

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015CC310		
<b>Name of Service:</b>	Nurture Childcare Fairylnw		
<b>Address of Service:</b>	Fairy Lawn, Western Road, Cork, Co. Cork		
<b>Eircode:</b>	T12 KP94		
<b>Name of Registered Provider:</b>	Ciara Gallagher		
<b>Service type:</b>	Full Day, Part Time, Sessional		
<b>Date of Inspection:</b>	16/04/2024		
<b>No of pre-school children:</b>	AM	95	PM 77
<b>Address of the Early Years Inspectorate:</b>	Early Years Inspectorate Administration Building St Mary's Health Campus Gurrnabraher Cork T23X440		
<b>Inspection undertaken by:</b>	M. O' Reilly and J. Russell		
<b>Title:</b>	Early Years Inspector and Inspection and Registration Manager		
<b>Authority to Inspect</b>			
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).			
<b>Conditions if applicable</b>	N/A		

### Description of service

Nurture Childcare Fairylawn is a privately owned full day care service, that also provides part time and sessional care. It is registered to accommodate children aged 0 to 6 years and caters for children attending the Early Childhood Care and Education (ECCE) Scheme. Daily opening hours are from 8am to 6pm each day Monday to Friday. A school aged care service is provided each evening in one of the playrooms and a room known as the board room depending on the number of children availing of the school aged service each day.

This service is located on a main road located within walking distance of Cork city centre. The large period style semi-detached, three storey building offers seven playrooms, all of which were in operation on the day of the inspection. In addition, there is an entrance hall with a reception desk, there are two separate sleep rooms, toilets and nappy changing facilities, lobbies, staff rooms, a catering kitchen and laundry room. Some of the playrooms have direct access to secured outdoor play areas. There is set down parking area to the front of the building for the children's safe arrival and departure.

### Staffing

There are 26 adults in employment at the service, of whom 21 work directly with the early years children and hold a relevant award in Early Childhood Care and Education. The registered provider is not involved in the direct care of the children. The service has a named person in charge and two named deputies and one cook. A student was also undertaking a work placement in the service but was not present at the time of 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 an examination of compliance in the area of governance/ health, welfare and development of child/ safety/ premises and facilities.

A sampling process was used to assess compliance under regulations 19 and 23. As a result, the scope of the inspection included the Wobbler Room located on the ground floor of the service and the three Montessori Rooms located on the first floor, Montessori Rooms 2.3 and 4

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.

## Additional Information

This inspection was triggered by information received from Nurture Childcare Fairylawn to the inspectorate via the Notification of Incident process. Practice areas in relation to the incident were inspected and the findings in the relevant regulations are demonstrated throughout the report.

## Acknowledgments

The inspectors wish to acknowledge the cooperation of the registered provider, person in charge, deputies, staff and children who were present on the day of the inspection.

### 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

(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 ensured there was a designated person in charge assigned to the service, and a named deputy had been identified to deputise in her absence. An additional named deputy was identified as well.
  - (b) The registered provider ensured that the designated person in charge was present to facilitate the duration of the inspection process. The roster for the service indicated that either the designated person in charge, or one of the deputies was consistently on duty during operational hours.
- (2) Recruitment records were assessed in respect of the 26 adults who worked at the service and the following information was obtained:
- (a) There were thirty-six written and validated references on file from past employers.
  - (b) There were sixteen references from a source other than a previous employer and each had been appropriately validated.

(c) Garda vetting disclosures were in place for twenty-six staff members.

The service also demonstrated compliance with the Early Years Inspectorate Regulatory Notice requiring services to renew Garda vetting every three years.

(d) Documentary evidence indicated that ten staff members had lived outside the jurisdiction for longer than six consecutive months as an adult and the required police vetting was maintained on file.

(4) Written evidence regarding the attainment of a major award in Early Childhood Care and Education, was on file in respect of twenty-two staff members who worked directly with the children; copies of the relevant certificates were presented for review.

### Non-Compliance Information

(4) Two recently employed staff members did not have available on file a major award in Early Childhood Care and Education, or a qualification deemed by the Minister to be equivalent.

