

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015DL115		
<b>Name of Service:</b>	Rainbow Nursery School		
<b>Address of Service:</b>	Roughpark, Woodlands, Letterkenny, Co. Donegal		
<b>Eircode:</b>	F92 VW83		
<b>Name of Registered Provider:</b>	Patricia McBrearty		
<b>Service type:</b>	Part Time, Sessional		
<b>Date of Inspection:</b>	04/11/2025		
<b>No of pre-school children:</b>	AM	29	PM n/a

<b>Address of the Early Years Inspectorate:</b>	Early Years Inspectorate 180-189 Lakeshore Drive, Airside Business Park, Swords, Co Dublin.
<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.

### Description of service

Rainbow Nursery School is a private part time early years' service. The service caters for children aged 2 to 6 years, operating from 9am to 2pm. The service operates from a converted residential building and is located on the outskirts of Letterkenny town in Donegal. There are 2 care rooms and sanitary accommodation available for children's use. A large outdoor play area is available to the rear and side of the building. The area is divided in two in order to cater for first year and second year groups of preschool children.

### Staffing

There is a total of six adults employed within the service, this includes the registered provider and all of whom work directly with the children. All staff who are employed to work directly with the children hold the required Quality and Qualifications Ireland (QQI) to a minimum of Level 5 and above in Early Childhood Care and Education.

### 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.

The inspection focused on an examination of compliance under regulations 9, 11,16(h), 19 and 23; however, on inspection additional non-compliances which posed a risk was identified under Regulation 8 and Regulation 25. These findings are outlined within the relevant regulation within this report.

A sampling process was used to assess compliance under Regulation 16(h), Record in relation to pre-school service, focusing on attendance records.

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

## Part II - Registration and Register

### Regulation 8 - Notification of change in circumstances

*(1) A registered provider of a pre-school service other than a temporary pre-school service shall, subject to paragraph (3), notify the Agency in writing of any proposed change in the details in relation to the pre-school service contained in the register pursuant to section 58C(2) of the Act or Regulation 7(2) at least 60 days before it is proposed that the change would take effect.*

#### Non-Compliance Information

The service was found to be operating outside of its registered status. The service is registered to operate from 9:00am to 2:00pm each day however on the day of inspection it was observed from the children's attendance records that the service routinely operates from 8:45am to 2:00pm each day.

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

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

In a written response the registered provider stated:

A change in circumstances application was submitted to change registered operating hours from 9.00am to 14.00 to 8.45am to 1.45pm and this was accepted. Change of circumstances will be completed prior to any further changes.

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

- CIC application submitted.

#### Summary Comment

The corrective and preventive actions submitted by the registered provider was submitted and deemed adequate by the inspectorate. This regulation is now compliant.

## 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.*

*(3) The procedures specified in paragraph (2) shall be carried out prior to any person being appointed, assigned or allowed access to or contact with a child attending the pre-school service.*

*(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)

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 premises 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)

On the day of inspection, five adults were present, the registered provider, the person in charge and three adults who were employed to work directly with the children.

The following vetting information was available for six adults:

- (a) Four written validated references from past employers for three of the adults.
- (b) Four written validated references from reputable sources for three of the adults.
- (c) Garda vetting disclosures had been obtained for all six 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) Police vetting from the police authorities in another state was available for two adults.

(4)

Six of the adult files reviewed, evidenced they held a major award at level 5 or above in early childhood care and education on the national qualification framework, or qualifications deemed by the Department of Children, Disability and Equality (DCDE) to meet the regulatory requirement.

### Non-Compliance Information

(2)

The following vetting information was not available on the day of inspection:

- (a) Written validated references from past employers, or from a reputable source in the case of no previous employer for two adults.
- (d) It was not possible to ascertain if police vetting from the police authorities in another state was required for three adults.

(3)

It could not be determined if the procedures specified above in paragraph (2) were carried out prior to any person being appointed, assigned or allowed access to or contact with a child attending the pre-school service as a start date for employees was not available on the day of inspection.

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

#### Corrective and Preventive Action

In a written response the registered provider stated:

(2) (a)

Written validated references have been sourced for the two adults and added to the person's file. Staff folders Have been updated which includes a checklist so all vetting requirements are in place.

(2) (d)

Employment records have been updated. A checklist is now in place.

(3)

Recruitment and Garda Vetting policy has been updated which states that a person will not be appointed or allowed access to children prior to vetting being completed. A person has been recruited who's responsibility it will be is to ensure vetting is all completed.

#### Supporting documentation submitted

- Validated references submitted.
- Updated employment records submitted.
- Recruitment policy submitted.
- Checklist submitted.

### Summary Comment

The corrective and preventative actions submitted by the registered provider have been reviewed by the inspectorate and deemed to be adequate. This regulation is now compliant.

### 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 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)-*
- (a) a registered provider of a pre-school service other than a child-minding service or a sessional pre-school service shall ensure that there are at least 2 adults on the premises at all times,*

#### Compliance Information

- (1)  
On the day of inspection, there was an adequate number of adults working directly with the preschool children attending the service.
- (3)  
The minimum ratio of adults to children was maintained at all times throughout the inspection.
- (8) (a)  
The registered provider ensured that there were always at least two adults on the premises when children were present in the service as evidenced in a sample review of attendance records.

### 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;*

*(3) A record referred to in paragraph (1) shall be open to inspection on the premises, and the documents and records referred to in paragraph (2)(a) shall be open to inspection whether on the premises or elsewhere, by an authorised person.*

### Compliance Information

(1) (h)

An adequate record of the children's attendance was logged on a daily basis, including the time of arrival of each child and the time of their departure.

(3)

On the day of inspection, a record in writing in respect of each pre-school child's attendance was available and open to inspection on the premises by an authorised person.

