

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015DS063
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<b>Name of Service:</b>	Buttercup Creche
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<b>Address of Service:</b>	54 Marian Rd, Rathfarnham, Dublin 14, Co. Dublin
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<b>Eircode:</b>	D14 AV20
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<b>Name of Registered Provider:</b>	Anna Giblin
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<b>Service type:</b>	Full Day, Part Time
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<b>Date of Inspection:</b>	29/05/2023
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<b>No of pre-school children:</b>	AM	33	PM	33
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<b>Address of the Early Years Inspectorate:</b>	Early Years Inspectorate, Floor 7 Brunel Building, Heuston South Quarter, St. John's Road West, Kilmainham, Dublin 8
<b>Inspection undertaken by:</b>	E. Finnegan Hayes
<b>Title:</b>	Early Years Inspector

### Authority to Inspect

The Tusla Early Years Inspectorate carries out inspections of Early Years Services under Section 58(J) of the Child Care Act 1991 (as inserted by Section 92 of the Child and Family Agency Act 2013).

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

Buttercup crèche and Montessori is located in a residential area in South Dublin. The service operates from a converted retail unit and provides full day care service to children aged 1-6 years old. The service consists of four care rooms, a cot room, kitchen and an office/staff room. An enclosed outdoor area is available to the rear of the premises.

### Staffing

The registered provider currently employs 8 staff including the designated person in charge who all work directly with the children in the service. The registered provider works in the service in a supernumerary capacity providing support in the care rooms as needed.

### 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 an examination of compliance under Regulation 9; (1)(a)(b), (2)(a)(b)(c)(d), (4), Regulation 11; (1), (2), Regulation 16; (1)(j)(k), Regulation 19; (1)(a), Regulation 23, Regulation 25; (1), (2)(a)(b) and Regulation 26; (1), (2)(a)(b). Regulation 8 was added during the inspection in relation to a non-compliance. These findings are outlined within the relevant regulations within this report.

A sampling process was used to assess compliance under the following Regulations and as a result the scope of the inspection included the Wobbler and Toddler rooms.

Regulation 16- Food and Drink,

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 9 - Management and Recruitment was assessed in relation to all staff working in the service and

Regulation 11- Staffing Levels was 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 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

(1) The registered provider failed to notify the Agency of a change of operating hours of the service from 7:45am-6pm to 8am-5:30pm.

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

##### Corrective and Preventive Action

A Change of Circumstance form was submitted and has been approved. A CIC form will be submitted in a timely manner for any further changes to our operation.

##### Supporting documentation submitted

Documentation in relation to above has been reviewed by the Inspectorate.

#### Summary Comment

The registered provider has addressed the non-compliance under Regulation 8.

### 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.*

*(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) There was a designated person in charge and a named person to assist when required.

(2) Discussion with the registered provider and a review of the staff roster showed that there are nine staff employed to work directly with the children in the service including the registered provider. The files of all staff members were reviewed.

(a) Eight written and verified references were available from a past employer in relation to 5 staff members.

(b) Ten written and verified references were available from a source other than a past employer in relation to 6 staff members.

(c) Garda vetting disclosures were available in relation all staff members.

(d) Police vetting was available in relation to 2 adults who had lived outside of Ireland for a period of more than 6 months as an adult.

(4) Evidence was available to show that all staff members held at least a major award in Early Childhood Care and Education at Level 5 on the National Qualifications Framework.

### Non-Compliance Information

(1)(b) A review of the roster and conversation with the registered provider showed that neither the designated person in charge nor the deputy were rostered to be on the premises from 5-5:30pm in the evening.

(2)(d) Police vetting was not available in relation to 1 staff member who had lived outside of Ireland for a period of more than 6 months. Correspondence requesting police vetting with the relevant country was available on file.

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

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

(1)(b) The roster has been changed to ensure that either the Person in Charge or the Deputy is on duty at all times during the day. We will ensure that either the PIC or Deputy PIC is on duty at all times, and have a new roster completed weekly as evidence of this.

(2)(d) The staff member is attempting to get police vetting from the country. The registered provider will ensure that all police vetting from countries outside of Ireland is received before a staff member commences working with the Company.

#### **Supporting documentation submitted**

Documentation in relation to above has been reviewed by the Inspectorate.

### Summary Comment

The registered provider has addressed the non-compliance under Regulation 9 (1)(b). The non-compliance under Regulation 9 (2)(d) remains outstanding, and the registered provider has been requested to submit evidence of the Police vetting once it is received.

## 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 registered provider ensured an adequate number of adults were working directly with the children in the service at all times; 7 staff were caring for 33 children on the day of inspection.

(2) Ratios were maintained in each care room of the service; the following was observed;

- One staff member was caring for 5 children aged 1-2 years in the Wobbler room.
- Two staff members were caring for 9 children aged 2-3 years in the Toddler room.
- One staff member was caring for 8 children aged 3-4 years in ECCE room 2.

Two staff members were caring for 12 children aged 4-5 years in ECCE room 1.

### 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:*

*(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)(j) A sample of 13 medication administration records were checked which showed that details of medication administered to children in the setting was recorded included parental consent.

(k) A sample of 18 accident/incident records were checked which showed that the service maintains details of accidents/incidents which occur. The records included the signature of the parents confirming they had been informed of the accident.

### 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)

#### Basic needs:

- All meals and snacks eaten by the children are provided by the service. On the day of inspection children were observed to eat apple and pear for snack at 10am followed by dinner; pasta with vegetable sauce at 11:30am. Water was accessible to the children throughout the day in individual labelled beakers.
- Children were supported to complete self-care tasks in an age-appropriate way for example the younger children were assisted to clean their noses while the older children were observed to be encouraged to complete tasks such as toileting with an adult on hand to help only if needed.
- Records of ongoing observations of the children were available and evidence showed that these were used to inform the weekly activities in each room supporting an interest-based curriculum.

