

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015DR047
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Name of Service:	Simbas Childcare Limited
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Address of Service:	12 Stradbroke Park, Blackrock, Co. Dublin
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Eircode:	A94 W599
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Name of Registered Provider:	Kim McCarthy
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Service type:	Sessional
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Date of Inspection:	04/12/2024
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No of pre-school children:	AM	31	PM	N/A
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Address of the Early Years Inspectorate:	1st floor Trinity Building, IDA Business Park, Southern Cross Road, Bray, Co. Wicklow
Inspection undertaken by:	Sarah Quigley & Emer Mulhern
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

Simba's Childcare is a privately owned early years service that provides sessional care and education to preschool children aged two to six years. The service is located in a residential area on Blackrock, South Co Dublin. Three care rooms are provided in the service, two of which are located in a purposely adapted residential property. The third care room is located to the rear of the premises in a purpose-built log cabin. An outdoor play area is available to the children.

Staffing

The service currently employs twelve staff members, including the registered provider. Seven staff were present on the day of inspection including the registered provider.

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/ information and records/ health, welfare and development of child/ safety. The inspection may also focus on other areas as required.

A sampling process was used to assess compliance under regulation 15.

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 registered provider, 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.

(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

- (2) Documentation was reviewed in respect of 9(2)(a) to (d) for four adults employed to work in the service since the last date of inspection on the 10th May 2022. Regulation 9(2)(c) was assessed for all twelve adults employed in the service. The following records were available for the adults:
- (a) (b)
- The registered provider demonstrated that they had verified the references obtained from two sources for three of the adults.
- (c) A Garda vetting disclosure from The National Vetting Bureau was available for the twelve adults employed. 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 detailed in Regulation 23 of this report.
- (4) Regulation 9(4) was assessed for eleven of the adults who are employed to work directly with the children in the service. Eight of the adults held a relevant major award in Early Childhood Care and Education on the National Framework of Qualifications. Two adults who did not have the required qualification were in possession of a letter of eligibility to practice from the minister.

Non-Compliance Information

- (2)
- (a) (b)
- There were no references available for one adult working in the service on the day of inspection.
- (d) International police vetting was not available for two adults who had lived in another state for a period exceeding six months as an adult.
- (3) The assessment of regulation 9(3) was limited to four staff members that commenced employment in the service since the last date of inspection on the 10th May 2022. Documentation reviewed evidenced that the procedures specified under Regulation 9(2) had not been carried out prior to three of the adult's commencing employment in the service, as detailed above.
- (4) One adult who was employed to work directly with the children on the day of inspection did not hold a recognised qualification in Early Childhood Care and Education (ECCE) on the National Framework of Qualifications.
- The corrective and preventive actions submitted following the last inspection of the service did not prevent the re-occurrence of the non-compliance.

Corrective & Preventive Action submitted by the Registered Provider

The registered provider submitted the following response:

Corrective and Preventive Action

- (2)
- (a) (b)
- References were incorrectly stored for Ruby in the providers other service as the employee had previously worked in that location. The records for have been now correctly stored and are now attached. The service has reviewed all employees to ensure this mistake was not replicated and have incorporated a regular check for our manager to ensure all files are stored in the correct location.
- (d) Police vetting attached for both individuals. Reviewed the service policies to ensure management are aware of what vetting documents are required. Also, where employees have lived in more than one country to ensure all countries are covered with police vetting.
- (3) The service procedures are in place to ensure that the requirements of this regulation are completed prior to employee's start date.
- (4) On the day in question, there were 4 members of staff unexpectedly sick and the service's normal relief staff were unavailable. The service called on a trusted neighbour who had previously done work experience in the service to ensure we could stay within ratio. This was a highly unusual, unprecedented occasion. The normal practice is to ensure we have adequate relief staff available.

Supporting documentation submitted

Supporting documentation was submitted and reviewed by the early years inspector.

Summary Comment

The regulatory requirement has been met.

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.*
- (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) An adequate number of adults were working directly with the pre-school children attending the service during the inspection.
- (3) The minimum ratio of adults to children was adhered to at all times during the inspection. There were thirty-one pre-school children attending the service being supervised by five adults during the inspection.
- (8) (c) Not applicable, the service is not operated single handedly.

