special need of the child, together with all the information relevant to the provision of special care or attention;*
- (g) the name and telephone number of the child's registered medical practitioner;*
- (h) record of immunisations, if any, received by the child;*
- (i) written parental consent for appropriate medical treatment of the child in the event of an emergency.*

(3) A record in writing referred to in paragraph (1) or (2) shall be open to inspection on the premises by-

- (c) an authorised person.*

Compliance Information

(1) Of the 27 children present on the day of the inspection a sample of 15 children's registration forms were examined. They included a cross section of the records of the children attending from both classrooms on a sessional and part-time basis. All 15 records were found to contain the relevant particulars of (a) to (i) above.

(3) (c) The records as identified above were available for inspection in both classrooms.

Part IV – Information and Records

Regulation 16 – Record in relation to pre-school service

(1) A registered provider shall ensure that a record in writing is kept of the following information in relation to the service:

- (a) the name, position, qualifications and experience of the person in charge and of every other employee, unpaid worker and contractor;*
- (b) details of the class of service and the age profile of children for which the service is registered to provide services;*
- (c) details of the adult: child ratios in the service;*
- (d) the type of care or programme provided in the service;*
- (e) the facilities available;*
- (f) the opening hours and fees;*
- (g) the policies, procedures and statements the service is required to maintain in accordance with Regulation 10;*
- (h) details of attendance by each pre-school child on a daily basis;*
- (i) details of staff rosters on a daily basis;*
- (j) details of any medication administered to a pre-school child attending the service with signed parental consent;*
- (k) details of any accident, injury or incident involving a pre-school child attending the service.*

(3) A record referred to in paragraph (1) shall be open to inspection on the premises, and the documents and records referred to in paragraph (2)(a) shall be open to inspection whether on the premises or elsewhere, by an authorised person.

Compliance Information

- (1)
- (a) The name, position, qualifications and experience of the registered provider and the named person were available from the staff recruitment files.
 - (b) Details of the class of service and the age profile of children for which the service is registered to provide was available in the service’s parent handbook.
 - (c)-(f) Adult/child ratios, type of care programme and facilities and opening hours and fees were available in the service’s parent handbook.

- (g) The policies, procedures and statements required under Regulation 10 were available in the service's policies and procedures folder available in the office.
 - (h) Details of attendance by each early years child was recorded in the books of attendance in each classroom.
 - (i) The staff roster was furnished to the inspector upon arrival and detailed staff who present and absent. A separate sign in/out sheet was also available which indicated that staff staying on for school age care after 2.00 pm each had their lunch between 1.00 pm and 2.00 pm.
 - (j) Administration of medication forms were available. Staff stated that no medication had been administered.
 - (k) Four out of five accident/incident records were completed correctly.
- (3) The above records in relation to the pre-school service were open to inspection in the service.

Non-Compliance Information

- (1)
- (k) One accident/incident form indicated that no first aid care had been given to a child following an accident where a child injured themselves, compromising the care of the child.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

The following statement was received from the registered provider;

- (1)
- (k) A staff meeting was held on 28 May 2024. Staff agreed that a detailed account of care given will be included on each form in the future. Two staff members will check to ensure that all care details are included. The new details have been included in the first aid policy.

Supporting documentation submitted

- (1)
- (k) A copy of the minutes of the staff meeting held on 28 May 20024 and a copy of the amended first aid were received in the office of the inspectorate.

Summary Comment

The action taken by the registered provider has addressed the non-compliance identified under Regulation 16 (k).

Part V - Care of Child in Pre-school Service

Regulation 20 – Facilities for rest and play

(1) Subject to this regulation, a registered provider shall ensure that-

(a) having regard to the number of pre-school children attending the service, their respective ages and the amount of time they spend on the premises, there are adequate and suitable facilities for each child 19 to play indoors and, where required by these Regulations, outdoors, during the day, and

(b) there are adequate and suitable facilities for a pre-school child to rest during the day, and in the case of an overnight pre-school service, during the day and the night.

Compliance Information

(1)

(a) With regard to the number of pre-school children, their respective ages and the amount of time they spent on the premises; there was a variety of age and developmentally appropriate materials and equipment in both classrooms and in the outdoor play area. These provided opportunities to enhance the learning needs of all of the children. They were available from baskets and drawers placed on low-level shelving which were easily accessible and encouraged independence.

