

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015DY043			
<b>Name of Service:</b>	Carousel Day Nursery			
<b>Address of Service:</b>	Kilmore Road, Artane, Dublin 5			
<b>Eircode:</b>	D05 C7X8			
<b>Name of Registered Provider:</b>	Anne Marie Doyle			
<b>Service type:</b>	Full Day, Part Time, Sessional			
<b>Date of Inspection:</b>	10/10/2023			
<b>No of pre-school children:</b>	AM	37	PM	27
<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 & C. Harte			
<b>Title:</b>	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.

### Description of service

Carousel Day Nursery is a privately operated service located in an industrial area in North Dublin. The service provides full time, part time and sessional pre-school care and education to children from 0-6 years from 7:30-6:15pm Monday to Friday. The service consists of an office, kitchen and four care rooms used by preschool children; Montessori room, Playgroup room, Pre-montessori room which is also referred to as the indoor garden and the Toddler room. The service participates in the Early Childhood Care and Education scheme (ECCE) and also offers a registered school aged care service. There is a large enclosed outdoor area to the front of the service which is divided into three sections; two of which are used by the children.

### Staffing

Fifteen staff are employed in the service including the registered provider, a cook, eleven early years practitioners and two staff members who work in the afternoons with the school aged children; one of whom is currently working fulltime and was providing support in the care rooms with early years children on the day of 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.

The inspection focused on an examination of compliance under Regulation 9(1),(2)(a)(b)(c)(d),(3),(4) Management and Recruitment, 11(1),(2) Staffing levels, 19(1)(a) Health, Welfare and Development of child, 23 Safeguarding the Health, Safety and Welfare of child, 25(1),(2)(a)(b) First Aid, 26(1)(a)(b),(4) Fire Safety measures; however, on inspection additional non-compliances which posed significant risk were identified under Regulation 29(d) Premises. These 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 the Health, Safety and Welfare of child. As a result, the scope of the inspection included Toddler room and Pre-montessori room. The Playgroup room was assessed under Regulation 23; Safeguarding the Health, Safety and Welfare of child in relation to sleep only.

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 registered provider, 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

(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 two named persons who could deputise as needed. A review of the roster showed that the designated person in charge or a named deputy are rostered to be on the premises at all times during the service opening hours.

(2) Discussion with the registered provider and a review of the staff roster showed that there are currently 15 people employed in the service including the registered provider, a cook and a staff member who works with school aged children only. The files of 14 staff who were observed working directly with the preschool children were reviewed along with a Garda vetting disclosure for the staff member who works with school aged children.

(a)(b) Twenty-eight written and verified references were available as required.

(c) Garda vetting disclosures were available for 15 staff members.

(d) Police vetting was available for 7 staff members who had lived in a country other than Ireland for a period of more than 6 months.

(4) Evidence was available to show that twelve staff who worked directly with the preschool children held 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.

### Non-Compliance Information

(2)(d) Police vetting was not available from a second country in which a staff member had lived for a period of more than 6 months.

(3) A review of the staff files showed that the checks required under (2) had not been completed prior to the start date of four staff members who have commenced employment since the last inspection.

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

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

(2)(d) The Staff member has made enquiries into getting this police vetting but has now given notice and will leave the service. This was an oversight and the service have learned to keep this in mind whilst checking on new staff in the future.

(3) The service have made a note of this, and will be more vigilant in the future.

#### **Supporting documentation submitted**

No supporting documentation submitted.

### Summary Comment

The registered provider has addressed the non-compliance 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 9:50am and 12:20pm when ten adults were caring for 37 children and between 1pm and 3pm when 6 adults were caring for 27 children.

#### Non-Compliance Information

(1) The registered provider did not ensure an adequate number of adults were working directly with the children between 12:20-1pm while staff lunch breaks were ongoing. Six staff were required based on the age of the individual children present however only five staff were available.

