

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015DS121
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Name of Service:	Little Penguins
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Address of Service:	Unit 2, Orlagh Park Shopping Centre, Scholarstown, Knocklyon, Dublin 16.
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Eircode:	D16X5A2
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Name of Registered Provider:	Brid Devereux
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Service type:	Full Day
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Date(s) of Inspection:	24/10/2023
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No of pre-school children:	AM	23	PM	22
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Address of the Early Years Inspectorate:	Early Years Inspectorate, 2 nd Floor, Unit 4/5, The Nexus Building, Blanchardstown Corporate Park, Ballycoolin , Dublin 15 D15 CF9K
Inspection undertaken by:	C. Harte and N. Ruddy
Title:	Early Years Inspector and Inspection Registration Manager

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

Little Penguins is a privately owned early years service providing full day care for children between 2-6 years. The service is located on the first floor of a small shopping mall in a suburban area of South Dublin. There are two large care rooms in the service and a fully enclosed outdoor area at the rear of the premises. There are sanitary facilities for children and staff, a kitchen and small office on the premises. The service participates in the Early Childhood Care and education (ECCE) scheme and is registered to operate from 7:30 to 18:00.

Staffing

There are eight adults employed to work directly with the children in the service including the designated person in charge. The registered provider does not work in the service. A member of senior management who does not work directly with the children was also present on the day of the inspection.

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 and safety. The inspection may also focus on other areas as required.

A sampling process was used to assess compliance under:

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.

Additional Information

On the 24th October 2023, an immediate action notice was issued Under Regulation 9(2)(c) as one staff member working directly with the children did not have the required Garda Síochána vetting disclosure. The registered provider responded to the immediate action notice confirming adherence to the notice given on October 25th 2023.

A second immediate action notice was issued on the day in relation to Regulation 25 first aid. On October 25th 2023 the registered provider issued a response.

Acknowledgments

The inspectors wish to acknowledge the cooperation of the person in charge, senior management, staff, and children who were present on the day of the inspection.

Part III – Management and Staff

Regulation 9 – Management and recruitment

(1) A registered provider shall ensure that-

- (a) the service has a designated person in charge and a named person who is able to deputise as required,
- (b) at all times during the period when the pre-school service is being carried on, the designated person in charge or the named person referred to in subparagraph (a) is on the premises, and
- (c) there is a clear management structure in the service that identifies the lines of authority and accountability in the service and the specific roles and responsibilities of each employee and unpaid worker.

(2) A registered provider shall ensure that each employee, unpaid worker and contractor is suitable and competent taking into consideration the nature of the needs of children, including by-

- (a) consideration of references from the person's past employers, if any, and in particular the most recent employer, if any,
- (b) consideration of references from reputable sources in the case of a person who has no past employers,
- (c) consideration of the vetting disclosure received from the National Vetting Bureau of the Garda Síochána in accordance with the Act of 2012 in respect of the person, and
- (d) ensuring, insofar as is practicable, that where a person has lived in a state other than the State for a period of longer than 6 consecutive months, he or she provides police vetting from the police authorities in that state.

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

(4) A registered provider shall ensure that, without prejudice to the generality of paragraph (2) and subject to paragraphs (5) and (6), each employee working directly with children attending the service holds at least a major award in Early Childhood Care and Education at Level 5 on the National Qualifications Framework or a qualification deemed by the Minister to be equivalent.

Compliance Information

(1)(a)(b) The service had a named person in charge and designated deputy person in charge in their absence. The designated person in charge was available on the premises throughout the inspection.

(c) A clear management structure was in place. Staff and management were aware of roles and responsibilities.

(2) The files of eight staff were reviewed on the day of inspection.

(a) Thirteen references were available from previous employers. Seven of these references were observed to be verified on the day of inspection.

(b) One reference was available from a source other than a previous employer.

(c) Garda vetting disclosures were available in relation to seven staff.

(d) Police vetting was available for four staff who had lived in a country other than Ireland for a period of more than 6 months as an adult.

(4) Evidence was available to show that 7 staff working directly with the children held at least a major award in Early Childhood Care and Education level 5 on the National Qualifications Framework or a qualification deemed to be equivalent.