The outdoor area was accessible from both classrooms, providing an alternative learning environment with a covered area which provided shelter and enabled the children to play in all weathers. The children from both classrooms were observed playing in the outdoor area which provided opportunities for challenge and risk taking with equipment such as balance beams, climbing frame and large/small slides. A variety of wheeled toys were available which encouraged gross and fine motor skills such as cycling bicycles, pushing scooters and pedalling cars helping to improve balance and co-ordination. A wooden shop and kitchen area provided opportunities for role and imaginary play and a sand and stone area were available for sensory experiences.

(b) In each of the classrooms, the children had the opportunity to rest or relax with soft seating in the form of child size couches, soft cushions and rugs in designated cosy areas. A book area with age and stage appropriate books were located within each area, where the children could choose a book while resting/relaxing. Floor mats and individual bed linen were observed in the office should they be required for a child to rest. The amount of light in the areas could be adjusted by lowering the blinds on the windows and the lights could be switched off in the classrooms.

Part V - Care of Child in Pre-school Service

Regulation 22 – Food and drink

A registered provider shall ensure that adequate and suitable, nutritious and varied food and drink is available for each pre-school child attending the pre-school service.

Compliance Information

- Staff stated breakfast in the breakfast club is available from 8.00 am until 8.50 am and consists of oat or wheat-based cereal. In conversation staff stated that few children avail of this having eaten before they arrive.
- Mid-morning snack was observed being served in the Caterpillar classroom at 10.30 am. The food which included filled sandwiches, cheese, yogurt and berried fruits was observed to be healthy and nutritious in line with the service’s healthy eating policy.
- Lunches were available for the part-time children at 12.10 pm and this included sufficient food left over from the morning snack including pasta, crackers and fruit.
- Water was available for the children at all times from individually labelled bottles placed within easy reach from a nearby shelf in the Caterpillar classroom.
- Individual cutlery and crockery were available, and the children in the Caterpillar classroom were observed decanting their food from their lunch boxes onto individual plates. In discussion staff stated that food alternatives were available should a child be hungry.

Part VI - Safety

Regulation 23 - Safeguarding health, safety and welfare of child

A registered provider shall ensure that all reasonable measures are taken to safeguard the health, safety and welfare of a pre-school child attending the service and that the environment of the service is safe.

Compliance Information

General Safety:

- The Ladybird porch door, which was fitted with a bell, both of which were new since the last inspection, was secure upon arrival.
- Access to the classrooms could only be gained by an adult opening the door from the inside, preventing unauthorised adults from entering the premises from the outside.

- Both classrooms, which had fire exit doors, were fitted with thumb twist cylinders aiding the quick evacuation of adults and children in the event of any emergency.
- The window openings in each classroom were out of reach of the children preventing children from exiting or falling.
- Blind cords were secured with hooks, in both classrooms, out of reach of the children.
- Play equipment and toys in each classroom, and in the outdoor play area, appeared in good condition and well maintained.
- All flexes and cables were inaccessible to the children.
- Cleaning agents were kept on high shelving out of reach of the children.
- Childproof safety mechanisms were fitted to kitchen cupboards preventing children accessing equipment such as kettles.
- New wooden gates had been installed at the entrance, since the last inspection, with spring bolts on the opposite side from the children's reach, preventing unsupervised children from being able to leave the area.
- The perimeter of the outdoor play area was secured with both wooden and metal fencing.

Infection Control:

- Wash hand basins in use by both the adults and the children were observed to be fitted with thermostatically controlled hot water, dispensing soap, disposable towels and pedal operated bins to dispose of paper waste.
- Children were observed washing their hands before and after food, toileting and outdoor play.
- Adults in the Caterpillar changing area were observed using disposable gloves and aprons between each nappy change, washing their hands and the children's hands after nappy changing, disposing of the nappies in a pedal operated bin and disinfecting the mat and unit after each nappy change.
- Children's coats and personal belongings were stored on individually personalised hooks, off the floor area.
- Cleaning records for the Caterpillar sanitary area and outdoor area were observed to be complete and up to date.
- Staff in the classrooms were observed sweeping the floors and sanitising the tables keeping the areas safe and clean.