### Corrective & Preventive Action submitted by the Registered Provider

In the written response received, the following was stated by the registered provider and childcare manager:

#### **Corrective and Preventive Action**

(4) A letter of qualification recognition from the Department of Children, Equality, Disability, Integration and Youth (DCEDIY) for one of the staff was received. The registered provider has stated that the staff file risk assessment record has been updated to remind management to apply for a letter of qualification recognition as soon as a student starts with the service if there is a potential that they may become an employee in the future. The child care manager in the written reply has stated the other staff member awaiting a letter of qualification has ceased working in the service since the 3<sup>rd</sup> May 24.

#### **Supporting documentation submitted**

A copy of the letter of qualification recognition for one of the staff from the Department of Children, Equality, Disability, Integration and Youth (DCEDIY) was forwarded to the Early Years Department and deemed satisfactory. A copy of the service staff file risk assessment was also forwarded to the Early Years Department.

### Summary Comment

Correspondence received was deemed to meet the requirement of Regulation 9, (4) of the Child Care Act 1991 (Early Years Services) Regulations 2016.

### Part III – Management and Staff

#### Regulation 10 - Policies, procedures etc. of pre-school service

*A registered provider of a pre-school service shall ensure that the written policies, procedures and statements specified in Schedule 5 are in place for the service.*

#### Compliance Information

The following policies were assessed and met the requirements:

- Risk Management Policy
- Accident and Incident Policy
- Staff Training Policy
- Staff Supervision Policy

### 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.*

#### Compliance Information

(1) The person in charge ensured that there were an adequate number of adults always working directly with the children.

(2) On the day of the inspection there were 16 adults working across the seven operational care rooms with 95 children present in the morning and 77 children in the afternoon session. This did not include the number of school aged care children present in the afternoon on day of inspection. There was one chef and the person in charge and deputy person in charge were there to assist staff to cover snack and lunch time cover. During the period of inspection, the ratio of staff to children was maintained as per the regulations and an adequate number of adults were working directly with the children in each care room.

(2) The minimum ratio of adults to children was maintained in all playrooms as follows:

The following 4 rooms were located on the ground floor.

### **Baby Room**

There were 8 children in total in the morning and 7 in the afternoon. Two children were aged under 1 year. There were 6 children aged between 1 to 2 years in the morning and 5 children in the afternoon with 2 adults in attendance. The deputy was observed covering staff at lunch break time.

### **Wobbler Room**

There were 15 children in total in the morning and afternoon with 12 children aged between 1 and 2 years and 3 children were aged over two years with 3 adults in attendance.

### **Pre-Toddler Room**

There were 12 children aged between 2 and 3 years in the morning and 11 in the afternoon with 2 adults in attendance.

### **Toddler Room**

There were 16 children aged between 2 years 6 months and 3 years 6 months in the morning and 15 in the afternoon with 3 staff in attendance.

The following three Montessori rooms were located on the first floor.

### **Classroom 2**

There were 16 children present in the morning and 15 in the afternoon aged 3 years plus with 2 adults in attendance.

### **Classroom 3**

There were 10 children attending this playroom aged between 3 and 6 years on a sessional care basis with 1 adult in attendance. This room was not in operation in the afternoon. The school aged care service operated from the board room located on the first floor on the afternoon on the day of inspection.

### **Classroom 4**

There were 18 children present in the morning and 14 in the afternoon aged 3 years plus with 2 adults in attendance. The deputy was observed covering staff at lunch break time.

### 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:*

- (h) details of attendance by each pre-school child on a daily basis.*
- (i) details of staff rosters on a daily basis.*
- (k) details of any accident, injury or incident involving a pre-school child attending the service.*

#### Compliance Information

- (1)
- (h) The attendance of each child on the day of the inspection and on previous days was recorded on an online application that was found to be completed correctly.
- (i) A weekly staff roster was maintained in the service. The staff roster indicated the staff in each room and the time they went on breaks. The name of the adult who relieved the staff in each room while on their break was only recorded when the adult came from another playroom. Some of the playrooms were adequately staffed to relieve each other at break time.
- (k) A review of the accident and incident records were reviewed and were found correctly recorded, in line with the service policy.

### Part V - Care of Child in Pre-school Service

#### Regulation 19 - Health, welfare and development of child

*(1) A registered provider shall, in providing a pre-school service, ensure that-*

- (a) each child's learning, development and well-being is facilitated within the daily life of the pre-school service through the provision of the appropriate activities, interaction, materials and equipment, having regard to the age and stage of development of the child, and*

#### Compliance Information

##### Basic needs:

- On inspection, a relaxed and calm environment was provided for the children, and it was observed that the adults spoke kindly and offered encouragement to each child.

