

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier: TU2015CE110

Name of Service: Over The Rainbow Early Learning Centre Ltd

Address of Service: Barefield National School, Barefield, Ennis, Co. Clare

Eircode: V95 FD28

Name of Registered Provider: Ann Marie Healy, Jennifer Byrne

Service type: Sessional

Date of Inspection: 26/09/2024

No of pre-school children:	AM	19	PM	15
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Address of the Early Years Inspectorate:	Quality and Regulation Directorate Tusla Child and Family Agency Ennis Primary Care Centre Station Road Ennis County Clare
Inspection undertaken by:	Á.McCarthy
Title:	Early Years Inspector

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

Over The Rainbow Early Learning Centre Ltd was taken over by the current registered providers in 2020, as a privately operated, sessional service located in Barefield village, County Clare. The service operates from a prefabricated structure located on the grounds of Barefield National School. The programme of care and education is facilitated in one room. An enclosed outdoor play area is provided to the side of the premises. The service operates two sessions daily, Monday to Friday from 08:45 to 11:45 and from 12:00 to 15:00 for children ranging in age from three to five years of age.

Staffing

Four adults were employed by the service. On the 26 September 2024, one of the registered provider's and two adults worked in the service. Both registered providers work directly with the children and provide an administrative role.

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, safety, premises and facilities. The inspection focused on an examination of compliance under regulations:

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

Regulation 11 - Staffing levels (1) (3)

Regulation 19 - Health, welfare and development of child (1)(a)

Regulation 23 - Safeguarding health, safety and welfare of child

Regulation 25 - First aid (1), (2)(a)(b).

Regulation 26 - Fire safety measures (1)(a)(b)(4).

Regulation 28–Insurance

Regulation 29 - Premises

These findings are outlined within the relevant regulations within this report. 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

On the 26 September 2024 a referral was sent to the Local Fire Authority in Clare County Council in relation to fire safety concerns identified under Regulation 26.

Acknowledgments

The inspector wishes to acknowledge the cooperation of the registered providers, 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)

One of the registered providers was the person in charge and a person was available to deputise in their absence.

(b)

One of the registered providers and a person to deputise were available throughout the inspection.

(2)

Four files were available and reviewed by the inspector. The findings included the following:

(a)

Five written and validated references from past employers were available.

(b)

Three written and validated references were available from a source other than a past employer.

- (c)
Garda vetting disclosures were available in respect of the adults working in the service. The service demonstrated compliance with the Early Years Inspectorate Regulatory Notice requiring services to renew Garda vetting every three years.
- (d)
International police vetting was available for one adult working in the service who had lived in another state for a period longer than six months.
- (4)
The adults working directly with the children held Early Childhood Care and Education qualifications at Level 6 and 8 on the National Framework of Qualifications.

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.*
- (3) Subject to paragraph (5), a registered provider of a sessional pre-school service shall ensure that at all times the minimum ratio of adults to children specified in column (3) of Part 2 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) therefore at that reference number is satisfied,*

Compliance Information

- (1)
An adequate number of adults worked directly with the children in attendance.
- (3)
On the 26 September 2024 the ratio of adults supervising children was maintained in the care room. Three adults supervised nineteen children in the morning and fifteen children in the afternoon.

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

(1)(a)

The children's learning, development and well-being was facilitated within the service through the provision of appropriate activities, interactions, materials, and equipment, having regard age and level of development of the children.

Basic Needs of Children:

The adults treated the children in a kind and caring manner. Positive behavioural strategies were used during interactions. The adults conversed with the children in a sensitive and respectful manner, used soft tones of voice, acknowledging the children by their individual names and responded promptly to their cues for assistance. The children were encouraged to be independent in play, when caring for their belongings and while using the toilet. Mealtime was observed to be a relaxed and sociable occasion where the adults and children sat together. The adults offered praise and encouragement, and the children were respected and supported in their choice of individual and group engagement in activities. The children's care need observations were shared with the parents.

On arrival the children were engaged in open ended play and educational activities and transitioned to a yoga and mindfulness session. The children were notified in advance of transitions in the play-based programme and engaged in gross motor activities in the outdoor play area. The children were assigned duties in preparation for mealtime and after mealtime engaged in song and rhyme and tabletop developmental activities.

Physical and Material Environment:

The children in the care room were offered a range of developmentally challenging play and educational activities. The children were observed to be fully engaged in the indoor and the outdoor environment. The care room was bright, spacious and well-resourced and was laid out to enable the children to freely access the equipment and materials. Numerical and alphabetical learning aids were displayed on the walls in the room. A variety of opportunities for play were available and accessible in the indoor and outdoor environments with defined areas of interest. The care rooms included a dress up area, a pretend kitchen, a shop area, a construction area, an area to rest and relax and shelving units with a range of toys and learning materials for the age and level of development of the children.

The outdoor play area was located to the side of the service. The outdoor play area contained an all-weather ground surface area. There was a variety of ride on toy vehicles, basketball nets, balls, rocking toys, a slide and seating for the children. A shed was available to store the play equipment.

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 area was secured with fencing and gates to protect the children within.
- The children in attendance were recorded on arrival and on departure from the service on an electronic application device system.
- Completed risk assessments were available in the service.

Infection Control:

- The service was maintained in a clean and hygienic condition.
- The children washed their hands at appropriate intervals after activities, toileting and before mealtime.
- The children's sanitary facilities were equipped with warm running water, liquid soap, hand paper towels and pedal operated bins. Visual aids demonstrating good hand hygiene practices were displayed for children at the wash hand basins to prompt children to wash their hands.
- A refrigerator was available to store the children's perishable food items.

Administration of Medication:

- One of the registered providers stated that medication is not routinely administered in the service.
- An administration of medication policy was available to inform practice in the service.
- Medication was not given during the inspection. Documentation was available should medication be required.

Fire Safety:

- The two fire exits and passageways were clear from obstruction.

- A fire drill was undertaken during the inspection.
- A fire assembly point was readily identifiable in a central location.

Outing:

- One of the registered providers stated that outings are not undertaken by the service.

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)

Two adults working in the service had a record of up to date First Aid Responder (FAR) training.

(2)(a)

A suitably equipped first aid box was stored in a readily identifiable area in the care room.

(b)

A first aid box was available in a central location in the room for use by the adults in the event of an emergency.

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 fire fighting equipment and smoke alarms in the premises.
- (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)

Records were available to demonstrate that monthly fire drills were carried out in the service. A fire drill took place on the 26 September 2024.

(b)

A record of the number, type and maintenance for the firefighting equipment and the smoke alarm system were available. The most recent firefighting equipment took place on the 20 December 2023.

(4)

Fire action notices demonstrating the procedures to be followed in the event of a fire were displayed throughout the service.

Non-Compliance Information

(1)(b)

A mains powered smoke detection and alarm system was not in place in the premises. The battery-operated smoke detectors do not meet fire safety requirements. This non-compliance was noted on the last inspection, 17 February 2022. On the 26 September 2024 a referral was sent to the Local Fire Authority for Clare.

Corrective & Preventive Action submitted by the Registered Provider

(1)(b)

Corrective and Preventive Action

Email and verbal communication with the school principal who rents the building to the registered providers outlined that the local fire authority fire officer stated that under section 3.4 of the Fire Safety in Preschool's document that the building complies with current fire safety regulations as there are only a maximum of 20 children currently registered. The registered providers have requested once again for this information to be provided in writing from the Local Authority Fire Officer directly. A copy of the email from the principal was sent to the inspectorate.

Supporting documentation submitted

Email from principal in relation to communication with fire officer from Local Fire Authority.

Summary Comment

The joint registered providers provided a response and stated they will follow up with the school principal and the local fire authority fire officer in relation to the non-compliances pertaining to Regulation 26 (1)(b). The non-compliances will be reviewed at the next inspection by the Inspectorate.

Part VI – Safety

Regulation 28 – Insurance

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

Compliance Information

Up to date insurance cover was available for twenty-two pre-school children. The policy is valid until the 27 March 2025.

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)

The service had two toilets and two hand wash basins for use by the children in the sanitary facility.

Non-Compliance Information

(e)

1. The service did not have a sanitary facility for the adults. The two toilets and two wash hand basins were required for the pre-school children in attendance. This non-compliance was noted on the last inspection, 17 February 2022.

Corrective & Preventive Action submitted by the Registered Provider

- (e)
- Corrective and Preventive Action**
1. After a discussion with the principal, it was agreed preschool staff may use the adjacent toilet facility located in the prefab next door.

Supporting documentation submitted

1. Photograph

Summary Comment

Based on the corrective and preventive actions and supporting evidence submitted by the registered providers the area of non-compliance is addressed. The requirement of Regulation 29 (e) is met.