(2) Between 12:20-1pm ratios were not maintained in the Cot room or Playgroup rooms where children aged 11months-3years were sleeping. For example;

- Seven children aged 22months to 35 months old were being cared for by one staff member in the Playgroup room. Two adults were required.

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

##### Corrective and Preventive Action

(1) A staff member was out on the day of inspection. Another staff member who works afternoons will attend early when required to cover.

(2) The lunch breaks were adjusted to ensure this is correct in future.

##### Supporting documentation submitted

No supporting documentation provided.

### Summary Comment

The registered provider has addressed the non-compliance under Regulation 11. This will be reviewed on the next inspection.

### 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) **Basic Needs:**

- The service has a healthy eating policy and provides two meals; breakfast and dinner and one snack per day to the children. Lunch which is given in the afternoon is provided by the parents. Dinner is supplied by an outside company and are heated onsite by the service cook. On the day of inspection dinner was pasta bolognaise.
- Nappy changing was done on a set schedule three times per day and as needed to maintain the child's comfort.

##### **Physical and Material environment:**

- The Pre-montessori room had a number of defined areas and a range of toys and supporting equipment to allow children to engage in a variety of play experiences.
- Visual daily routines were displayed in the care rooms this ensures predictability and consistency for the children.

##### **Supporting relationships:**

- Staff were observed to use gentle tones when speaking to the children and were observed to use encouraging language to support children.
- The service operates a key worker system in each care room. This fosters a nurturing environment in which children feel confident.

- Staff in the playgroup room positioned themselves at tables with the children and were observed to engage in the activities with the children supporting the development of the adult: child relationship.

### Non-Compliance Information

1. Staff in the Toddler room did not respond appropriately to two children who communicated they wanted food for example a staff member placed a child in a highchair at 10:42am and went to the press to get the child a cracker. One child followed the staff member to the press and gestured to the cracker the staff member was holding by opening and closing their hand while looking at the cracker. A second child who was sitting on the floor in front of the highchair also gestured to the staff member opening and closing their hand. The staff member acknowledged both children by saying “you have to wait for dinner this is for [child’s name]”. The second child continued to gesture toward the child eating the cracker while the child ate. The children received food at 11am when dinner arrived.
2. The sleep needs of two children in the Toddler room were not met in a timely manner despite staff acknowledging their sleep cues. For example, one child was observed crying and rubbing their eyes while the second child was observed rubbing their eyes, yawning, and dozing in the highchair from 10:58am until 11:25am when both children were brought to the cot room. During this time staff repeatedly acknowledged that the children were tired and told them it’s ok you’re going to bed. Responding to children’s cues supports the development of a strong adult child relationship, ensures children feel understood and reduces frustration.
3. Chairs were not available for use by children in the Toddler room between meals meaning the children were unable to sit at the table to engage in quiet tabletop activities such as jigsaws. Tabletop activities help build posture and promote cognitive function development in young children.
4. Toy and materials in the Toddler room lacked variety and were not organised in a way which promoted independent or meaningful play experiences. For example, a significant amount of the toys available were cars or electronic toys which were not working as intended. The kitchen was inaccessible due to a ride on train which was pushed up against it and the supporting equipment was stored on top of the kitchen out of reach of the children. The sensory tray which was empty on the day restricted access to a shelving unit and wheeled toys. Additional toys such as wooden and plastic blocks, animals and small figures of people were also stored out of reach on the top of the shelving units inaccessible to the children. A variety of toys and materials which are grouped by themes or interest areas provides children with a structure to guide and extend their play.

5. Appropriately sized tables were not available in the Pre-montessori room to suit the requirements of all children for example two tables was observed to be armpit height level for two children. One of the children was observed to reposition themselves into standing while colouring to be in a more comfortable position. It is acknowledged that one of the tables had adjustable legs which could be used to reduce table height.

