

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015DS164		
<b>Name of Service:</b>	M + E The Wombles Ltd.		
<b>Address of Service:</b>	8 Old Bawn Road, Tallaght, Dublin 24, Co. Dublin		
<b>Eircode:</b>	D24 NT25		
<b>Name of Registered Provider:</b>	Elizabeth McCormack		
<b>Service type:</b>	Full Day, Part Time, Sessional		
<b>Date of Inspection:</b>	11/09/2023		
<b>No of pre-school children:</b>	AM	32	PM 17
<b>Address of the Early Years Inspectorate:</b>	Early Years Inspectorate, Tusla Child and Family Agency, 7th Floor, Brunel Building, Heuston South Quarter, Dublin 8.		
<b>Inspection undertaken by:</b>	E. Mulhern & M. Redmond		
<b>Title:</b>	Early Years Inspectors		
<b>Authority to Inspect</b>			
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		

### Description of service

M + E The Wombles Ltd. is a privately operated early years service for children aged between 0 and 6 years. It opens Monday to Friday from 7:45am to 5pm and offers sessional, part-time and full-daycare. The service operates from a purposely adapted single storey house. Children are allocated to one of five rooms according to their age and stage of development. There is a separate sleep room for children under two years of age and an outdoor play area available at the rear of the building.

### Staffing

There are 12 staff employed to work in the service including the registered provider. Ten staff are employed to work directly with the pre-school children. On the day of inspection 3 staff were on long-term leave.

### 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/ health, welfare and development of child/ premises and facilities. The inspections may also focus on other areas as required.

The inspection focused on an examination of compliance under the following regulations:

Management and recruitment - regulations 9 (2), (3) & (4)

Staffing levels – regulations 11 (1) & (2)

Record in relation to pre-school service – regulation 16 (1)(k)

Health, welfare and development of child – regulation 19 (1)(b)

Premises – regulation 29 (c) & (e)

A sampling process was used to assess compliance under regulation 19 (1)(b). As a result, the scope of the inspection under this regulation included the Tiny Tots and Busy Bees rooms.

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

### Immediate Action Notice

Regulation 9 (2)(c): An Immediate Action notice was issued on 12 September 2023 as a mandatory Garda vetting disclosure was not available for one staff member contrary to the National Vetting Bureau (Children and Vulnerable Persons) Act 2012. The registered provider submitted a response on 13 September 2023 stating an application was made for Garda vetting following the inspection and the adult will not have access to the service until this has been obtained.

### Referrals to other agencies

A referral was made to Better Start National Early Years Quality Development Initiative on 12 September 2023.

## Acknowledgments

The inspectors wish to acknowledge the cooperation of the registered provider, staff and children who were present on the day of the inspection.

### Part III – Management and Staff

#### Regulation 9 – Management and recruitment

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

*(a) consideration of references from the person’s past employers, if any, and in particular the most recent employer, if any,*

*(b) consideration of references from reputable sources in the case of a person who has no past employers,*

*(c) consideration of the vetting disclosure received from the National Vetting Bureau of the Garda Síochána in accordance with the Act of 2012 in respect of the person, and*

*(d) ensuring, insofar as is practicable, that where a person has lived in a state other than the State for a period of longer than 6 consecutive months, he or she provides police vetting from the police authorities in that state.*

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

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

#### Compliance Information

(2)

(a) & (b) Ten staff members had a minimum of two references available. References from reputable sources had been sourced for those who had only one or no previous employers. Records were available of the verification checks that had been carried out.

(c) Garda vetting disclosures were available for 11 adults.

(d) International police vetting was not required for 11 adults.

(4) Ten staff were employed to work directly with pre-school children. Records were available evidencing 7 staff held the required qualification.

#### Non-Compliance Information

The registered provider did not ensure that all staff were suitable and competent to work with children as outlined below:

- (2)
- (a) & (b) There were no references available for two staff members. This regulation was non-compliant on the previous inspections dated 21 February 2022 and 28 November 2022. The preventive actions submitted by the registered provider following those inspections had not been carried out.
- (c) A Garda vetting disclosure was not available for one staff member contrary to the National Vetting Bureau (Children and Vulnerable Persons) Act 2012. This regulation was non-compliant on the previous inspection dated 28 November 2022. The preventive actions submitted by the registered provider following that inspection had not been carried out. An Immediate Action notice was issued on 12 September 2023 due to the risk posed. The registered provider submitted a response on 13 September 2023 which is documented under corrective and preventive actions below.
- (d) It could not be determined whether international police vetting was required for one staff member as no records were available relating to the adult. This was non-compliant on the previous inspection dated 28 November 2022. The preventive actions submitted by the registered provider following that inspection had not been carried out.
- (3) The registered provider did not ensure that the procedures specified in paragraph (2) were carried out before staff were allowed access to children in the service as outlined above.
- (4) There were no records available to evidence that three staff employed to work with pre-school children held at least a major award in Early Childhood Care and Education at Level 5 on the National Qualifications Framework or an equivalent qualification. This was non-compliant on the previous inspection dated 28 November 2022. The preventive actions submitted by the registered provider following that inspection had not been carried out.