Non-Compliance Information

(2) The registered provider was unable to demonstrate that they had completed recruitment checks to ensure that all staff were suitable and competent for their roles in a childcare setting. This was evidenced by:

(a) & (b)

- Six references from previous employers and one reference from a reputable source were not verified on the day of inspection. The registered provider submitted evidence on the following day that these records were verified after inspection on 25th October 2023.
- No references were available for one staff member.

(c) A Garda vetting disclosure was not available for one staff member. On the 24th October 2023, an immediate action notice was issued as the registered provider had not considered the Garda vetting disclosure for one staff member prior to allowing them to work with children. The inspector observed two separate applications for vetting on the file and it was confirmed in discussion with management that they had not received a vetting disclosure for this person.

(3) The procedures stated above under 2(a), (b) and (c) were not completed before allowing staff to commence work in the setting.

(4) Evidence was not available to show that one staff member working directly with the children held at least a major award in Early Childhood Care and Education level 5 on the National Qualifications Framework or a qualification deemed to be equivalent.

Corrective & Preventive Action submitted by the Registered Provider

Corrective Action

(2)(a) (b) All staff references were re-checked to ensure they had been verified.

(c) The Staff member in question was informed that they could not work until Garda vetting was received.

(4) Evidence of staff qualification was requested and subsequently received and added to staff members file.

Preventive Action

(2)(a)(b) A sheet recording checks (including dates and person contacted and whether contact was successful) is now part of every employment record kept.

A strict adherence to the rule that employment cannot start until all references and qualifications have been verified is in place. All prospective or future staff will be informed of this when offered employment.

A strict adherence to the rule that employment cannot start until Garda vetting is received is in place. All prospective or future staff will be informed of this when offered employment.

Supporting documentation submitted

Validation record of seven references

Two written and validated references for one staff member

Qualification certificate

Garda vetting certificate

Updated staff record form.

Summary Comment

The registered provider has addressed the non-compliances under Regulation 9.

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 between 9:09am and 12:15pm when six adults were caring for 23 children and between 2:09pm and 4:00pm when six adults were caring for 22 children.

Non-Compliance Information

(1) The registered provider did not ensure an adequate number of adults were working directly with the children in the Butterfly room between 1:39pm and 2:25pm. The staff available in the room were unable to respond adequately to the care needs of the children. This is detailed under the non-compliance section of Regulation 19.

(2) The minimum adult to child ratio was not always maintained in the service as outlined below:

Between 12:45-2:09pm ratios were not maintained in the Caterpillar room where children from 2 years-2 years 10 months were being cared for. For example:

- 12:45-1:31pm 14 children were being cared for by two adults. Three adults were required.
- 1:31-2:09pm 13 children were being cared for by two adults. Three adults were required.

Between 12:15-1:00pm ratios were not maintained in the Butterfly room where children from 2 years 9 months-3years plus were being cared for. For example:

- 12:15-1:00pm 17 children were being cared for by two adults. Three adults were required.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

- (2) To ensure ratios are maintained in each classroom at all times, a separate lunchtime schedule has been drafted. This will be put in place should in the event of the unplanned absence of a staff member as was the case on the day of inspection.

Supporting documentation submitted

No supporting documentation submitted.

Summary Comment

The registered provider has addressed the non-compliance under Regulation 11.

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

Compliance Information

(1) (a) The following observations are examples on how each child's learning, development and well-being was being facilitated during the inspection:

Basic Needs:

- Each care room had a defined area for rest. Providing an area for rest supports children to independently choose quiet times for relaxation creating opportunities to unwind both physically and emotionally.
- The staff encouraged the children to use the toilet. The bathroom had visual aids to support the children toileting. This promoted independence.
- A drinks station was accessible to children throughout the inspection.

Supporting Relationships Around Children:

- A key worker system was in place fostering the development of relationships with children and their families. Partnership with parents/guardians and sharing of learning experiences supports children's wellbeing and development.
- Staff in the outdoor area praised children and supported them as they used the climbing frame.
- Staff were observed engaging children in conversation and songs. Conversation and interaction support language development.
- Staff advised they plan collaboratively and consider children's interests.

