

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015DS029
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Name of Service:	Rathfarnham Daycare
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Address of Service:	19-20 Main Street, Rathfarnham, Dublin 14, Co. Dublin
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Eircode:	D14 V3H9
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Name of Registered Provider:	Claire Doyle, Tracy Sheridan
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Service type:	Full Day, Part Time, Sessional
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Date(s) of Inspection:	25/09/2023
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No of pre-school children:	AM	139	PM	113
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Address of the Early Years Inspectorate:	Early Years Inspectorate, 180-189 Lakeshore Drive, Airside Business Park, Swords, Co. Dublin
Inspection undertaken by:	M. McDonnell, E. Finnegan Hayes and C. Harte
Title:	Early Years Inspectors

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

Rathfarnham Day care provides full day care to children aged 0-6 years old, Monday to Friday from 7:30am to 6:00pm. The service is operated by two registered providers. The service participates in the Early Childhood Care Education (ECCE) programme for 38 weeks of the year. There is a registered school age service in operation on the premises.

Rathfarnham Day care has three separate buildings each with their own sanitary facilities for staff and children. There are shared amenities across the three buildings with a main reception in Building 1, a kitchen in Building 2 and outdoor areas attached to each building.

The service is provided across each building as follows.

- Building 1 - There are five ground floor care rooms in this building. These rooms accommodate children aged 2 years and 8 months to 5 years old. The ECCE classes are based in this building. The room on the first floor is currently providing accommodation for the school age service only.
- Building 2 - There are five care rooms and three dedicated sleep rooms, all on the ground floor. These accommodate children aged 0 - 2 years old.
- Building 3 - There is one large care room and two dedicated sleep rooms on the ground floor. There are two care rooms and one dedicated sleep room on the second floor. Care is provided to children aged 2-3 years old.

Staffing

The registered providers do not work in the service. The registered providers employ 43 staff members. Of the 43 staff employed there is an overall person in charge and a manager for each of the three buildings who all work in a supernumerary capacity. There are 34 staff who were working directly with the children, 2 kitchen staff and 3 administration staff.

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.

This inspection focused on an examination of compliance under Regulation 9; (1)(a)(b), (2)(a)(b)(c)(d), (4), Regulation 11; (1), (2), Regulation 19; (1)(a)(b), Regulation 23, Regulation 25, (1)(2)(a)(b), Regulation 26, Regulation 28 and Regulation 29(b)(c)(d)(e), and Regulation 32(1)(a)(b)(c),(2),(3(a)(b). On inspection an additional non-compliance was identified under Regulation 21. The findings are outlined within the relevant regulations within this report.

A sampling process was used to assess compliance under:

- Regulation 19- Health, Welfare and Development of child,
- Regulation 23- Safeguarding Health, Safety and Welfare of Child,
- Regulation 25- First Aid,
- Regulation 26- Fire Safety Measures,
- Regulation 28- Insurance,
- Regulation 29- Premises,
- Regulation 32 – Complaints.

Sampling under Regulation 19 and Regulation 23 included Room 4 in Building 1; Room 2 and 4 in Building 2 and Room 3 and Room 5 in Building 3. Regulation 9 - Management and Recruitment was assessed in relation to all staff working in the service and Regulation 11- Staffing Levels were assessed in relation to all children in attendance.

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 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 inspectors assessed the files of the two registered providers and the 38 staff members who provide direct care and the 2 cooks and 3 administration staff. A total of 43 staff files were reviewed.

(2) (a) Of the 86 references required for staff members, there were 47 written and validated references available from a past employer for 31 staff members. One reference was available for a registered provider from a past employer. Translated references were available as required.

(b) Of the 86 references required for staff members, there were 39 written and validated references available from a source other than a past employer for 18 staff members. Three references were available for the registered provider from a source other than a past employer. Translated references were available as required.

(c) A Garda vetting disclosure was available for the registered providers and all 43 staff members.

(d) Police vetting was available, with translations, for 36 staff members who had resided outside the jurisdiction for 6 consecutive months or more.

(4) There was documentation to demonstrate that the registered providers and 38 staff members who worked directly with the children held a major award in Early Childhood Care and Education at or equivalent to a level 5 or above on the National Qualification Framework.

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.

(2) 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.

Compliance Information

(1) The service ensured that there were an appropriate number of adults working within the service based on the number and age group of children present.

(2) The service had the appropriate ratio of adults working with the children on the inspectors' arrival at the service.

Building 1

- Room 1 – there were 2 adults working directly with 14 children aged 3-4 years old.
- Room 2 – there were 2 adults working directly with 11 children aged 2 years 8 months -3 years old.
- Room 3 – there were 2 adults working directly with 15 children aged 3-5 years old.
- Room 4 – there were 2 adults working directly with 12 children aged 2 years 8 months -3 years old.
- Room 5 – there were 2 adults working directly with 18 children aged 3-5 years old on a sessional basis in the morning. There were 2 adults working with 14 children aged 3-5 years old in the afternoon on a full day care basis.
- The Den – not in use for pre-school children.

Building 2

- Toddler 1 - there were 2 adults working directly with 6 children aged 0-1 years old.
- Toddler 2 – there were 2 adults working directly with 7 children aged 1-2 years old.
- Toddler 3 – there were 2 adults working directly with 7 children aged 1-2 years old.

- Toddler 4 – there were 2 adults working directly with 8 children aged 1-2 years old.
- Toddler 5 –there were 2 adults working directly with 7 children aged 1-2 years old.
- Baby room – there were 2 adults working directly with 4 children aged 0-1 year old.

Building 3

- Room 1 – there were 3 adults working directly with 11 children aged 1-3 years old.
- Room 3 – there were 2 adults working with 10 children aged 2-3 years old.
- Room 5 – there were 2 adults working directly with 9 children aged 2-3 years old.

In each building there was a team leader and floating staff members to support break cover.

(8)(a) The documentation reviewed showed that there were at least two adults available at all times that the children were in attendance.

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

(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

(1)(a)

- Positive behaviour management strategies were observed during the day in different rooms. For example, staff were observed to react patiently when there was a dispute over a toy and an alternative was offered. On the walk around of the service in Building 1 and when children from Building 1 Room 4 were due to go to the garden to play, staff took the time to give instructions, helped the children tidy and engaged with them whilst putting their coats on.

- The inspectors observed children being supported to be independent. For example, children were asked if they wanted their nappy changed and if they wanted help with putting their coats on. Children were also observed being given specific tasks, for example on return from the garden a child brought the trolley of water back to the care room.
- During nappy changing staff were observed to interact continuously with the children. The staff members were discussing the children's family, individual interests and the nappy changing process.
- The inspectors observed the children playing in the outdoor areas designated to each building. At this time the children played with their peers and engaged with staff. The children had the opportunity to develop their gross motors skills as they were observed playing on equipment such as wooden climbing frames with a slide, a wooden bridge, and in the playhouses available. They were also observed on the range of ride on toys which included scooters, bikes, and trikes.

(1)(b)

- Comfort was provided to children throughout the inspection. When children were upset, staff were observed to give them comfort and cuddles.
- Staff discussed supporting children with toilet training. Staff spoke with inspectors about how there was communication with parents and or guardians regarding the process and this was reflective of the service's toilet training procedure.
- The inspectors observed that drinking water was available in the care rooms. The water was also brought into the garden area when the children went to play.
- A calm environment was created to support sleep. The inspector observed that the room was light was dimmed and calm music was played to support children to settle for sleep.
- Children who did not sleep were given the opportunity to play in an alternative room whilst their peers slept.

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.

Non-Compliance Information

1. The tables and chairs in Room 4, Building 2 were not suitably sized for the children. The children were observed sitting on the chairs and their feet did not touch the ground. The children were observed with the tables at armpit height.
2. A selection of battery operated toys in Building 2, Room 2 and Room 4 and Building 3, room 5 were not working. The preventive actions from the previous inspection had not been maintained.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

1. The registered provider stated that they have moved the tables and chairs around building 2 to ensure that they are the correct size for the children in the room. As a preventive action the registered provider stated this has been added to the monthly risk assessments to check the height of the table and the chairs and adjust if needed be.
2. The registered provider stated that they have a total of 46 toys across the 3 buildings with batteries and to have a small selection not working on the day shows that the preventive actions from last time do work. The registered provider stated that they believe that children's toys do have many different functions and do not always have to be used for what they have been intended to allow children to develop their imagination. Battery checks on the toys are done per the risk assessment and change when needed.

Supporting documentation submitted

Updated risk assessment form notes above changes.

Summary Comment

The actions submitted by the registered provider in the corrective and preventive action plan have addressed the non-compliances identified.

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 inspectors observed that the temperature of the water was thermostatically controlled to 43°C. The preventive actions for the last inspection had been maintained. The inspectors also spoke with staff and viewed documentation demonstrating that there was a daily assessment of the water temperatures to ensure the temperatures were maintained appropriately.
- Children's attendance records were completed on a contemporaneous basis. As children arrived and left the service children's attendance records were updated. Staff informed inspectors that attendance records were used in the event of a fire drill.
- Communal areas, walkways and exits were clear of stored items. The preventive actions from the previous inspection had been maintained.
- Liquid air fresheners were not observed in the service and the preventive action from the last inspection had been maintained.

Infection Control:

- There were individual creams available for children when required them during nappy changes. These were easily accessible to the staff member changing the nappy.

Safe Sleep:

- Children under the age of two years old were provided with a cot for sleep. Whilst children slept, 10 minutes checks were carried out and recorded by staff noting the children's position, breathing and colour.
- Whilst children slept the temperature of the rooms was recorded between 16-20°C.

Non-Compliance Information

Administration of Medication:

1. Effective medication management practices were not in place to ensure a child received medication as required. The inspector spoke with staff members in Building 3, who were not aware of medication requirements of children who were in their care. A review of children's files demonstrated that some of these children may require medication. The inspector was not given a care plan whilst in the care room.

It is acknowledged that staff spoken with in Building 1 and 2 were aware of medication requirements of children in their room, however the preventive action from the previous inspection and not been maintained consistently.

General Safety:

2. A risk of a choking injury was observed in the garden area of Building 2. Deflated balloons were accessible to the children on the counter of the toy shop.
3. A risk of injury was observed in the garden area of Building 2 as there was a metal bar protruding from the wall at a child's height.

Infection Control:

4. The procedures in place did not ensure that the risk of cross contamination was reduced to prevent the spread of infection. This was observed by the following:
 - Baby wipes were used in place of handwashing before mealtimes in Toddler room 4. Warm water and soap is required for adequate handwashing to prevent spread of infection.
 - Pedal bins in the sanitary facilities of Building 2 were not operating properly. One had no lid and the pedal was not working on the other bin.
 - The kitchen and tyres in the garden area of Building 3 contained stagnant water whilst the children were playing.
 - The changing unit upstairs in Building 3, used by Room 3, had an uneven and broken surface, preventing effective cleaning.

Action submitted by the Registered Provider

Corrective & Preventive Action

Administration of Medication:

1. The registered provider stated that per the Allergy procedure once a parent tells the service a child has an intolerance, they are added to the allergy list and do not provide the children with the food indicated. Care plans are provided for all children who require emergency medicine plus for any child where a parent provides medication. Staff are aware that that each child has medication should the need arise. As the preventive action the registered provider stated this has been added to team leader check list that all staff are aware of any child that has a food allergy to check if medicine is required. New child moving room check list put in place. Plus, new care plan for any child that has non-emergency allergy so that it is clear whatever medication is needed is provided.

General Safety:

2. The registered provider stated that the service had celebrated yearly sports on Friday 22nd September and the garden had been decorated. Ballons would not be normally in the garden. As a preventive measure this has been added to garden risk assessment to ensure that after any outside celebration the garden has to be checked and any hazards removed.
3. The fire hydrant has been in place for the last 10 years and has never been an issue with the children or highlighted in our inspections before. This has now been covered. This has been added to the garden risk assessment to ensure cover is intact and safe

Infection Control:

4. The registered provider stated that staff have been reminded that children's hands must be washed with running water in the sink that is in their room.
 - All pedal bins lids are now replaced on the bin and the pedal bin that was not working was replaced
 - All equipment is checked on the morning garden risk assessment and water is removed.
 - The uneven surface that was uneven, the changing mat that the children did not have access to has been covered.

The registered provider listed the following preventive actions;

- Pedal bins lids have been added to the checklist in changing areas to ensure that if a lid falls off it is to be put back on immediately.
- Check added on to the garden check list for stagnant water.
- Changing tables added to the team leader check list to ensure that they are in good repair.

Supporting documentation submitted

Photograph of appropriate chairs in room, outdoor bar covered, changing mat, cleaned vents,
Sample allergy care plan/moving room plan/ Manager's Morning Checks/ daily risk checklist/Cleaning Checklist
Toilets/Nappy Room/ Supervisor - Daily Checklist Building 3/medication checklist submitted
Staff training record

Summary Comment

The actions submitted by the registered provider in the corrective and preventive action plan have addressed the non-compliances identified and will be reviewed on the next inspection.

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) The registered provider ensured that there was a staff member with certification in First Aid Responder (FAR) training available at all times to the children attending the service. The preventive actions from the last inspection had been maintained. The inspector reviewed documentation that demonstrated that there were three members of staff with current FAR training. A further two staff members had confirmation that they were to complete FAR training during the first week of October.