- All food and snacks consumed on the premise was provided by the service. In-house chef prepared and cooked the food in the services catering kitchen and the food was served to the children by the adults in the service.
- The children were offered slices of banana, pear, strawberries and blueberries and water to drink as the mid-morning snack. They were served adequate portions of pork, carrot, roast potato and gravy with a choice of milk or water to drink at the lunch time meal.
- The children were provided with appropriate cutlery and crockery at snack and mealtimes.
- Children had sufficient space to move about freely indoors and outdoors.
- It was observed that transitions were made as smooth as possible when children moved from their room to the outdoor play area whereby, they had access to outdoor play equipment and play materials.
- It was observed in classroom 4, that the staff did a head count of the children in their care before they left the classroom. The staff checked the corridor leading to the bathroom and the two children's toilets in case any children were there. A head count was again completed by staff on the corridor between the playroom and the outdoor play area. Headcount of children present, was again completed by staff on arrival to the outdoor play area and again while there and before they left the outdoor play area. A head count was completed on the corridor between the outdoor play area and the classroom and again when staff returned to the classroom after outdoor play. The children in classroom 4 have access to the outdoor play area which operated in a rota system with the two classrooms on the first floor.

### **SUPPORTING RELATIONSHIPS AROUND CHILDREN:**

- A mixture of adult led play and child directed play was facilitated in the three Montessori rooms and during outdoor play.
- It was observed that the interactions between staff and children were observed to be sensitive and caring. Upset children were comforted and spoken to gently.
- Regular daily updates and information was furnished to parents and guardians via the services electronic system and at drop off and collection times. Daily care reports for example on food and drink intake, sleep, toileting, and nappy changing were completed using an electronic application by staff in relation to the daily care provided to children and were accessible to the respective parents or guardians regarding their child.
- Staff stated that the parent/guardian is contacted if an accident or incident occurs to their child while in the service.

## 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 main entrance door leading into the building was adequately secured that prevented unauthorised access by an adult or the leaving of an unsupervised child.
- The outdoor play area located on the first floor was adequately secured by a high wall.

##### Safe Sleep:

- There was an adequate number of standard cots with safety mattresses in the sleep room located beside the Wobbler room catering for children aged between 1 and 2 years. Some of the children share a cot as was seen on day of inspection when not all the children aged between 1 and 2 years sleep at the same time. The cots identified where two children share a cot is cleaned and bed linen changed prior to the second child's sleep time.
- Written sleep logs were maintained and presented for review. Said records reflected physical checks every 10 minutes in relation to the colour, breathing and position of children, as they slept.
- The air temperature in the Wobbler sleep room fell within the recommended range of between 16°C to 20°C, as recommended for safe sleep practice. Sleep room temperatures were recorded at 16.7°C at time of inspection.

#### Non-Compliance Information

##### General Safety:

- There was an electric plug and a string of electric fairy lights attached that were switched on and trailing down a wall located at child height in the messy play area of the Wobbler Room. The trailing electric cable had the potential risk of causing injury to a child. Once the non-compliance was brought to the attention of management at time of inspection, the electric cable and plug were removed from the area. The non-compliance was adequately addressed at time of inspection.

### Infection Control:

- There was no warm water in the wash hand basin in the children's toilets for Montessori classroom 2 and 3 when checked at 12:30pm and again at 1:10pm. The deputy adjusted the hot water thermostat and when checked at 2pm there was an instantaneous supply of thermostatically controlled hot water available on all three taps in the wash hand basin in the children's toilets for Montessori classrooms 2 and 3. Advised staff to monitor the temperature of the warm water at different times during the day to ensure there is thermostatically controlled hot water available to the children at all times when washing their hands throughout the day. The non-compliance was adequately addressed at time of inspection.

### Action submitted by the Registered Provider

#### Corrective & Preventive Action

##### General Safety:

- The non-compliance was rectified at time of inspection.

##### Infection Control:

- The non-compliance was identified, brought to the attention of management. The thermostat was correctly adjusted. The non-compliance was rectified at time of inspection.