The Physical and Material Learning Environment:

- The care rooms had a variety of materials suitable to the age and developmental stage of the children.
- Real props and resources from home were available in the Butterfly room and provided for real life meaningful experiences encouraging exploration.
- Childrens artwork was displayed on walls throughout the service. Displaying artwork supporting children's creativity and sense of belonging.
- The outdoor area had a slide, climbing frame and ride on bikes which provided opportunity for fundamental gross motor movements.

Non-Compliance Information

1. At times the strategies used by staff for supporting children were not in line with the service behaviour management policy. The following was observed:
 - The service policy stated staff would approach children at their level calmly and help describe feelings of frustration. Staff were observed to address children's behaviour by calling children loudly from across the room. During these interactions staff did not acknowledge the children's feelings and frustrations.
 - Staff were observed to use harsh tones and to move children abruptly. This is not in line with staff modelling positive behaviours and interactions as detailed in the policy.

2. The needs of all children were not met appropriately following dinner in the Butterfly room. While the atmosphere was calm and supportive of the children's needs during the morning, after dinner the environment within this room became loud and disordered with raised voices of children and one staff member. Although some children were able to settle to play independently a number of children became distressed and displayed behaviours which required support during this time. Children were observed to engage in potentially risky behaviours such as hitting and pulling hair, climbing on furniture, running, and wandering around the room without engagement and unattended in the bathroom which led to flooding on the floor. Staff in the room intervened with children intermittently but at times did not observe the children's behaviours and attended to cleaning and tidying tasks over responding to children's needs. It is acknowledged that at this time the manager of the setting was fully occupied providing direct care to a child.
3. The registered provider did not ensure that varied and sufficient food was available:
 - The main meal served was chicken curry with vegetables and was nutritiously balanced however six children did not want to eat the meal and were offered plain rice. An alternative meal was not available. Plain rice was not in line with the Food and Nutrition Standards for hot meal provision which outlines that every hot meal should contain a number of specific food groups. It is acknowledged that two additional children had food from home as their main meal.
 - Children were given a single breadstick for afternoon snack. Birthday cake was also given however staff advised the breadstick was the intended snack of the day.

When the inspector discussed meal alternatives and available snacks with staff, she was advised that shopping had not been completed for the week, so alternatives were not currently available in the kitchen.

Corrective & Preventive Action submitted by the Registered Provider

Corrective Action

- 1 & 2 All staff have been reminded of their duty of care and responsibilities in how they address the children and their needs as per our Behaviour Management Policy.
3. Staff reminded of the importance of having an alternative food option for children in the event that they do not eat the main meal on offer. The importance of being prepared in advance for this was also highlighted. Shopping to be done at the beginning of each week to prevent any food shortages.

Preventive Action

- 1 & 2. All staff are asked to read our Behaviour Management Policy and sign document stating they have done so and agree to operate in line with the policy.
3. Staff to ensure that shopping requirements are met and implemented at the beginning of every week. This will provide all the needs for any alternative meals or snacks that may be required.

Supporting documentation submitted

No supporting documentation submitted.

Summary Comment

The registered provider has addressed the non-compliances under regulation 19.

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:

- On arrival to the service the entrance was secure which prevented children leaving the service unsupervised and prevented unauthorised persons accessing the building.
- Toys used by the children were maintained in good working order.
- The stairway leading up to the service was clear with no trip hazards.
- Windows were observed to be secure.

Infection Control:

- Hand hygiene practices were observed during nappy changing.
- Liquid soap and warm water were available in the sanitary area and care rooms.
- Bed linen was stored in individual cubbies.
- Cleaning spray was used to clean the tables following mealtimes.

Administration of Medication:

- A health care plan and medication for one child was available and easily accessible to staff in the service.

Safe Sleep:

- An ambient temperature of 18-22°C was maintained in the area where children were sleeping.
- Lighting in the sleep area was subdued supporting rest for the children.

