

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015CE065
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<b>Name of Service:</b>	Kilmaley Community Creche
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<b>Address of Service:</b>	Kilmaley, Ennis, Co. Clare
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<b>Eircode:</b>	V95 P9YX
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<b>Name of Registered Provider:</b>	Gerry Pyne
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<b>Service type:</b>	Full Day, Part Time, Sessional
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<b>Date of Inspection:</b>	07/11/2024
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<b>No of pre-school children:</b>	AM	38	PM	37
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<b>Address of the Early Years Inspectorate:</b>	Early Years Inspectorate Tusla Child and Family Agency Primary Care Centre Station Road Ennis County Clare.
<b>Inspection undertaken by:</b>	M.Ní Nialláin & A.McCarthy
<b>Title:</b>	Early Years Inspectors

### 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

Not applicable

### Description of service

Kilmaley Community Crèche was established in 2006, in Kilmaley, Ennis, County Clare. The childcare facility operates Monday to Friday from 07:30 to 18:00 on a full day, part-time and sessional basis for children ranging in age from six months to six years. A school aged childcare service is provided each afternoon and during school holidays.

The childcare facility is located in a single storey building. Two care rooms are accessed via the main reception and the third care room is accessed to the side of the premises. An outdoor area is located to the side and rear of the building.

### Staffing

Seventeen adults are employed by the service. On the 07 November 2024 a manager and assistant manager, a chef, eleven adults worked directly with the children in attendance. The registered provider is part of the board of management and does not work in the service. The managers provided an administrative role and did not work directly with the children during 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 focused on an examination of compliance under:

**Regulation 9** – Management and recruitment (1)(a)(b), (2)(a)(b)(c)(d) and (4)

**Regulation 11** - Staffing levels (1) (3)

**Regulation 16** – Record in relation to pre-school service (1)

**Regulation 23** - Safeguarding health, safety and welfare of child

**Regulation 29** – Premises (e)

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 inspectors wish to acknowledge the cooperation of the persons in charge, 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)

On 07 November 2024, the manager was the person in charge and the assistant manager was available to deputise in their absence.

(b)

The manager and a named person to deputise was available at all times during the inspection.

(2)

Eighteen files were available in respect of the registered provider and the adults employed by the service. The findings included the following:

(a)

Eighteen written references from past employers in respect of the adults working in the service were available. Of the eighteen references available twelve were validated.

(b)  
Fourteen written references were available from a source other than a past employer in respect of the adults working in the service. Of the references available, six were validated.

(c)  
Garda vetting disclosures had been obtained for eighteen adults. However, the service did not adhere to the re-vetting timeframes 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)  
International police vetting was available in respect of one adult working in the service who lived in another state for a period longer than six months.

(4)  
The manager, assistant manager and seven of the adults working directly with the pre-school children during the inspection held Early Childhood Care and Education qualifications at Level 5 and 8 on the National Framework of Qualifications or a qualification deemed by the Minister to be equivalent.

### Non-Compliance Information

(2)  
(a)(b)  
1. Four written and validated references were not available in respect of two adults working in the service.  
2. Six written past employer references were not validated.  
3. Eight written references from a source other than a past employer were not validated.

(d)  
International police vetting was not available in respect of four adults working in the service who lived in another state for a period longer than six months.

(3)  
The service had not carried out vetting procedures prior to staff commencing in the service, being appointed, assigned or allowed access to or contact with a child attending the pre-school service This is at variance with the procedures outlined in the service's recruitment policies.

(4)

Six of the eleven adults working directly with the children did not hold an Early Childhood Care and Education qualification or a qualification deemed by the Minister to be equivalent.

This non-compliance in respect of one adult who did not hold an Early Childhood Care and Education qualification, or a qualification deemed by the Minister to be equivalent was found on last inspection 03 July 2023.

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

#### **(2)(a)(b)(d)(3)(4)**

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

##### **Corrective Actions**

(2)

(a)(b)

1. The service has now validated four written references.
2. Six past employer references are now validated.
3. The service has validated the eight references.

(c)

(d) The service has received two of the four police vetting clearance certificates and have applied for the other two police vetting clearance certificates, once received these will be submitted to the inspectorate.

(4)

Staff with qualifications have been moved to work directly with pre-school children. The staff that are in the process of getting their qualifications are now working in the school aged childcare service. All staff that are in training will be qualified in May 2025

##### **Preventive Actions**

(a)(b)

1. The service will validate every reference at recruitment stage going forward.
2. The service will ensure all references are validated at recruitment stage.
3. The service will ensure that all new staff members have two validated references before employment is commenced.

(d) In future all police vetting will be completed at recruitment stage before staff commence working in the service.

The service will carry out annual staff file checks to ensure everything is present and up to date

**Supporting documentation submitted**

Documentary evidence

**Summary Comment**

The corrective actions provided by the registered provider have addressed the areas of non-compliance.

While it is acknowledged that outstanding Police vetting has been applied for 2 staff member this remains non-compliant until obtained and reviewed.

**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)-*

*(c) a registered provider of a sessional pre-school service shall ensure that, where the person in charge operates the service single-handedly, a second person familiar with the operation of the service and in a position to provide assistance to the person in charge in operating the service is, at all times, within close distance of the service and available to attend the service to assist the person in charge in the event of an emergency.*

**Compliance Information**

(1)

During the inspection an adequate number of adults worked directly with the children in attendance.