Part IV – Information and Records

Regulation 15 – Record of pre-school child

(1) A registered provider of a pre-school service other than a pre-school service in a drop-in centre or a temporary pre-school service shall ensure that a record in writing is kept in respect of each pre-school child attending the service containing the following particulars:

- (a) the name and date of birth of the child;*
- (b) the date on which the child first attended the service;*
- (c) the date on which the child ceased to attend the service;*
- (d) the name and address of a parent or guardian of the child and a telephone number where that parent or guardian or a relative or friend of the child can be contacted during the hours of operation of the service;*
- (e) authorisation for the collection of the child;*
- (f) details of any illness, disability, allergy or special need of the child, together with all the information relevant to the provision of special care or attention;*
- (g) the name and telephone number of the child's registered medical practitioner;*
- (h) record of immunisations, if any, received by the child;*
- (i) written parental consent for appropriate medical treatment of the child in the event of an emergency.*

Compliance Information

(1)
A sample of documentation was reviewed for ten children currently enrolled to attend the service by the inspector. The registered provider ensured that a record in writing was kept of the details relating to points (a) to (f), and (i) of the above regulation for each of the records reviewed.

Non-Compliance Information

- (g) Two of the records reviewed did not contain details of the name and telephone number of the children's medical practitioner.
- (h) Five of the records did not contain records of immunisations received by the children.

Corrective & Preventive Action submitted by the Registered Provider

The registered provider submitted the following response:

Corrective and Preventive Action

- (g) The GP's phone number for the two records has been obtained.
- (h) The immunisation records were obtained for the children where the record was missing.

The service have improved our jot form-based record form to make all aspects of the form including uploading of immunisation records mandatory before the form can be completed. This will ensure full compliance in terms of necessary information.

Supporting documentation submitted

Supporting documentation was submitted and reviewed by the early years inspector.

Summary Comment

The regulatory requirement has been met.

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;*
- (i) details of staff rosters on a daily basis;*
- (j) details of any medication administered to a pre-school child attending the service with signed parental consent;*
- (k) details of any accident, injury or incident involving a pre-school child attending the service.*

Compliance Information

- (1)
- (h) A record was available in the care room detailing the attendance of each preschool child on the day of inspection. A review of documentation evidenced that attendance records had been maintained daily in the service.
 - (k) Records of accidents and incidents which had occurred in the service were available and maintained. However, the sample reviewed on the day of inspection did not contain all of the required information to ensure safe practices in line with the service policy, as detailed under Regulation 23.

Non-Compliance Information

- (i) An accurate staffing roster was not available in the service detailing hours of work for each staff member on the day of inspection. Following discussions with the person in charge and a review of documentation, two staff members rostered to work in the service on the day of inspection were on planned leave.

- (j) During discussions with staff members, it was confirmed that medication had been administered to a child in the service in the weeks prior to the inspection. There were no written records of this or any administration of medication available in the service.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

- (i) Management have changed the process to review the roster weekly to ensure that staff included in the week's roster incorporates any changes for staff on leave etc.
- (j) Post inspection the service compiled a training document that outlines the steps that need to be taken in the event of any medication given to a child, we also require individual parent signatures in advance if the medication if anything other than anti febrile is given, as anti-febrile permission is covered by the service record form. The service have a training reminder schedule which will be shared every 3 months to ensure all the necessary steps are taken in future.

Supporting documentation submitted

Supporting documentation was submitted and reviewed by the early years inspector.

Summary Comment

The regulatory requirements have been met.

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-

(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

The inspectors observed that staff were aware of their roles and responsibilities in relation to supporting the health, wellbeing and development of children in the service during the practices observed by the inspector. For example: adults offered praise and encouragement towards the children, prompting individual choices during morning play and Montessori based activities. Respectful language and kind, gentle tones were used by adults during all interactions observed by the inspectors. Adults communicated well with the children, initiating conversations, listening, and speaking individually with the children during the inspection. Adults were observed having a supportive role in children's play and learning and used prompts to initiate and extend activities.

The routine in the service was observed to be mostly child-led, and children were visibly engaged and content in their Montessori and play based activities during the inspection.

Children were all given the opportunity to engage in outdoor play during the inspection and were dressed appropriate to the weather in coats and hats. Independence was encouraged throughout the morning where children participated in tasks such as cleaning up following activities and putting coats on for outdoor play.

Adults encouraged problem solving and used suggestions to resolve conflicts in managing minor disputes between peers.

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

The inspectors found by observation of practice, review of documentation, discussion with staff and inspection of the premises that the registered provider had taken the following steps to safeguard children attending:

General Safety:

The toys and play equipment observed in use by the children on the day of inspection were safe and in good working order. Cleaning products and hazardous materials were stored securely out of reach of the children. The entrances into the service were appropriately secured to prevent unauthorised access or a child exiting the service unsupervised.

Infection Control:

Schedules were in place and maintained to ensure the service, equipment and materials are regularly cleaned. Staff stated appropriate exclusion periods for children with infectious illnesses were implemented in the service as per the policy.