Administration of Medication:

- Anti-febrile medications were available from their individual boxes which were stored in a filing cabinet, out of reach of the children.
- While administration of medication forms were available, staff stated that no medication had been administered.

Safe Sleep:

- No children were observed sleeping on the day of inspection.

Fire Safety:

- Fire evacuation notices were visible in the outdoor play area.
- All emergency fire exit doors were unobstructed.
- Fire extinguishers were secured in a moulded unit and fastened with a strap.

Non-Compliance Information

General Safety:

- (1) Garda vetting was available for all nine adults. However, one vetting disclosure was not dated within the previous three years in adherence with the Early Years Inspectorate Regulatory Notice 'EYI- RN12.3 Renewal of Garda Vetting'.
- (2) A single use trampoline with a safety net was in general use on the day of inspection, posing a safety risk. The trampoline was later removed by staff.
- (3) There was a sharp, jagged corner on the edge of the changing plinth in the Caterpillar changing area. The inspector observed one child ascend the steps where their face was very close to the corner of the unit, posing a safety risk should a child come into contact with the jagged edge.

Action submitted by the Registered Provider

Corrective & Preventive Action

The following statements were received from the registered provider;

General Safety:

- (1) The Garda vetting application was submitted, and the new disclosure has been added to the staff file. Management have compiled a list of expiry dates to ensure all certificates are renewed before their cease date.
- (2) The single use trampoline was removed on the day of inspection.
- (3) The changing unit was cut to size, sanded and safety corner protectors added to ensure the safety of the

children. The nearby cupboard was removed to provide more room for the children to climb up and down the steps to the changing unit.

Supporting documentation submitted

General Safety:

- (1) A copy of the renewed Garda vetting disclosure, for the adult for whom it was required, was received in the office of the inspectorate.
- (2) The inspector observed the removal of the trampoline on the day of inspection.
- (3) Photographs of the corrective actions to the changing unit were received in the office of the inspectorate.

Summary Comment

The actions taken by the registered provider have addressed the non-compliances identified under Regulation 23.

Part VI - Safety

Regulation 25 - First aid

- (1) A registered provider shall ensure that a person trained in first aid for children is, at all times, immediately available to the children attending the pre-school service.*
- (2) A registered provider shall ensure that a suitably equipped first aid box for children-*
- (a) is safely stored in an easily accessible and conspicuous position on the premises, and*
 - (b) is available to the children attending the pre-school service at all times.*

Compliance Information

- (1) Certificates were available to evidence that three adults had First Aid Responder (FAR) training completed and three additional adults had a certificate in paediatric first aid. The roster indicated that at least one adult with first aid responder training was available at all times.
- (2) (a)(b) The suitably equipped first aid box was available at all times and the inspector observed that it was brought outdoors while the children were playing.

Part VI - Safety

Regulation 26 - Fire safety measures

- (1) A registered provider shall ensure that a record in writing is kept of-
- (a) any fire drill that takes place in the premises, and
 - (b) the number, type and maintenance record of firefighting equipment and smoke alarms in the premises.
- (2) The record referred to in paragraph (1) shall be open to inspection by-
- (c) an authorised person.
- (4) A notice of the procedures to be followed in the event of fire shall be displayed in a conspicuous position in the premises.

Compliance Information

- (1)
- (a) Written records were available of the monthly fire drills which took place in the service. The date recorded of the most recent fire drill was 22 April 2024.
 - (b) Written records were available detailing number, type and maintenance of firefighting equipment in the service and the smoke alarms. The firefighting equipment and the smoke alarm records were dated 12 April 2024.
- (2)
- (c) Both the firefighting equipment certificate and the smoke alarm certificates were open to review on the day of inspection.
- (4) The notice of the procedures to be followed in the event of a fire were located on the notice board in the porch wall of the ladybird classroom.

Part VI - Safety

Regulation 28 - Insurance

A registered provider shall ensure that the pre-school service is adequately insured.

Compliance Information

A certificate was available to evidence that the registered provider had insurance for the service. The service was insured 44 children on a full day care basis and the expiry date was noted as 27 March 2025. Details included cover for the building and motor insurance.