#### Supporting documentation submitted

##### General Safety:

- Not applicable as the non-compliance was addressed at time of inspection.

##### Infection Control:

- While the non-compliance was addressed at time of inspection. In the written reply the registered provider stated that the temperature of the hot water in the wash hand basins in the service will be checked on a daily basis.

### Summary Comment

- The non compliances were adequately addressed at time of inspection to meet the requirement of Regulation 23 of the Child Care Act 1991 (Early Years Services) Regulations 2016.

## Part VI - Safety

### Regulation 27 – Supervision

*A registered provider shall ensure that pre-school children attending the service are supervised at all times.*

#### Compliance Information

- The required adult child ratio in each care room was maintained and each child was under the supervision of qualified adults whilst children participated in both indoor and outdoor activities. Throughout the inspection, the children were visible to the adults while they were in their respective care room or playing in the outdoor play area.

## Part VII - Premises and Space Requirements

### Regulation 29 - Premises

*A registered provider shall ensure that the premises of the service are-*

- (b) safe and secure,*
- (c) kept adequately lit, heated and ventilated*
- (d) cleaned, maintained and repaired, as required, and*

#### Compliance Information

(b) From a visual inspection the premises appeared safe and secure. The entrance door was adequately secured to prevent unauthorised entry and unsupervised exit of children from the service.

(c) The seven care rooms were provided with a combination of natural light, through windows and artificial lighting. Adequate lighting was also in place in the sanitary facilities and passageway, as supplied through artificial lighting. Light fittings were noted to have protective covers installed.

The openable windows in the seven care rooms allowed for a supply of fresh air. Sanitary areas were ventilated by means of mechanical ventilation.

(d) The walls of the playrooms had been painted since the last inspection. The service was well maintained and visibly clean on the day of inspection.

### Non-Compliance Information

(c)  
On the inspector's initial tour on arrival to the service, a musty odour was observed in the sleep room located beside the Wobbler Room. There was no visual evidence of dampness or mould growth on the ceiling tiles or walls in the sleep room. The sleep room was again checked at around 1:30pm and the musty odour was still evident. Nine children were observed sleeping in the sleep room at this time. Both inspectors inspected the sleep room at 3pm and the musty odour in the sleep room was less noticeable, as staff had aired the room by opening the emergency fire exit door while the room was not in use.

(d)  
One of the toilet seats in the child size toilets beside Montessori room 4 was not adequately secure and required repair.

### Corrective & Preventive Action submitted by the Registered Provider

#### Corrective and Preventive Action

(c)  
In the written reply the registered provider and childcare manager have stated that the service liaised with an electrician and a new wall mounted mechanical controlled vent has been installed in the sleep room located beside the Wobbler Room.

(d)  
The children's toilet seat is now fixed in place beside Montessori room 4. All toilets are risk assessed on a regular basis to ensure they are in a proper state of repair.

#### Supporting documentation submitted

(c)  
Photographic evidence of a new wall mounted vent installed in the sleep room located beside the Wobbler Room was forwarded to the early years inspector.

(d)  
Correspondence received from the registered provider stating the non-compliance was addressed was accepted as evidence.

### Summary Comment

Correspondence received was deemed to meet the requirement of Regulation 29, (c)+ (d) of the Child Care Act 1991 (Early Years Services) Regulations 2016.

## Part VIII - Notifications and Complaints

### Regulation 31 - Notification of incidents

*A registered provider shall notify the Agency in writing within 3 working days of becoming aware of any of the following incidents occurring in the preschool service:*

- (a) the death of a pre-school child while attending the service, including the death of a child in hospital following his or her transfer to hospital from the service;*
- (b) the diagnosis of a pre-school child attending the service, an employee, unpaid worker, contractor or other person working in the service as suffering from an infectious disease within the meaning of the Infectious Diseases Regulations 1981 (S.I. No. 390 of 1981);*
- (c) an incident that occurs in the service and that results in the service being closed for any length of time;*
- (d) a serious injury to a pre-school child while attending the service that requires immediate medical treatment by a registered medical practitioner whether in a hospital or otherwise;*
- (e) an incident in respect of which a pre-school child attending the service goes missing while attending the service.*

### Compliance Information

(e) The registered provider had notified the Early Years Inspectorate via a Notification of Incident form within three working days of an incident that occurred at the service.