(2)

On the 07 November 2024 nine adults supervised thirty-eight children in the morning and eleven adults cared for thirty-seven children in the afternoon.

(8)(a)

The staff roster demonstrated that more than two adults were available in the service at all times.

## 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;*

#### Compliance Information

(1)(a)

On the 07 November 2024, employment history records were available in respect of seven adults working in the service.

#### Non-Compliance Information

(1)(a)

Eleven adults did not have an employment history record on file. This posed a concern in determining the adults past history and their suitability to work in the service.

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

(1)(a)

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

The service will carry out annual staff file checks to ensure everything is present and up to date

##### **Supporting documentation submitted**

Documentary evidence.

#### Summary Comment

The corrective actions provided by the registered provider will address the areas of non-compliance. The implemented actions will be reviewed on next inspection.

### 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 internal and external entrance entrances were secured to monitor the safe entry and exit of the children to and from the childcare facility.
- The designated outdoor areas were secured with fencing and gates to protect the children within.
- The children in attendance were recorded on arrival and on departure from the service in record book.
- The highchairs in the Baby/Toddler room were fitted with five-point safety harnesses.

##### Infection Control:

- The service was maintained in a clean condition and completed cleaning schedules were displayed.
- The children’s perishable food items and infant formula were stored correctly in fridges in the care rooms.
- Artificial formula milk was prepared by parents at home and stored in the refrigerator in the care room.

##### Administration of Medication:

- Medication was not administered during the inspection.
- The adults demonstrated an awareness of the service’s administration of medication policy.
- Documentation was available should medication be required.

##### Safe Sleep:

- The sleep room accommodated standard sized cots for the babies to sleep.
- The sleep room and care room temperatures were maintained between 16-20 °Celsius in the areas where children sleep.
- The adults demonstrated an awareness of the service’s safe sleep policy. The children’s sleep observations were completed every ten minutes. These observations included the children’s colour, position and breathing.

##### Fire Safety:

- The fire exit routes and passageways were clear from obstruction.
- The fire exits routes and fire assembly points were readily identified with signage.
- The service demonstrated evidence of completing monthly fire drills to prepare the service to respond in the event of fire.

## Outing:

- The manager stated that outings are not conducted by the service.

## Non-Compliance Information

### General Safety:

- Garda vetting was available for eighteen adults employed by the service. However, five vetting disclosures were not dated within the previous three years in adherence with the Early Years Inspectorate Regulatory Notice.

### Infection Control:

- The nappy changing procedures observed were at variance with the service's policy. The following nappy changing procedures were observed and posed a potential risk of cross contamination:
  - The adults did not wash their hands before or after the children's nappy changes.
  - The children's hands were not washed after the nappy changing procedures.
- The mattresses in five cots were unable to be cleaned effectively as the covers were not wipeable. This posed a potential risk of cross contamination.
- The children were not prompted by the adults to wash their hands after using the toilet, activities and prior to mealtime. This posed a potential risk of cross infection.
- Lined, lidded, pedal operated bins were not available in the care rooms and sanitary facilities. This practice is at variance with the Early Years Inspectorate Regulatory Notice.

## Action submitted by the Registered Provider

### Corrective & Preventive Action

#### General Safety:

1. Four of the five of the Garda Vetting disclosures have been returned and updated. The vetting unit was contacted regarding the fifth garda vetting disclosure and this will be available next week and will be forwarded to the inspectorate.

The service is now aware that Vetting must be updated every three years and will do a check at the start of each year to review Garda Vetting.

**Infection Control:**

1. The managers will check in with staff during nappy changing to ensure that all procedures are being carried out correctly.
  2. Three new mattresses have been purchased. The service will do a yearly check and review to ensure that mattresses are in good condition.
  3. The managers have spoken to staff in relation to children’s hand washing and we have given each staff member a copy of our infection control policy. The service will place the infection control policy of the service on the agenda at each monthly staff meeting.
  4. New pedal operated suitable bins are in place each room. The service will do a 6 monthly check on all bins to ensure that they are in good condition.
- A risk assessment check list is now in place. The service will carry out a weekly risk assessment.

**Supporting documentation submitted**

**General Safety:**

Documentary evidence.

**Infection Control:**

Documentary evidence.

**Summary Comment**

The corrective actions provided by the registered provider will address the areas of non-compliance. The implemented actions will be reviewed on next inspection.

### Part VII - Premises and Space Requirements

#### Regulation 29 – Premises

*A registered provider shall ensure that the premises of the service are-*  
*(e) equipped with adequate and suitable sanitary facilities.*

#### Compliance Information

(e)

An adequate number of toilets and hand wash basins were available for the children in attendance.

#### Non-Compliance Information

(e)

1. The childcare facility did not have an adequate number of nappy changing facilities for the twenty-four children who required nappy changes. One nappy-changing unit including a wash-hand basin, and a changing mat was not available for every eleven children in nappies. Only one nappy changing unit and mat and one wash hand basin was available for the twenty-four children who required nappy changes.

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

(e)

1. The service has two new changing tables with suitable changing mats and have ordered two new wash hand basins and are waiting on the plumber to fit these. The plumber is also changing the taps in all children's toileting areas. The service will have adequate nappy changing facilities to accommodate all children in our service.

#### Supporting documentation submitted

Documentary evidence.

#### Summary Comment

Based on the corrective actions the non-compliance will be addressed. The implemented actions will be reviewed on next inspection.