Non-Compliance Information

General Safety:

1. The fire exit door located in the in the caterpillar room had a handle within easy reach of children and opened onto to a push release fire exit leading to a stairway and building exit via a neighbouring business. This posed a potential risk of unauthorised exit from the preschool by a child or access to the care room by an unauthorised person.
2. The door handle in the butterfly room was observed in reach of children. At 1:44pm children were observed playing in the alcove near the door without supervision. At 1:51pm a child was observed to push a stool over to the door sit on the stool in reach of the handle and then stand on the stool. This posed a risk of a child leaving the room via the exit stairs and gaining access to the carpark outside.
3. A trampoline with a ripped and torn lining was observed in the garden. Staff advised the inspector the trampoline is for use by all children. This posed a risk of injury to children. The use of trampolines is prohibited in services except for therapeutic intervention.
4. Cleaning agents in the nappy changing bay were accessible to children. This posed a potential risk of poisoning.
5. Stagnant water accessible to children was observed in the outdoor area in two plastic trays. This increased the risk of infection.
6. In the outdoor area two broken storage units with jagged edges posed a risk of injury to children.
7. A coloured rug in the Butterfly room was observed with turned up edges. This posed a trip and injury risk.

Infection Control:

8. A foot pedal bin was not available in the nappy changing bay and sanitary area. This is not in line with the recommendations issued by the Office of the National Clinical Director Health Protection, HSE Health Protection Surveillance Centre due to the increased risk of cross infection.
9. Blue tissue roll in the caterpillar room was not stored within a dispenser meaning that the roll was handled by many people prior to use. This posed a risk of cross contamination.
10. Fabric cleaning cloths were observed in the nappy changing bay and by the sink in a care room. This posed a risk of cross contamination.

Safe Sleep:

11. Sleep records were not completed in real time the day of inspection. Records are required to be kept from the time the children got to sleep until they wake noting colour, breathing and position of sleeping child every ten minutes. Children were observed sleeping without a sleep log being started. The record kept did not demonstrate ten-minute checks.

Fire Safety:

12. Coats were hung behind the door of the Butterfly room leading to the Caterpillar room. This prevented the door from opening fully. This posed a potential safety risk as the area formed part of the evacuation route.

Action submitted by the Registered Provider

Corrective & Preventive Action

General Safety:

- 1&2. A small loop latch is in place and is beyond the reach of all children. Staff have been informed that this is to be used when children are in the room to further prevent any potential opening of the door out to the fire corridor. Please note that the door handles are still at the required height that was approved for fire safety. When using the room staff must ensure that the small loop latch is in place at all times.
3. Trampoline has been removed from play area.
4. Cleaning agents removed from toilet area until new units are fitted out of reach of children. They will then be placed in the new unit.
5. Outdoor area to be checked by staff every day prior to children using the area to ensure that all outdoor toys and units are clean and ready for usage.
6. Broken outdoor storage units replaced.
7. Coloured rug in Butterfly room removed and discarded.

Infection Control:

8. Two new Nappy bins with foot pedals have been purchased to replace the existing bins in the two nappy changing areas.
9. Blue Roll dispensers fitted.
10. Cloths removed.

Safe Sleep:

11. 10-minute checks added to the sleep policy document. Staff have been informed that these checks must be complied with and recorded.

Fire Safety:

12. New unit to be fitted in Caterpillar Room to store bags and coats removing them from the corridor.

Summary Comment

The registered provider has addressed the non-compliances 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

(2)(a) and (b) Suitably equipped first aid boxes were available and were safely stored in an easily accessible position on the premises.

Non-Compliance Information

1. An immediate action notice was issued to the service on the day of inspection as there was no person trained in first aid on the premises available to the children. One staff member had evidence of first aid responder training which expired in August 2022.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

Facility Manger registered for updated First Aid training. This has been completed.

All staff are undergoing manual handling and First Aid training in January 2024.

Supporting documentation submitted

Receipt of FAR course.

Summary Comment

The registered provider has addressed the non-compliance under Regulation 25.

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.

Compliance Information

(1)(a) A record was available for the fire drills which occurred in the service. The recorded demonstrated fire drills are conducted monthly. The last fire drill took place on 29th September 2023.

Non-Compliance Information

(1)(b) An in date annual record was not available for the number, type and maintenance of firefighting equipment and smoke alarms in the premises.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

Fire Equipment was checked and certified on 25/10/2023.

A policy is in place to book in checks for all fire and safety equipment at the beginning of the new academic year in September of each year.

Supporting documentation submitted

Certificate of maintenance of firefighting equipment.

Summary Comment

The registered provider has addressed the non-compliance under Regulation 26