#### Physical and Material environment:

- Low tables and chairs allowed children to engage in mealtimes and tabletop activities comfortably.
- A range of toys and activities were observed to be available to the children in the Wobbler and Toddler rooms including a kitchen with a range of equipment to support and extend play such as plastic food, plates and cutlery, dolls and a baby bath as well as a range of construction and small world play items such as blocks and animals.
- Soft chairs and cushions were available in the book areas offering children a place to rest and relax while encouraging language exploration and early literacy skills.
- Children's art was displayed in both the Wobbler and Toddler rooms which supports children's sense of accomplishment and achievement.

#### Supporting relationships:

- A welcoming atmosphere was observed in the service and interactions between staff and children were observed to be kind and respectful.
- Staff were observed to actively engage with the children through play and ongoing conversation. Staff in the toddler room were observed playing at the sandpit with a small group of children while the other staff member was observed chatting to the children about the planting boxes and the life cycle of flowers.
- Family photos displays supported children's sense of identity and belonging while also providing a valuable visual connection between the children's home and creche.

### 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 door to the service was securely closed on arrival to the service. A buzzer system was in operation and staff were observed to attend the door to allow access.
- High handles were fitted to the care room doors while the main door was fitted with a release button which was located at adult height out of reach of the children. This prevented children from leaving care rooms or the service unnoticed.
- Flexes were observed to be secured out of reach of the children in both the Wobbler and Toddler rooms.
- Finger pinch protectors were in place as needed to prevent injury to the children.

##### Infection Control:

- Warm water, dispensed soap and paper handtowels were available in care rooms and sanitary areas to support adequate hand hygiene.
- Windows throughout the service were open to allow fresh air to circulate.
- Pedal operated lidded bins allowed for disposal of contaminated items such as soiled nappies.
- Handwashing of staff and children was observed frequently throughout the day for example staff were observed to wash their hands after assisting children with nose wiping and nappy changing while children were supported to wash their hands after toileting, playing outside and before mealtimes.
- The nappy changing procedure was observed to be conducted in line with best practice and the service nappy changing policy.
- Cleaning sprays were stored on a high shelf out of reach of the children in the Wobbler and Toddler rooms and sanitary areas.

##### Safe Sleep:

- Children's bed linen was stored in individual labelled boxes when not in use and laundered weekly.
- Staff were knowledgeable of safe sleep procedures and were observed conducting physical checks of sleeping children every 10 minutes.

##### Fire Safety:

- The fire assembly point in the outdoor area was clearly labelled.

#### Non-Compliance Information

### General Safety:

1. The plaster on the wall in the Wobbler room was observed to be broken and loose in one section. This posed a risk of children ingesting the material.

### Infection Control:

2. The cover of an adult chair in the outdoor area was observed to be torn in several places exposing the foam inside. This posed a choking hazard to the children while also making it difficult to clean effectively

### Safe Sleep:

3. An ambient temperature of 16-20°C was not maintained in the Wobbler room while children were sleeping in the room. The temperature of the room was recorded as 22.4°C at 12:10pm and 22.3°C at 12:48pm. There was no thermometer in the room to allow staff to monitor the room temperature.

### Fire Safety:

4. A review of the record of fire drills showed that fire drills have not been completed every month for example no fire drill was recorded in August 2022, January 2023 or March 2023. Fire drills should be completed monthly to ensure staff and children are familiar with the procedure to be followed in the event of a fire emergency.

## Action submitted by the Registered Provider

### Corrective & Preventive Action

#### General Safety:

1. The broken area on the wall in the Wobbler room has been filled and repainted. Walls and building will be thoroughly checked when furniture is moved.

#### Infection Control:

2. The chair was removed from the garden and disposed of. Closer monitoring of equipment in the garden, when conducting risk assessments.

#### Safe Sleep:

3. Another sleep thermometer has been ordered to monitor the temperature of the Wobbler room more closely when it is in use as a sleep room. If needed, an air conditioning unit will be installed. The new sleep thermometer will be used to monitor the temperature of the Wobbler room while in use as a Sleep room.

#### Fire Safety:

4. The Registered Provider had a meeting with the Manager/Person in Charge about the importance of carrying out a Fire Drill each month and was given the Fire Safety policy to read and re-familiarise with. A

date for each fire drill for the rest of the year has been written into the daily diary. The registered provider will conduct monthly checks of the Fire Logbook.

### **Supporting documentation submitted**

Documentation in relation to above has been reviewed by the Inspectorate.

### **Summary Comment**

The registered provider has addressed the non-compliances identified under Regulation 23.

## 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 a person trained in First Aid Response (FAR) was accessible to the children at all times during the opening hours of the service.

(2) (a)(b) The registered provider ensured that an adequately stocked first aid kit was easily accessible and readily available for use at all times during the service opening hours. First aid kits were available in the office and on the first floor for use 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.*

*(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 record of fire drills in the service were maintained. The record dated back more than 1 year.

(b) The registered provider ensured a record was kept of the number, type and maintenance record of fire fighting equipment and smoke alarms in the premises.

- The record showed that the firefighting equipment was serviced annually with the last service taking place on 4<sup>th</sup> October 2022.
- The record showed that the smoke alarms were serviced quarterly with the last service taking place on 8<sup>th</sup> March 2023.

(4) Notices detailing the procedures to be followed in the event of a fire were displayed throughout the service in the care room and communal areas.