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

## Corrective and Preventive Action

(2)(a) & (b) One staff member no longer works in the service. The second staff member is on long term leave at present. They have provided one reference which has since been validated. The final reference will be obtained ahead of this staff members return to service.

(2)(c) Garda vetting has been obtained for the person. This person does not have access to the service and will not going forward.

(2)(d) This staff member no longer works in the service. The staff member has not lived outside of Ireland for a period of more than six months. International police vetting will be sought from anyone who has lived outside of the jurisdiction for more than six months. A curriculum vitae will be inspected of any potential staff members prior to commencement to ensure compliance with this regulation.

(3) Staff files to be sent to an early childhood care and education specialist to ensure compliance with regulation going forward.

(4) One staff member no longer works in the service. Copies of the qualifications have been obtained for the other two staff members.

(2), (3) & (4)

- Staff files will be audited monthly to ensure sustained compliance with the regulation – this will be outsourced to an early childhood care and education specialist ensure compliance.
- A checklist will be placed in front of all staff files to ensure compliance with regulation is met and sustained going forward.
- Full recruitment policy is to be redistributed and signed off by management. Early childhood care and education specialist agreed to provide training for same.

## Supporting documentation submitted

(2)

(a) & (b)

- Letter from registered provider stating one staff member has not been present in the service since inspection and will not be working in the service for the foreseeable future.
- Past employer reference for adult who is on leave with record of verification.

(c) Copy of outstanding Garda vetting dated 29 September 2023.

(d) Letter from registered provider stating the staff member has not been present in the service since inspection and will not be working in the service for the foreseeable future.

(4)

- Letter from registered provider stating one staff member has not been present in the service since inspection and will not be working in the service for the foreseeable future.
- Evidence of award in Early Childhood Care and Education at level 5 for two staff members.

(2), (3) & (4)

- Letter from manager of early childhood care and education specialist confirming oversight in relation to recruitment documents.
- Personnel file checklist

### Summary Comment

The actions submitted have been deemed appropriate in addressing the non-compliances. The regulatory requirements will be assessed on the next inspection to ensure sustained compliance.

### 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) An adequate number of adults were working with the children.

(2) The minimum ratio of adults to children was always maintained. Five adults worked directly with 32 pre-school children in the morning. Three adults worked directly with 17 pre-school children in the afternoon.

### 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:*

*(k) details of any accident, injury or incident involving a pre-school child attending the service.*

#### Compliance Information

Records were available outlining accidents and incidents involving children whilst attending the service.

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

### Regulation 19 - Health, welfare and development of child

*(1) A registered provider shall, in providing a pre-school service, ensure that-*

*(b) appropriate and suitable care practices are in place in the pre-school service, having regard to the number of children attending the service and the nature of their needs.*

### Compliance Information

Inspectors observed that suitable care practices were in place. Children were provided with food and snacks at regular intervals and drinks of water were always available. Babies were held by an adult when being bottle-fed with the adult using the opportunity for one-to-one interactions.

Staff supported the children to manage their personal care. Bibs were provided to protect the children's clothes from becoming soiled or wet when eating. They were supported to clean their hands and faces at appropriate times. They used the toilet as needed with staff available to help. Children who wore nappies had these changed at scheduled times and in between when required.

Children were provided with the opportunity to rest or sleep on low beds or cots according to their age and stage of development. Outer clothing was removed and children who used soothers for comfort were given these at this time. Staff demonstrated warmth and affection in their interactions with the children through use of soft and gentle tones. Inspectors observed that children were promptly comforted by staff when they became upset.

### Part VII - Premises and Space Requirements

#### Regulation 29 - Premises

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

*(c) kept adequately lit, heated and ventilated*

*(e) equipped with adequate and suitable sanitary facilities.*

#### Compliance Information

(c) The temperatures of the sanitary facilities and the Busy Bees room were inspected as these had been below the required level on the previous inspection. The temperatures were maintained between a comfortable temperature of 18-22°C.

(e) The provision of wash hand basins in the sanitary facilities was inspected as there were an inadequate number available for the number of children in attendance on the previous inspection. The registered provider had installed a third wash hand basin since that inspection making a total of three. The registered provider stated that the service accommodates a maximum of 33 children. There were sufficient facilities for this number of children.