

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015DY049
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<b>Name of Service:</b>	Little Rascals / Clever Cloggs
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<b>Address of Service:</b>	79-81 Celtic Park Avenue, Whitehall, Dublin 9, Co. Dublin
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<b>Eircode:</b>	D09 VP27
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<b>Name of Registered Provider:</b>	Louise O'Hara
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<b>Service type:</b>	Full Day, Part Time, Sessional
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<b>Date of Inspection:</b>	18/09/2023
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<b>No of pre-school children:</b>	AM	45	PM	32
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<b>Address of the Early Years Inspectorate:</b>	Early Years Inspectorate, 180-189 Lakeshore Drive,  Airside Business Park,  Swords,  Co. Dublin
<b>Inspection undertaken by:</b>	M. McDonnell and A. Bradshaw
<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

Condition attached against Regulation 29 (Premise)

This condition requires that the Registered Provider must:  
supply the information required to provide assurance that your premises has attained the state required planning permission to confirm suitability as a preschool service and that you are compliant with the terms of that permission.

### Description of service

Little Rascals / Clever Cloggs is one of two services operated by the registered provider. The service provides care for children aged from 6 months to 6 years old. The service operates from 7.30am to 6.00pm and provides full day, part-time and sessional care. The service participates in the Early Childhood and Education Scheme (ECCE).

The service is located in a residential area in a converted three storey property in Dublin. There are six care rooms of which five are currently in operation. There is a Wobbler Room, Toddler Room, Senior Montessori Room and two separate cots rooms on the ground floor. On the first floor there is a Junior and Senior Montessori Room. The care room on the third floor was not in operation. There is a garden area to the rear of the property, an onsite kitchen and sanitary facilities available for staff and children.

### Staffing

The registered provider works in the service in a supernumerary capacity. There are 12 staff members employed in the service, 11 of these staff members provide direct care to the children and there is 1 onsite cook.

### Methodology

Tusla's Early Years Inspectorate is the independent statutory regulator of early years services in Ireland. The Child Care Act 1991 (Early Years Services) Regulations 2016 define the duty of a registered provider to ensure the safety and well-being of children and to comply with these regulations. This Act also gives Tusla the authority to assess compliance with the regulations. The purpose of regulation in relation to early years services is to ensure that the care, safety, and well-being of children attending such services is upheld. Inspections of early years services are planned based on the following:

- Previous inspection history
- Any information received in relation to the service

The findings on inspection are based on:

- Information obtained through examination of documentation
- Direct observation
- Discussion with relevant staff

This inspection was unannounced and focused on the area of governance/ health, welfare and development of child/ safety/ premises and facilities. The inspection may also focus on other areas as required.

This inspection focused on an examination of compliance under Regulation 9; (1)(a)(b), (2)(a)(b)(c)(d), (4), Regulation 11; (1), (2), Regulation 19; (1)(a)(b), Regulation 23, Regulation 25, (1)(2)(a)(b) and Regulation 29(b)(c)(d)(e). On inspection an additional non-compliance was identified under Regulation 16. The findings are outlined within the relevant regulations within this report.

A sampling process was used to assess compliance under:

Regulation 19- Health, Welfare and Development of child,

Regulation 23- Safeguarding Health, Safety and Welfare of Child,

Regulation 25- First Aid.

Regulation 29- Premises

Sampling under Regulation 19 and Regulation 23 included the Wobbler and Toddler Rooms. In relation to Regulation 29 the communal walkways, the Wobbler Room, Toddler Room, Junior Montessori Room were sampled. All sanitary facilities were examined. Regulation 9 - Management and Recruitment was assessed in relation to all staff working in the service and Regulation 11- Staffing Levels were assessed in relation to all children in attendance. Regulation 16 was examined in relation to the non-compliance identified.

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, person in charge, staff and children who were present on the day of the inspection.

## Part III – Management and Staff

### Regulation 9 – Management and recruitment

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

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

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

### Compliance Information

The inspectors assessed the files of the registered provider and the 12 staff members who work in the service.

(2) (a) Of the 24 references required for staff members, there were 13 written and validated references available from a past employer for 8 staff members. A reference was available for the registered provider from a past employer.

(b) Of the 24 references required for staff members, there were 11 written and validated references available from a source other than a past employer for 9 staff members. A reference was available for the registered provider from a source other than a past employer.

(c) A Garda vetting disclosure was available for the registered provider and all 12 staff members.

(d) A review of documentation demonstrated that police vetting was not required for any staff member.

(4) There was documentation to demonstrate that the registered provider and 8 staff members who worked directly with the children held a major award in Early Childhood Care and Education at or equivalent to a level 5 or above on the National Qualification Framework.

### Non-Compliance Information

(4) The documentation reviewed by the inspector did not demonstrate that 3 staff members, who worked directly with the children, held a major award in Early Childhood Care and Education at or equivalent to a level 5 or above on the National Qualification Framework.

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

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

(4) The registered provider stated that they had replaced the staff member in the Toddler room with another staff member who has level 6 until they receive written clarification from DCEDIY regarding the qualifications. The other staff member who was in Montessori was still in training and wasn't included in the staff ratio. The registered provider stated that the qualification for the other staff member was on the DCEDIY list but this was not provided (to the inspection team). The registered provider stated that DCEDIY written approval will be obtained before staff start in the future if staff don't have QQI Certificates.

### Summary Comment

Regulation 9(4) remains outstanding for 1 staff member as evidence confirming the qualification was not submitted to the inspector with the CAPA response. This regulation will be reviewed on the next inspection.

### 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 that there was an adequate number of staff working with the children at all times.

(2) The following ratios were observed on the day of inspection.

