

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015DL061
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Name of Service:	Learn and Play Preschool Letterkenny CDP
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Address of Service:	20 Glendale Manor, Letterkenny, Co. Donegal
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Eircode:	F92 RX06
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Name of Registered Provider:	Anne Marie Gallagher
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Service type:	Sessional
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Date(s) of Inspection:	01/04/2025
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No of pre-school children:	AM	23	PM	-
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Address of the Early Years Inspectorate:	Donegal Early Years Inspectorate, St. Conal's Campus, Letterkenny, Co. Donegal. F92 TD92
Inspection undertaken by:	L McGlynn
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
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Description of service

Learn and Play Preschool is a not-for-profit service located in the large urban town of Letterkenny in County Donegal. The service is currently registered to provide sessional preschool care to children aged 2 to 6 years. The service operates two sessions per day one from 8.45am-11.45am and the second from 12.15pm to 3.15pm. The service operates from a renovated two-story dwelling house and comprises of three preschool rooms. The three playrooms are located on the ground floor along with adult and children's sanitary accommodation. Additional adult sanitary accommodation, an office and auxiliary storage areas are located on the first floor. Children have access to a designated outdoor play area to the rear of the premises which is secured by a boundary fence and contains both natural grass and an impact absorbent surface.

Staffing

There are six staff members currently employed to work directly with the children attending the service. An additional four staff members work in the service as part of an employment activation programme. The registered provider is not on the premises on a daily basis. There is a named person in charge and a named designated deputy.

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 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.

Additional Information

An Immediate Action Notice was issued to the registered provider in relation to Garda Vetting for two staff members. The registered provider responded by return confirming that the staff member would not be in the service until their Garda Vetting is completed.

Acknowledgments

The inspector wishes to acknowledge the cooperation of the person in charge, staff and children who were present on the day of the inspection.

Part III – Management and Staff

Regulation 9 – Management and recruitment

(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

The vetting files of the 10 staff members working in the service were reviewed and the following was deemed to meet the requirements of the regulation.

(9) (2) (a) (b) There were two references on file for eight staff members from a past employer or a source other than a past employer as appropriate.

(c) Garda vetting disclosures had been obtained for eight staff. 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 from the relevant state was available for two staff members.

(4) Certification evidence of a Quality and Qualifications Ireland (QQI) minimum Level 5 qualification in Early Childhood Care and Education or equivalent was on file for the six staff members that required it.

Non-Compliance Information

(2) (a) (b)

1. There were no references on file for one staff member and a second reference was required for another staff member.
2. Two references on file for two staff members were not validated.

(c) Evidence of Garda vetting disclosure was not available for two staff members employed in the service as part of an employment activation programme. An Immediate Action Notice was issued on 02 April 2025 in response to the breach of Regulation.

(d)

1. Confirmation of appropriate international police vetting was not available in respect of one staff member. It is acknowledged that documentation in respect of police vetting was available on the day of inspection, however this could not be accepted as an International Child Protection Certificate (ICPC) was required for this employee who was recruited after 2012 when the ICPC was introduced.
2. There was no record of employment on file for one staff member and significant gaps in the employment record of another staff member, therefore the requirement for international police vetting could not be determined.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

(2) (a) (b)

1. The missing references have now been obtained and added to the staff members personnel file. A full review of all current staff files was conducted to ensure references are on file for every employee. A recruitment check list has been introduced which includes mandatory verification of two written references. Staff involved in recruitment will complete a refresher training on Tusla recruitment requirements and documentation standards.
2. The staff members references has now been retrospectively validated by directly contacting the referee. All staff files have been reviewed to ensure references are properly validated and documented. Internal audits of staff files will be conducted quarterly to ensure ongoing compliance. A new step has been added to the recruitment process requiring all references to be validated via direct phone call and recorded using a standard reference validation form.

(c) Both staff members were immediately removed from duties involving children until Garda vetting was completed and clearance received. A new system for Garda vetting is in place to speed up the process and reduce delays. Garda vetting has now been complete for both staff. All recruitment files must now be signed off by the service manager. A file audit will be completed every quarter. The service will follow the policies stating no staff member may start work until garda vetting is confirmed.

- (d)
1. International police vetting has been obtained.
 2. The missing employment record has now been obtained and filed appropriately in the staff members file. All existing staff files have been reviewed to ensure employment records are on file. A personnel file checklist is now in place.

Supporting documentation submitted

Copies of vetting, references and service documentation was submitted.

Summary Comment

The inspector has reviewed the actions and evidence submitted. The non-compliances identified under Regulation 9 have been adequately addressed.

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) The minimum number of adults were working with the children at all times during the inspection.
- (3) On the morning of inspection there were three adults caring for 23 children aged 2 to 5 years.
An additional four adults were present in the service as part of an employment activation programme.

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 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) The service was well-resourced with a variety of play-based materials and equipment suitable for the age and stage of children attending. Toys and materials that promoted multiple areas of development including, gross motor, fine motor, cognitive and language development were available to the children in each of the play areas. Resources and activities were attractively displayed and easily accessible to the children who demonstrated familiarity with navigating their environment to independently access the toys, equipment and materials they chose to play with. The care room was furnished with low level tables and chairs to facilitate mealtimes, arts/crafts and other table-top activities. Open low-level shelving was equipped with a good selection of mark-making and art resources such as paints, crayons and pencils. Interest areas including a home corner where play items including well-equipped toy kitchen was available, block-building, transport, construction activities, manipulative play items, sand/water trays and playdough was also available. The outdoor area provided for a range of different play opportunities for children with ample space for developing their gross motor skills through running, jumping, climbing, cycling and ball play.
- (b) There was a designated cosy area available to children with lower-level lighting and soft comfortable furnishings. The area provided a comfortable space where children could sit and relax with a book or simply take a rest from activities during the pre-school session.