## 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.*

### Compliance Information

(1)(a)

On the day of inspection, the primary emphasis was on outdoor play. All children were observed to be dressed appropriately for the weather, ensuring their comfort and safety during outdoor activities. Spare clothing was readily available, allowing children to change if needed throughout the session.

The outdoor play area offered a refreshing change of environment from the care rooms. The area was fully enclosed and featured a variety of developmentally appropriate equipment.

The two outdoor classrooms were stocked with essential materials such as a sensory table (water play, jelly, sand), puzzles, craft materials, books, and small world play items. Opportunities for challenge and safe risk-taking, encouraging children to test their abilities in a secure setting. A large, grassed area designed for energetic play, featured several social areas, climbing structures, tree swings, and muddy puddles for added interest and physical

activity. There was a large hill to the side of the play area, which promoted gross motor development. Children were seen climbing the hill and sliding down, engaging in both challenging and safe risk-taking activities. Children demonstrated a strong sense of independence and confidence in their abilities. Staff members were attentive and supportive, stepping in only when necessary to assist children in making decisions. This approach allowed children the freedom to explore and think creatively. Staff interactions with children were consistently gentle and respectful, fostering a positive and nurturing environment. At collection time, effective communication with parents was observed, with detailed handover information provided as needed. The staff worked together and communicated frequently, ensuring a smooth and supportive environment for both children and them. Their teamwork contributed to the overall positive atmosphere within 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 was found to be secured on arrival preventing unauthorised access or exit from the premises.
- The outdoor area was secured with tall wooden fencing and a bolted gates on each side of the premises.
- Cleaning products and equipment were stored out of the reach of children.
- Warm running water was available for hand washing at a temperature below 43°C.

##### Infection Control:

- Warm water, soap and paper towels were readily available to children to wash their hands prior to eating and after toileting. Child friendly handwashing posters were placed beside the sinks. Handwashing was supervised by the adults to ensure all hands were cleaned effectively.
- Sanitary facilities were observed to be kept maintained and clean.

##### Administration of Medication:

- On discussion with staff an awareness of their responsibilities for the safe administration of medication was present. In the case of children with individual care plans, staff were aware of the needs and

requirements to fulfil the care plan should it be required. No medication was administered on the day of inspection.

### Fire Safety:

- Fire evacuation procedures were clearly displayed in the care rooms.
- Fire extinguishers were on the premises and easily accessible.

### Non-Compliance Information

#### General Safety:

1. Garda vetting was available for six staff members. However, four of 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'.
2. On the day of inspection indoor and outdoor risk assessments were not available. The absence of documented risk assessments prevented verification that any risk or hazards that present are identified and managed within a suitable time frame, limiting risk of harm to a child.
3. A door on a cabinet within one of the care rooms was very loose and at risk of falling off the unit. This could lead to harm or injury of child.

#### Infection Control:

4. On the day of inspection, children's lunch boxes containing perishable food items were observed not to be stored in a fridge but remained in the outdoor area. The outdoor temperature was noted on the day as 14°C. This poses risk of bacterial growth on food items which could lead to infection and illness in children.
5. Items such as paint brushes and children's wellington boots were observed to be stored in the staff sanitary facilities. Sanitary facilities are considered high-risk zones for cross-contamination due to aerosolization during toilet flushing and should not be used for storage.

### Action submitted by the Registered Provider

#### Corrective & Preventive Action

#### General Safety:

In a written response the registered provider stated:

1. Garda vetting has been reapplied for and is now received and on file.  
Garda Vetting and Recruitment officer has been appointed to ensure this is kept up to date.

2. A daily safety and risk assessment has been drawn up and a designated staff member completes this checklist daily. The service safety statement lists all potential hazards and risks and is in the policy folder
3. The door on the cabinet has been repaired.

### Infection Control:

4. Perishable items will be placed in a separate container or bag, labelled with the child's name and be placed in the two fridges indoors until snack time.
5. Paint brushes and children's wellingtons which were not in use have been removed from the staff toilet

### Supporting documentation submitted

#### General Safety:

1. Garda vetting submitted.
2. Checklist submitted.
3. Photograph submitted.

#### Infection Control:

4. Documentary evidence submitted.
5. Documentary evidence submitted.

### Summary Comment

The corrective and preventive actions submitted by the registered provider adequately address the non-compliance found on inspection. This regulation is now compliant.

## 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.*

### Non-Compliance Information

(1)  
The registered provider did not ensure that a person trained in first aid response (FAR) for children, was immediately available at all times to the children attending the service. On the day of inspection there was one staff member present who held an in-date certificate in FAR. This staff member was rostered to begin work at 9:00am, whilst children arrived in the service from 8:45am onwards. The same staff member was rostered to take

a lunch break from 11:45am to 12:00pm. During both these times there was no staff member available to the children who held in date training in FAR.

It is acknowledged that the registered provider completed paediatric training immediately after the inspection and has registered to attend a first aid responder (FAR) for children course, to update their training.

## Corrective & Preventive Action submitted by the Registered Provider

### **Corrective and Preventive Action**

In a written response the registered provider stated:

(1) The person trained in first aid responder has changed hours from 9am to 14.00 to 8.45 – 13.45 to ensure that a FAR trained person is always available. The FAR trained person takes a 15-minute break on the premises during the session and is available if needed. The Far Training is scheduled for February and a staff member has agreed to attend the training. All staff members have completed paediatric first aid. The recruitment officer will have the responsibility for ensuring all mandatory training is up to date.

### **Supporting documentation submitted**

- Paediatric first aid certificates.
- Invoiced for planned training.

## Summary Comment

The corrective and preventive actions submitted by the registered provider were reviewed by the inspectorate and deemed to be adequate. This regulation is now complaint.