(2)(a) & (b) Suitably equipped first aid boxes were easily accessible to adults and available on the premises. First Aid boxes were available in each building in the hallways. Staff were observed with First Aid boxes in the garden areas.

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.*
- (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) A written record was available of the fire drills completed in the service. This included fire drills for each of the three buildings. The last recorded fire drill took place on the 8 August 2023.

(b) A record was maintained of the number, type and maintenance record of the firefighting equipment and mains powered smoke alarms on the premises. The fighting equipment was last serviced on the 14 November 2022. The mains powered smoke alarms were last serviced on the 28 July 2023.

(4) A notice of the procedures to be followed in the event of a fire was displayed in the reception area and care rooms of the service.

Part VI - Safety

Regulation 28 - Insurance

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

Compliance Information

There was documentation available to demonstrate that the service was adequately insured for 170 children from 28 March 2023 to 27 March 2024.

Part VII - Premises and Space Requirements

Regulation 29 - Premises

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

- (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) The entrance to the service was adequately secured. There was a main entrance to each building and a call bell system was in place. There was also an internal keypad system available throughout the service. This supported the unsupervised exit of children from the service and unauthorised access to the service from visitors.

(c) The service was also appropriately ventilated, with the preventive actions from the previous inspection maintained as there was no malodour evident in the sanitary accommodations throughout the service. The light fittings had protective covers and light in rooms could be augmented.

(e) Following the previous inspection 4 children's toilets and handwash basins had been installed on the ground floor of Building 1. The two staff toilets in this building had been moved to a corridor area on the ground floor. There were an adequate number of sanitary facilities for the children and staff attending on the day of the inspection. Liquid soap, hand dryers and paper hand towels were provided in the sanitary facilities and care rooms.

Non-Compliance Information

(d) The inspectors observed that the premises was not adequately maintained to provide a clean and safe environment for children. The following was observed:

- A working vent in the children's bathroom upstairs in Building 3 was covered with a thick layer of dust.
- Cushions in the cosy corner in Building 3 Room 3 appeared stained.
- A sink in the children's bathroom upstairs in Building 3 children's was cracked preventing effective cleaning.
- The gate in the garden of Building 3 was not secured appropriately as the top bracket was broken. This led into a secure but overgrown area.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

(d) The registered provider stated that the following actions took place;

- The vent in the changing area has been cleaned.
- The well-loved cosy area has been recovered/ cosy area are washed weekly.
- The cracks in the upstairs bathroom have been repaired.
- The children could not gain access through this gate as it has a double lock and the bracket has been fixed.

The preventive measures stated by the registered provider were;

- Added the vent to the flowing check list, Team Leader check list and cleaner check list.
- Added to monthly check list the wear and tear on cosy areas.
- Added to the monthly inspection list to check all bathroom surrounds.
- Added to the Managers morning check list to check all fixed brackets of unused gates.

Supporting documentation submitted

Photograph of cleaned cushions, repaired sink/hinge.

Summary Comment

The actions submitted by the registered provider in the corrective and preventive action plan have addressed the non-compliances identified.

Part VIII - Notifications and Complaints

Regulation 32 – Complaints

- (1) A registered provider shall ensure that the complaints policy of the service specifies-
- (a) the procedure to be followed by a person for the purposes of making a complaint in relation to the service,
 - (b) the manner in which such a complaint shall be dealt with, and
 - (c) the procedures for keeping a person who makes such a complaint informed of the manner in which it is being dealt with.
- (2) A registered provider shall ensure that-
- (a) a record in writing is kept of a complaint made to the provider in respect of the pre-school service, and
 - (b) the complaint is duly dealt with in accordance with the provider's complaints policy.
- (3) A record in writing referred to in paragraph (2)(a) shall-
- (a) include the nature of the complaint and the manner in which the complaint was dealt with, and
 - (b) be open to inspection on the premises by an authorised person.

Compliance Information

- (1) (a) The service had a complaints policy in place. This policy detailed the procedure a person should follow to make the complaint. The policy also included the appeals process for the complainant.
- (b) The process of making an informal or formal complaint was outlined, as was how these would be dealt with.
- (c) The policy detailed timelines and how the complainant would be kept informed.
- (2) The registered provider had a copy of a complaints made and these had been dealt with in line with the service's policy.
- (3) (a) The record of complaint contained details in regard the method of complaint and how the complaint was dealt with by the registered provider.
- (b) A record of complaints was available on the day of inspection.