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 entrance to the service was secured with a buzzer system on the main door to alert staff of parents or visitors' arrival. The grounds of the service and all outdoor play areas were secured with boundary fencing preventing children from exiting unsupervised.
- The toys and play equipment both indoors and outdoors appeared to be maintained and in good repair.
- Cleaning and hazardous materials were sorted out of children's reach.
- There was documented evidence of staff carrying out a risk assessment of the outdoor area each day, prior to children's use.

Infection Control:

- Staff were observed cleaning the tables, floors and frequently touched surfaces after mealtimes and children's play. Cleaning records were maintained and noted to be completed up to date.
- Liquid soap, paper towels and thermostatically controlled warm water was available at wash hand basins used by staff and children on the day of inspection. Staff were observed to be vigilant to children's need for handwashing and provided appropriate encouragement to children when necessary. Routine hand washing was observed before meals and after toileting.

Administration of Medication:

- Consent was required prior to the administration of medication and staff demonstrated knowledge of the service procedure as documented in the service policy.
- Medication stored in the service was inaccessible to children and noted to be in date.

Fire Safety:

- Emergency evacuation routes and assembly points were clearly identifiable and free from obstruction.

Non-Compliance Information

General Safety:

1. Garda vetting was available for five staff members. However, these vetting disclosures were not dated within the previous three years in adherence to with the Early Years Inspectorate Regulatory Notice 'EYI-RN12.3 Renewal of Garda Vetting'.

Infection Control:

- The nappy change procedure in operation in the service did not adhere to appropriate infection control practices. Staff members confirmed that children are placed on a changing mat on the floor to have their nappies changed posing a risk of cross infection.

Action submitted by the Registered Provider

Corrective & Preventive Action

General Safety:

- Garda vetting has been updated. All Garda vetting will be completed within the three year time frame. A full review of all staff Garda vetting dates was conducted. A Garda vetting renewal register has been created. All Garda vetting reviews are the responsibility of the management who will have a designated compliance officer to manage the regular vetting. The Vetting renewal register will be shared with management.

Infection Control:

- The practice of changing nappies on the floor has ceased immediately. A designated changing area with a built in changing table that meets infection control standards is now in place. The changing area is cleaned and disinfected after each use following best practice guidelines. All staff were verbally informed of the change and instructed to use only the designated area and table for nappy changing. Staff will ensure there are disposable pads to prevent cross contamination, on going spot checks will be carried out to ensure adherence to updated procedure.

Supporting documentation submitted

Documentation was submitted.

Summary Comment

The inspector has reviewed the actions and evidence submitted. The non-compliances identified under Regulation 23 have been adequately addressed.

Part VI - Safety

Regulation 28 - Insurance

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

Compliance Information

There was written documentation to evidence that there was adequate insurance in place for the type of service provided and the number of children attending.

Part VII - Premises and Space Requirements

Regulation 29 - Premises

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

- (a) of sound and stable structure,*
- (b) safe and secure,*
- (c) kept adequately lit, heated and ventilated*
- (d) cleaned, maintained and repaired, as required, and*
- (e) equipped with adequate and suitable sanitary facilities.*

Compliance Information

- (b) Entry points to the building were secured to prevent unauthorised access to the premises by means of secured doors and gates. A buzzer system on the main entrance door alerted staff to the arrival of parents or visitors.
- (c) There was ample natural light in the pre-school rooms through large windows and glass panelled doors. Additional artificial lighting in the preschool rooms was provided by ceiling lights. The building was heated by oil fired central heating and the air temperature within the pre-school rooms was maintained within recommended range of 18°C to 22°C during the inspection. Natural ventilation was supplied via openable windows and there was no evidence of condensation or mould growth noted during the inspection.
- (d) The premises, its play equipment and materials were maintained in a clean and hygienic condition with documented cleaning records on display within the premises.
- (e) The sanitary facilities and care rooms in the service were adequately equipped with wash hand basins for the number of adults and children that were in attendance. On the day of inspection there was one toilet cubicle undergoing repair works therefore was not available, however evidence was submitted following the inspection to demonstrate that this had been completed and was available. As a result, there were three toilets and five wash hand basins provided for children's use.

Non-Compliance Information

(a)(d) On the day of the inspection, the inspector noted that there were visible signs of deterioration to the outer envelope of the pre-school building that was in need of repair. Perceptible cracks had formed on the external wall on three sides of the building. This is a recurring non-compliance from the previous inspection on 22 November 2021. It is acknowledged that work has been carried out on the rear of the building since the last inspection, however, there has been no remedial work carried out on the other three sides.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

(a) (d) The landlord has been informed of the ongoing issue. The management of the CDP will conduct a review of the premises. The landlord has verbally committed to carry out repairs of the building whilst closed during the summer. CDP management will meet to discuss a long term strategy for the preschool.

Supporting documentation submitted

No evidence submitted.

Summary Comment

This regulation remains non-complaint. The provider indicated that additional work is planned for the summer months therefore the completed work will be reviewed on the next inspection.