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

#### Corrective and Preventive Action

1. This has been discussed with staff. This practice has been discussed and will change immediately.
2. The staff again have agreed the children should be put to bed when they are tired and not have to wait for the other children and go down to sleep altogether. This practice has been discussed and will change immediately.
3. The table and chairs are always available now for the children to sit down whenever they feel they want to. The staff felt it was a little hazardous but now the children have all gotten used to it, so the climbing has lessened. This practice has changed immediately.
4. Nearly all electronic toys have been removed and different toys have been added instead. The kitchen has cleared for play and the plastic utensils have been lowered to the child's level so they can play any time rather than been adult led. The sensory tray has been filled with lentils and feathers this week for the children to get a sensory experience whenever they choose again rather than being adult led. The toys listed have been lowered to the child's reach. This practice has changed immediately.
5. These tables have been lowered to correctly fit the children. This practice has changed immediately.

#### Supporting documentation submitted

Photos in relation to above have been reviewed.

### Summary Comment

The registered provider has addressed the non-compliance 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:

- The service entrance was adequately secured when the inspectors arrived at the service. A buzzer system is in place and staff speak to visitors before allowing access. Staff attended the door to allow access to the inspectors. This prevented unauthorised persons entering the premises.
- A release button at adult height is present on the main door and a second door inside the main door provided an additional barrier to prevent children leaving the service unsupervised.
- The outdoor area was adequately secured with high fencing and the gate was secured with a bolt lock to prevent unauthorised persons accessing the area and to prevent children leaving the area unsupervised.
- Blind cords were adequately secured out of reach of the children. The preventive action provided following the last inspection has been sustained.

##### Infection Control:

- Thermostatically controlled warm water, dispensed soap and paper handtowels were available in the sanitary areas to support adequate hand hygiene.
- Nappy changing mats were maintained in good condition.
- A pedal operated lidded bin was available in the nappy changing area for disposal of soiled nappies, gloves and aprons.
- Windows were opened throughout the service for ventilation.
- Cots and low beds/ sleep mats were placed 50cms apart to prevent the spread of infection. The preventive action provided by the registered provider following the last inspection has been sustained.

##### Safe Sleep:

- Staff were observed to check children regularly while they slept at ten-minute intervals. These checks were adequately recorded and detailed the colour, breathing and position of the children.

##### Fire Safety:

- Fire exits were unobstructed.
- Staff were aware of the procedure for fire evacuation.

#### Non-Compliance Information

### General Safety:

1. Rust was observed on the surround inside a microwave in the Toddler room. This posed a risk of radiation leakage. The registered provider confirmed this would be removed from the service on the day of inspection.
2. Signage was not present on either entrance to the playschool door to indicate a step inside the entrance door. This posed a trip hazard as the step was unexpected.
3. A swinging chair with a three-point harness was present in the Toddler room which was not suitable for the age of children catered to in the room. A warning notice on the side of the swinging chair stated it was not suitable for children who can sit unaided. Staff advised that the chair is used when children are settling in to help soothe them. Staff advised they do not take children younger than 11.5 months while the registered provider advised that they do not generally take children younger than 1 year. Use of the swing outside of the manufacturer's guidance in terms of developmental ability of the children posed a risk of injury to the children.
4. Paint was peeling and flaking on the side bars and ends of two cots. This posed a risk to children should they ingest the flakes of paint while also making effective cleaning difficult.
5. Hazards were observed in both garden areas 1 & 2 which posed a risk of injury to the children including;

#### Garden 1:

- A crack in the fence which had splintered wood posed a splinter and pinch risk.
- A wooden mud kitchen was broken with exposed screws.
- The storage units in both gardens were cracked with sharp edges at a level accessible to the children.
- Foam mats some of which were secured to the fence to prevent access to the concrete pillars were torn with foam exposed which posed a choking hazard for the children and infection control risk as the foam was accessible to animals.

#### Garden 2:

- Four chalk boards were cracked or broken with sharp edges and posed a pinch risk.
- The playhouse was cracked and although an attempt had been made to repair it with tape the cracked plastic was accessible and posed a pinch risk.

### Infection Control:

6. Two sheets which were present on mattresses in the cot room were visibly soiled; some of which appeared to be nasal discharge. The service policy stated that sheets would be laundered weekly or as required and that the date on which sheets were changed would be recorded. Documentation in the cot room showed the sheets had been changed on Friday 6<sup>th</sup> in line with the policy however the two sheets had become soiled since then and had not been changed.
7. The nappy changing procedure observed was not in line with the service policy or best practice for infection control. The following was observed;
  - One staff member did not wash their hands after changing a soiled nappy.
  - Childrens hands were not washed following nappy changing.
  - Personal protective equipment (PPE) was not removed at an appropriate time during the process to prevent the spread of infection for example PPE was observed to be worn for the duration of each nappy change and one staff member was observed to wear an apron out to the garden area following a nappy change posing a risk of cross contamination.

This was a non-compliance on the previous inspection. The preventive action provided by the registered provider has not been sufficient to prevent recurrence.

8. The straps on a highchair in the Toddler room were visibly soiled with food which posed an infection control risk.
9. Handwashing practice in the service was not adequate to prevent the spread of infection. For example staff did not wash their hands after helping children with personal hygiene tasks such as nose cleaning and in the Toddler room children's hands were cleaned with baby wipes before dinner. The service policy detailed handwashing as using soap and running warm water and that this should be done at various times throughout the day including before meals and after handling secretions. This posed an infection control risk.
10. Sofa seating was observed to be torn with the internal foam exposed in the Toddler room posed a risk of choking should a child ingest the foam while a sofa in the Pre-montessori room had been repaired with black tape which prevented adequate cleaning.
11. Soothers were not stored individually which posed a risk of cross contamination. For example, four soothers were observed to be hung on three hooks in close proximity to each other above the sink while two soothers were stored side by side in the fridge in the Toddler room.

12. A pedal operated bin which was used for disposal of contaminated items such as used tissues was stored on the counter in the Toddler room. This prevented the correct use of the bin and staff were observed to use their hand to open the bin.
13. The sleep mats used for children aged 2-3 years in the playgroup room were observed to be torn with internal foam exposed. This prevented effective cleaning while the exposed foam posed a choking hazard.
14. Surfaces in the children’s sanitary areas were not maintained in such a way as to ensure effective cleaning for example paint was observed to be cracked and peeling off the walls, tiles and tissue dispensers. This posed an infection control risk.
15. A gap in the flooring of the pre-montessori room at the door to the storage/ walkway area prevented adequate cleaning and posed an infection control risk.

### Safe Sleep:

16. An ambient temperature was not maintained in rooms where children were sleeping. The following was observed;

Room & age group	Time	Recommended temperature	Room temperature
Playgroup 22months-3years	1:12pm	18-22°C	22.8°C
Cot room 11months-2 years	1:15pm	16-20°C	22.2°C

Room temperatures during sleep time were not monitored but were checked twice daily in the morning and evening.

17. A child aged 22 months was observed to sleep on a low-level stackable bed. This is not in line with Tusla’s guidance for the Early Learning and Care sector on sleep provision for children under 24 months which states that *“low level stackable beds are not sufficiently comfortable/ conducive to sleep for children under 24 months. All floor beds must have a firm, flat and waterproof mattress (minimum depth 6 cm) that is easily cleanable and that offers the child the same level of support and comfort as they would have when sleeping in a cot”*. A cot was available on the day of inspection in which this child could have slept.

### Action submitted by the Registered Provider

#### Corrective Action

#### General Safety:

1. This microwave and fridge have been removed and replaced.
2. Signs have been put up in all areas mentioned.
3. This chair was removed from the room immediately.
4. These cots were repainted.