Fire Safety:

The designated fire escape routes were clearly indicated and free from obstruction on the day of inspection. Staff members adequately outlined the evacuation procedures in place in the event of a fire and stated that fire drills are practiced regularly on a monthly basis.

Non-Compliance Information

General Safety:

1. 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. Four staff members working in the service did not have a Garda Vetting disclosure which was dated within the last 3 years.
2. There was a loose electrical cable trailing in reach of the children in the Toddler room which posed a risk of harm to the children.
3. Four of the accident records reviewed during the inspection did not contain evidence that parents had been informed of an accident which occurred involving their child. This may affect the correct continuity of care being provided to a child following the session and pose a risk of harm to the child. This practice is

at variance with the accident and incident policy in place in the service which states accident records must be signed by parents.

Infection Control:

4. Some of the nappy changing practices observed on the day of inspection were inadequate for infection control purposes and at variance with the policy and associated procedures in place as follows;
 - One staff member was observed to change five children's nappies with no handwashing between changes. The staff member was then observed to assist with opening children's drinks beakers after this and assist with children's lunch boxes at snack time.
 - Children's clothes were put on with the same gloves used to change and discard of soiled nappies.
 - The nappy changing mat was not cleaned between nappy changes.

The corrective and preventive actions submitted following the last inspection of the service did not prevent the re-occurrence of the non-compliance.

5. The nappy changing mat in use during the inspection was torn and had internal foam exposed which could not be effectively cleaned, posing a risk of cross contamination.
6. Children attending the Toddler room did not handwash prior to snack time posing a risk of cross contamination. This was at variance with the infection control policies in place in the service.
7. An unlidded bin was in use in the Senior Montessori room and the pedal operated bin in use in the Toddler room was broken on the day of inspection, posing a risk of cross contamination.

Administration of Medication:

8. Some of the practices in place for the administration of medications to children were at variance with the policy and associated procedures in place in the service and posed a risk of harm to a child;
 - There were no records of administration of medication available in the service for a child who had received medication in the weeks preceding the inspection.
 - Some staff demonstrated during discussions with the inspector that they were unaware of the medication policy in place in the service. Medication which had been administered to a child had not been documented, and there was no evidence to show that parents had been informed medication had been given to their child. Some staff were also unaware of what form should be used to record the administration of medication.

Action submitted by the Registered Provider

The registered provider submitted the following response:

Corrective & Preventive Action

General Safety:

1. All vetting documents have now been submitted. The service vetting process has been updated to ensure mandatory re-vetting every three years.
2. The electrical cable has been made safe. The service risk assessment has been updated to ensure more robust checks are performed daily.
3. Staff have been made aware of the importance of obtaining written signatures to acknowledge an accident communication. All parents were verbally communicated to regarding the accidents in question.

Infection Control:

4. All staff have been retrained in the nappy changing procedure. Subsequent to inspection, individual training was given to each staff member, and they were asked to sign a document to confirm they understand the policy and procedures. The service have reiterated to all involved in nappy changing the vital importance of following the service agree procedure which involves handwashing before, between and after changes and cleaning of the mat between and after changes also.
5. A new changing mat has been obtained.
6. Included in the training in part (4) was the importance of handwashing for toddlers pre eating. An immediate review of all handwashing practices was undertaken post inspection.
7. A new bin has been put in place in the Senior Montessori and in the Toddler Room.

Administration of Medication:

8. New training has been implemented with a schedule of retraining every 3 months to ensure the administration of medications is documented fully and includes the parents' signature.

Supporting documentation submitted

Supporting documentation was submitted and reviewed by the early years inspector.

Summary Comment

The regulatory requirement has been met.

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

(2)
(a)(b)
A suitably equipped first aid box was observed to be immediately accessible to the children within the service and was stored in a conspicuous location on the day of inspection.

Non-Compliance Information

(1)
Although it is noted that one adult working in the service had paediatric first aid training on the day of inspection, an adult trained in First Aid Responder (FAR) training was not available to the children as required.
The corrective and preventive action submitted following the last inspection of the service did not prevent the re-occurrence of the non-compliance.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

The FAR qualification was 1 month out of date at the point of inspection. The service immediately enrolled 2 staff members on the course. The theory has been completed and as of Friday 17th January 25 the full course has been completed and we await a copy of the certs. Email from the FAR course supplier has been attached. More robust management review to ensure all trainings are in date.

Supporting documentation submitted

Supporting documentation was submitted and reviewed by the early years inspector.

Summary Comment

The regulatory requirement has been met.