

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015DS009
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<b>Name of Service:</b>	Ballybodens Children Centre
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<b>Address of Service:</b>	29 Whitechurch Way, Ballyboden, Dublin 16, Co. Dublin
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<b>Eircode:</b>	D16 F2R3
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<b>Name of Registered Provider:</b>	Jean Garland
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<b>Service type:</b>	Sessional
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<b>Date(s) of Inspection:</b>	23/02/2024
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<b>No of pre-school children:</b>	AM	15	PM	9
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<b>Address of the Early Years Inspectorate:</b>	Early Years Inspectorate 2 <sup>nd</sup> Floor, Unit 4/5 The Nexus Building Blanchardstown Corporate Park Ballycoolin Dublin 15   D15 CF9K
<b>Inspection undertaken by:</b>	C.Harte
<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).

Conditions if applicable

Not applicable.

### Description of service

Ballybodens Children Centre opened in 1996 in the Ballyboden Family Resource Centre and is a community service. The service is based in a residential area in South Dublin. The service consists of two care rooms and a fully enclosed outdoor space at the rear of the premises. The Creche room caters to children aged between 2 years to 2 years 8 months. The Preschool room caters to children aged between 2 years 8 months to 6 years. The service participates in the Early Childhood Care and Education (ECCE) scheme.

### Staffing

The service employs eight staff including the manager, two staff who are employed under the Community Employment Scheme, three core staff and two relief staff. The registered provider does not work directly with the children.

### 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 areas of governance and safety. The inspection may also focus on other areas as required. The inspection focused on:

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

Regulation 11 Staffing levels (1)(3),

Regulation 21 Equipment and materials,  
Regulation 23 Safeguarding health, safety, and welfare of child,  
Regulation 25 First aid,  
Regulation 26 Fire safety measures.

However, on inspection additional non-compliance which posed a risk was identified under Regulation 8 Notification of change in circumstances and Regulation 19 Health Welfare and Development of Child. These findings are outlined within the relevant regulation 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.

## Acknowledgments

The inspector wishes to acknowledge the cooperation of the registered provider, deputy 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.

(2) A registered provider of 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 7 days before it is proposed that the change would take effect.

(3) Where a registered provider has been unable for good and proper reason to notify the Agency within the time specified in paragraph (1) or (2), as the case may be, of a 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), the registered provider shall notify the Agency in writing of the change as soon as possible thereafter.

#### Non-Compliance Information

The service is listed on the national register of early years services as sessional service with hours of operation 09:00-12:00 & 12:30-14:50. On the day of the inspection a review of records and discussion with staff confirmed the service is operating outside of its registration status.

1. Three children stay beyond 3.5 sessional hours and attend 8:45am-1:00pm daily Monday to Friday.
2. The hours of operation have been changed as follows:

Room	AM Session	PM Session
Preschool room	8:45am-11:45am	12:00pm-2:10pm
Creche room	9:15am-11:30am	12:00pm-2:10pm

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

##### Corrective and Preventive Action

A change in circumstances form stating that we wish to change our opening hours to 8.45-11.45 and 12.00-14.45 was submitted to the registration office.

The service will continue of operate as a sessional service and not offer extra hours to ECCE children in the future.

##### Supporting documentation submitted

CIC application to the registration team.

### Summary Comment

The non-compliance identified under Regulation 8 has been addressed. The change of circumstance application has been approved by the registration team.

### 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) The service had a designated person in charge and named person to deputise as required.
- (b) The person in charge was present during the inspection.

(2) The files of 8 staff were reviewed including the manager, two staff who are employed under the Community Employment Scheme, three core staff and two relief staff.

(a) Nine written and validated references were available from a past employer.

(b) Seven written and verified references were available from a source other than a past employer.

(c) Garda vetting disclosures had been obtained for 8 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.

(4) The adults who worked directly with children attending the service held at least a major award in Early Childhood Care and Education at Level 5 or above on the National Framework of Qualifications or a qualification deemed eligible by the Department of Children, Equality, Disability, Integration and Youth Affairs.

### 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) On the day of the inspection the registered provider ensured there was an adequate number of adults working directly with the children attending the service. The manager was available in a supernumerary position and available to cover in rooms as needed.

(3) The adult to child ratios were correct when the inspector arrived unannounced to the service and throughout the inspection.

Room	Age group	No. of children	Staff available	Staff required
Preschool room	2 years 8 months – 6 years	6	2	1
Creche room	2 years – 2 years 8 months	9	2	1

### 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,

#### Non-Compliance Information

(1)(a)

##### **Physical and Material Environment**

A review of the available risk assessments and discussion with staff members confirmed that children have not accessed the outdoor area since September 2023. This reduced children's development and wellbeing, opportunities for exploration of their environment and gross motor movements.

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

(1)(a)

##### **Corrective Action**

Garden cleaned, and power hosed. Hazards removed and new play equipment purchased.

##### **Preventive Action**

Schedule regular cleaning of the outdoor area.

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

Photographic evidence of outdoor area.

#### Summary Comment

The inspector has reviewed the corrective and preventive action taken and evidence submitted. The non-compliance identified under Regulation 19 have been addressed.

## Part V - Care of Child in Pre-school Service

### Regulation 21 – Equipment and materials

*A registered provider shall ensure that there is adequate and suitable furniture, play and work equipment and materials available on the premises of the pre-school service.*

#### Compliance Information

The service ensured there was adequate and suitable furniture and equipment available, for example:

- The furniture and equipment in the rooms was observed to be adequate for the number of children in the rooms, it was appropriate for the age range and stage of development of the children in the rooms, and was well maintained, durable and easy to clean.
- The toys and equipment were laid out on low level shelving, visible to the children, and were grouped in defined areas of interest such as home, sensory, and library areas. Defined areas of interest facilitate children to have a more focused engagement in their play experiences.
- Each of the defined interest areas were well resourced with a range of props, materials, and accessories accessible to the children. For example, the home corner and hairdresser station in the Preschool room included a range of real-life props which can promote meaningful play experiences and extend play opportunities.
- Children had access to a variety of play equipment providing for a range of play experiences. On the day of the inspection children in the creche room engaged in a sensory water activity and children in the Preschool room took part in planting activity promoting curiosity.
- A family wall and birthday wall were displayed in the care rooms which helps support children’s sense of belonging.

### 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 service entrance and outdoor area were secured which prevented children leaving the service unsupervised and prevented unauthorised persons accessing the service.
- Windows were appropriately secured with window locks.
- Cleaning sprays were stored out of reach of the children.

##### Infection Control:

- Handwashing was observed to take place frequently throughout the day before mealtimes and after toileting.
- A cleaning schedule was available and completed up to date.

##### Administration of Medication:

- A medical care plan was available for a child with emergency medication and staff were aware of the steps to take in the event of a reaction.

##### Fire Safety:

- Fire exits were unobstructed during the inspection.

#### Non-Compliance Information

##### General Safety:

1. Garda vetting was available for two 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'.
2. Staff bags containing personal belongs were accessible to children in an unlocked press located in the Creche room sanitary area. This posed a risk of injury to children.

##### Infection Control:

3. Lunch boxes containing perishable items such as yogurts and cheese were observed stored in the hallway and not appropriately refrigerated to prevent spoiling. This is not in line with the food and nutrition guidelines for pre-school services.
4. The sanitary area of the Creche room posed an infection control risk. The following was observed:

- A foot pedal operated bin was not available.
  - Chipboard was exposed under the sink preventing effective cleaning.
  - Toilet roll for use by the children was not hygienically dispensed.
5. The handtowels in the Preschool room toilet were not hygienically dispensed which posed an infection control risk.

### Fire Safety:

6. Attendance records were incomplete posing a potential risk of hindering safe evacuation of the premises and of incorrect information being provided to the fire services in the event of an emergency. The following was observed:
- At 9:55am no children had been signed into the Preschool room. Nine children were present.
  - At 10:55am still no children had been signed into the Preschool room and there was no record of a child who left the service at 10:25am.

### Action submitted by the Registered Provider

#### Corrective & Preventive Action

#### General Safety:

1. **Corrective action:** Garda vetting applied for two staff members that were out of date.  
**Preventive action:** Monitor Garda Vetting closely to ensure all is up to date. Office administrator setting up dedicated notebook for regulatory requirements such as Garda Vetting
2. **Corrective action:** Staff reminded of safety concerns regarding handbags. Child lock purchased for press and staff bags stored on a higher shelf.  
**Preventive action:** Monitor bag storage.

#### Infection Control:

3. **Corrective action:** Childrens lunches removed at beginning of session and labelled and placed in fridge.  
**Preventive action:** Sign erected at school bag storage reminding staff of lunch storage.
4. **Corrective action:** Pedal bins purchased for preschool and creche bathroom. Toilet roll holder bought and placed on wall for creche bathroom. Sink vanity unit repaired.  
**Preventive action:** Ongoing checks of facilities.
5. **Corrective action:** Hand towel holder lowered and stacked for children to use.  
**Preventive action:** Ongoing checks of facilities.

**Fire Safety:**

6. **Corrective action:** Fill in register in real time where possible.

**Supporting documentation submitted**

**General Safety:**

- Photographic evidence of child lock fitted on press.

**Infection Control:**

- Photographic evidence of signage.
- Photographic evidence of pedal bin.
- Photographic evidence of toilet roll holder fitted on wall.
- Photographic evidence of repaired vanity unit.
- Photographic evidence of hand towel holder.

**Fire Safety:**

- No supporting documentation submitted.

**Summary Comment**

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

**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) A review of the staff sign in record and First Aid Responder (FAR) certificates showed that the registered provider ensured that a person trained in FAR was available to the children during the opening hours of the service.

(2)(a)(b) Adequately stocked first aid boxes were available in the service. These were stored appropriately out of reach of the children but immediately available to the staff as needed.

### 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.
- (2) The record referred to in paragraph (1) shall be open to inspection by-
- (a) a parent or guardian of a pre-school child attending or proposing to attend the pre-school service,
  - (b) an employee, and
  - (c) an authorised person
- (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) The registered provider ensured that a record of fire drills was maintained in the service. The record showed that fire drills were conducted monthly and the last one recorded was on the 18<sup>th</sup> February 2024.
- (b) A record of the number, type and maintenance record of firefighting equipment and smoke alarms was available for review in the service. The record showed that the firefighting equipment was last serviced on 18<sup>th</sup> April 2023 while the smoke alarms were last serviced on 4<sup>th</sup> August 2023.
- (4) Notices of the procedure to be followed in the event of a fire emergency were displayed throughout the service.