5. \*This crack has been repaired.
- \*These storage boxes were repaired.
- \*All Foam Mats were removed, and appropriate fencing added.
- \*All broken chalk boards were removed.
- \*The playhouse was repaired.

### **Infection Control:**

6. This was discussed with the staff at the time, and it was an oversight.
7. All the staff were asked to complete a nappy changing course.
8. The straps have been cleaned.
9. The handwashing procedure has been discussed with staff.
10. These sofas have been repaired.
11. The soothers have an individual box for each child.
12. A new pedal bin has been added that is higher and out of the children in this room.
13. All these sleep mats have been removed and the children are sleeping on floor beds.
14. All areas noted have been painted. Toilet dispensers have been replaced.
15. This gap has been repaired.

### **Safe Sleep:**

16. A new thermometer has been added so temperature recordings have improved.
17. This has been noted and children under 2 will sleep in the cot room from now on.

### **Preventive Action**

No preventive actions were submitted.

### **Supporting documentation submitted**

Photos in relation to points 1,2,3,4,5,7,10,11,12,14,15,16 have been reviewed.

### **Summary Comment**

The registered provider has addressed the non-compliance under Regulation 23. This 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) A review of First Aid Response (FAR) certificates for two staff members and the service roster showed that the registered provider had ensured that a person trained in FAR was available on the premises during the opening hours of the service.

(2) Adequately stocked first aid boxes were available in the care rooms. These were stored out of reach of the children but easily accessible to the staff if 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 firefighting 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 was maintained of all fire drills which occurred in the service. The record showed that fire drills are conducted on a monthly basis. The last fire drill took place on 14<sup>th</sup> September 2023.

(b) A record of the number, type and maintenance record of firefighting equipment and smoke alarms in the premises was available. The certificates reviewed showed that the firefighting equipment had been serviced on 25<sup>th</sup> August 2023 while the smoke alarms had been serviced on 23<sup>rd</sup> June 2023.

(4) Notices of the procedure to be followed in the event of a fire evacuation were displayed throughout the service in care rooms and communal areas.

### Part VII - Premises and Space Requirements

#### Regulation 29 - Premises

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

*(d) cleaned, maintained and repaired, as required*

#### Non-Compliance Information

(d) The service was not cleaned, maintained, or repaired as required. Some examples include;

- Paint throughout the building on wall, cupboards, mirrors was observed to be peeling, chipped and flaking. This was observed in care rooms and sanitary areas which prevented adequate cleaning.
- Walls and skirting boards were observed to be unclean with food debris and accumulated dust present. Cleaning records for the care rooms were observed to be completed to date however no cleaning records were observed in the sanitary areas. This posed an infection control risk.
- Large cobwebs were observed in a care room and sanitary areas for example in the pre-montessori room and children sanitary area.
- Ceiling tiles were observed to be cracked.
- The radiator covers in the Toddler room were in need of repair; the top was lifting off the one closest to the sink while the front of the other one had separated from the sides exposing the dowels and screws.
- The first section of garden was observed to contain a large number of items some of which were broken for example; a broken bike, a shelving unit, a fish tank, hand sanitiser dispensers and a number of concrete flowerpots. This posed a risk of injury to the children as they used this area to access the play areas.
- The soft flooring in the garden area in both areas where the children play needed maintenance as it was observed to be uneven and lifting in places which posed a tripping hazard.

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

##### Corrective Action

(d)

- All areas noted have been painted.
- All Areas have been cleaned.

- All cobwebs were cleaned.
- Cracked ceiling tiles were replaced.
- Radiators were repaired.
- All unused and broken items in the top garden have been removed and it has been cleaned and maintained.
- The rubber tiles have been secured to the ground.

### **Preventive Action**

(d) Cleaning sheets were reintroduced. The service will keep a more careful eye on these matters for the future.

### **Supporting documentation submitted**

Photos in relation to above have been reviewed

### **Summary Comment**

The registered provider has addressed the non-compliance under Regulation 29.