- In the Wobbler room there was 1 adult working with 4 children aged 1 – 2 years old.
- In the Toddler room there was 1 adult working with 3 children aged 1 ½ – 2 years old.
- In the downstairs Senior Montessori room, there was 1 adult working with 11 children aged 3 – 5 years old on a sessional basis.
- In the upstairs Senior Montessori room, there was 1 adult working with 11 children aged 3 – 5 years old on a sessional basis.
- In the upstairs Junior Montessori room, there were 3 adults working with 15 children aged 2 years and 8 months old – 5 years old on a sessional basis.

The registered provider was available to support break cover, nappy changing and provide assistance during sleep.

### 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:*

*(i) details of staff rosters on a daily basis;*

### Non-compliance Information

(16) (i) There was no planned roster available for the week the inspection took place. The inspectors were provided with a copy of a roster for the day of inspection at 2.06pm, following a request on their arrival to the service. This roster did not cover the rest of week following the inspection day. The roster provided did not identify the hours staff would work on a daily basis or the full names of the staff members.

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

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

The registered provider stated that they will have the roster for the full week available in advance. They will change the Daily Roster sheet to include full names of all the staff as well as the hours they work daily. A new Roster sheet with full staff names and their daily hours which is filled in for the following week in advance.

### Summary Comment

The actions submitted by the registered provider in their corrective and preventive action plan have addressed the non-compliance and 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*

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

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

### Compliance Information

(1) (a)

- Children were observed to take part in independent play. Whilst a staff member read a story, some of the children listened to the story whilst others played independently. Children were able to pick a range of

toys to play with on their own at this time as the equipment was available at a child's level, in accessible containers.

- The staff were observed to implement positive behaviour management strategies which were reflective of the service's behaviour management policy. For example, a staff member provided support to a child in picking an alternative toy when the child was observed trying to take a toy from a peer
- All children attending the service were observed to take part in outdoor play.
- There was a range of equipment in the outdoor area to support gross motor development. This included play equipment such as playhouses, slides, climbing areas, trikes and scooters. The garden area was covered with artificial grass.

(1) (b)

- Children were given comfort as required. Children were observed being given comforted throughout the day and spoken to in kind and soft tones. Staff spoke about communication with parents to help children transition and settle into the service, and how staff would contact parents should children require it.
- Children's independence was supported in regard to toilet training. Staff spoke about the communication with parents throughout the training process.
- During nappy changing the staff member spoke and interacted positively with the children.

### Non-Compliance Information

(1) (a)

1. The books in the Toddler Room did not facilitate the children's engagement. Of the 4 books available, 2 of them were torn. This non-compliance was observed on the previous inspection in April 2022 and the preventive action had not been maintained.

(1)(b)

2. Staff did not communicate effectively when needing assistance to support the children's needs. This was observed by the following:
  - A staff member was working alone with 4 children aged 3 to 5 years old in the Toddler room. The inspector observed the staff member leave the children unattended to change a nappy in the sanitary facilities. The staff member also left the room to get items from the fridge in the hallway whilst children were in the care room. They did not call for assistance at these times.
  - A staff member, standing between the care room and stairs observed a child go up the stairs to use the bathroom; whilst six of their peers played in the care room. The child had to return to the care

room before using the bathroom as the child could not unlock the stair gate. It was then that the staff member requested assistance from a colleague to enable them to take the child to the toilet.

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

#### Corrective and Preventive Action

(1)(a) The registered provider stated they have replaced torn books in the Toddler room and added more books.

A note to check books daily is on the Daily Risk Checklist for the Care Room.

(1)(b) The registered provider stated that the service had a floater available on the day so they have instructed staff on the importance of calling for assistance when needed such as when changing nappies or going to the fridge outside the classroom. Staff will now use the intercom system to call for assistance when needed.

#### Supporting documentation submitted

Photograph of new books

Copy of checklist

### Summary Comment

The actions taken by the registered provider in their corrective and preventive action plan have addressed the non-compliance and will be reviewed on the next inspection.

## 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:

- During the inspection the children were observed entering and leaving the service. In the rooms sampled the inspectors noted that the attendance records were kept up to date to reflect the children's actual attendance. Staff informed inspectors that these books were required in the event of a fire drill.
- The inspectors noted that the cot room and the corridor were clear of stored items. The preventive actions from the last inspection had been maintained.

#### Safe Sleep:

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

- A digital thermometer was in place in the cot room. This preventive action from the last inspection had been maintained. Whilst children slept the temperature of the cot room was recorded between 16-20°C.

## Non-Compliance Information

### General Safety:

1. The registered provider had not ensured that a risk of injury had been removed in relation to hooks in the cot room. Hooks in the wall were accessible to and created a pinch risk to the children.

### Infection Control:

2. The practices and equipment in the service did not ensure that effective infection control measures were in place to reduce the spread of infection. This was observed by;
  - Two mattresses in the wobbler room did not have a waterproof or wipeable cover.
  - A child was given back their soother after it had fallen on the floor in the Toddler Room.
  - A child was given their biscuit back after some of it was eaten by a peer in the Toddler Room.

## Action submitted by the Registered Provider

### Corrective & Preventive Action

#### General Safety:

1. Hooks in the wall in the cot room were removed. Hooks will not be placed in the cot room in the future.

#### Infection control

2. To ensure that all mattresses have a waterproof or wipeable cover on and staff instructed of same.  
To remind staff of the infection control policy. To add note to linen sheet to replace waterproof/wipeable cover on mattress after cleaning.

#### Evidence submitted

Photograph of hooks removed and replastered area.

## Summary Comment

The actions submitted by the registered provider through corrective and preventive actions taken have addressed the non-compliances identified.

## Part VI - Safety

### