

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015DL077		
<b>Name of Service:</b>	Magic Moments Playschool		
<b>Address of Service:</b>	1 Sea Crest, Shore Road, Buncrana, Co. Donegal		
<b>Eircode:</b>	F93 H221		
<b>Name of Registered Provider:</b>	Deborah Boyle		
<b>Service type:</b>	Sessional		
<b>Date(s) of Inspection:</b>	05/10/2023		
<b>No of pre-school children:</b>	AM	21	PM -
<b>Address of the Early Years Inspectorate:</b>	Donegal Early Years Inspectorate, St. Conal's Campus, Letterkenny, Co. Donegal. F95 XK94		
<b>Inspection undertaken by:</b>	N McEndoo		
<b>Title:</b>	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).

<b>Conditions if applicable</b>	Not applicable
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### Description of service

Magic Moments Playschool is a privately owned early years' service, located in Bunrana town, north Donegal. The service is operated from a purpose built two storey building, with an outdoor area to the front. The service offers a sessional preschool between the hours of 9:00hrs and 12:30hrs, catering for children aged between 2 years and 6 months to 6 years of age for 38 weeks of the year. The morning session is carried out between two rooms in the setting, one upstairs and one downstairs.

### Staffing

The registered provider works alongside 3 staff who are employed by the service. All 4 adults work directly with the children and hold the relevant qualifications in early childcare and education. On the day of the inspection there was a student present in the service who was on a college placement.

### 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. The inspection may also focus on other areas as required.

The inspection focused on an examination of compliance under regulations 9 Management and recruitment, 11 Staffing levels, 19 Health, welfare, and development of child, 23 Safeguarding health, safety, and welfare of children, 26 Fire safety measures, and 28 Insurance.

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 in relation to safety was issued to the provider on the day of inspection. It is acknowledged that the registered provider addressed the matter the following working day.

### Acknowledgments

The inspector wishes to acknowledge the cooperation of the registered provider, 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*
- (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.*

### Compliance Information

- (1) The registered provider ensured that,
  - (a) There was a designated person in charge and a named adult to deputise in their absence.
  - (b) The designated person in charge was available on the premise throughout the period of inspection.
  - (c) There was 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.
- (2) The files of 3 staff members and one student on placement in the service were reviewed.  
The following vetting information was available for all 4 adults:
  - (a) 2 written validated reference from a past employer for 2 adults.
  - (b) 6 written validated references from a reputable source for 4 adults.
  - (c) Vetting disclosures from the National Vetting Bureau of the Garda Síochána for adults present in the service.

### Non-Compliance Information

- (2) The registered provider did not ensure that,
  - (d) one staff member who had lived outside of the State for a period of longer than 6 consecutive months, provided international police vetting from the police authorities in that state.

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

#### Corrective and Preventive Action

Police vetting has now been applied for and is due to be returned in approximately 4 weeks.

#### Supporting documentation submitted

None submitted.

## Summary Comment

Evidence of police vetting is to be submitted to the inspectorate when received by the provider. The requirement remains outstanding.

## 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 registered provider ensured that there was an adequate number of adults working directly with the children attending the service. When the inspector arrived unannounced to the service there were 4 staff members working directly with 21 children.

(2) The registered provider ensured that the minimum ratio for a sessional service of 1 adult to each 11 children aged above 2 years and 6 months to 6 years was adhered to on the day of inspection.

### 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
- (b) appropriate and suitable care practices are in place in the pre-school service, having regard to the number of children attending the service and the nature of their needs.

#### Compliance Information

(1) (a) The children's learning, development and well-being was observed to be facilitated on the day of inspection.

- Preschool rooms had well defined areas of interest and were supplied with materials that were age and stage appropriate for the children in setting. Children were free to move around the rooms and choose their own activity and move on to next when finished. On arrival there was a Halloween themed art activity set up for a small group of children. Children could choose themselves to opt in or out of the activity.
- Through an art activity reflecting emotions, children and staff had an open discussion about their feelings. Throughout the discussion the children were supported in matching their feelings to different situations through open-ended questions from staff.
- The routine was flexible in nature and followed the needs of the children. The experiences and activities provided to the children in the rooms were suitable to the age and stage of development of the children present. For example, one child was observed to be taken for some outdoor play to 'shake out their jiggles'. Another child was observed to engage in their own chosen activity, instead of attending circle time. Children were given time to transition from their chosen activity to going outdoors.
- Suitable outdoor equipment was available to children such as building blocks, planters, large Lego bricks and various other durable items. Equipment was kept in outdoor storage containers when not in use to protect them from the elements.
- Whilst outdoors children were observed to engage in various activities. Staff and children were observed to run freely around in a game of airplanes. Later, a small group of children requested chairs from the staff. Children then sat in a sheltered area and chatted to each other while seated.

(b) The inspector observed appropriate care practices during the inspection.

- The staff interacted with the children in a respectful, calm, and sensitive manner. Verbal and non-verbal interactions were carried out using low tones and at the child's level throughout the morning.
- During snack time children were observed to be offered plates with water in cups to drink from, cups and plates were then returned to the sink by the children when finished. Staff sat and engaged with children in conversation at their tables during snack time.
- On the day of inspection, it was very wet and raining. When outdoors, staff were observed to ensure children remained suitably wrapped up and helped the children to re-do zips and buttons that had come undone as the children played outside.

### 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 door to the premises was found to be locked and secured upon arrival to the service, preventing unauthorised exit or entry. The outside garden gate was secured with a lock once all children had arrived. A visitor's log was in place.
- Grapes in children's lunch boxes were observed to be cut in half, to limit the risk of choking.
- Cleaning products were stored out of reach of children. Storage areas were inaccessible to the children.
- Play materials and equipment appeared in good order throughout the premises.
- Blind cords were appropriately secured.
- The hot water provided at the children's wash hand basins was controlled to a safe temperature below 43°C for hand washing.

##### Infection Control:

- Childrens hands were routinely washed at appropriate intervals, after being outside, after toileting and before snack. Warm water, Liquid soap and paper towels were available to the children. Child friendly instructions on handwashing was displayed beside the sinks.
- The premises was observed to be maintained in a clean and hygienic condition. Staff were observed to clean the premises when children had left for the day.

### Fire Safety:

- Fire doors were unobstructed on the day of inspection to ensure safe evacuation in the event of a fire or other emergency.

### Non-Compliance Information

#### General Safety:

A window restrictor was not functional in an upstairs window posing a risk of falling to children. An immediate action notice was issued on the day of inspection for this to be rectified.

#### Action submitted by the Registered Provider

#### Corrective and Preventive Action

#### General Safety:

The restrictor was replaced the following morning.

#### Supporting documentation submitted

#### General Safety:

Video evidence of the new window restrictor was submitted and reviewed by the inspector the following day.

#### Summary Comment

The actions submitted by the registered provider have been reviewed and are deemed to address the non-compliances identified under Regulation 23. The requirement has now been met.

### 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.
- (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) The registered provider ensured that,
- (a) there was a record of fire drills that had taken place in the premises.
  - (b) there was a record to show the number, type and maintenance record of firefighting equipment and smoke alarms available in the premises. The last recorded date of maintenance was the 8th of August 2023.
- (4) A notice of the procedures to be followed in the event of fire was displayed in a conspicuous position within the service.

### Part VI - Safety

#### Regulation 28 - Insurance

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

#### Compliance Information

The registered provider ensured the service had a certificate of insurance valid until the 27<sup>th</sup> March 2024 showing that adequate insurance cover was in place for the service's maximum number of 27 children.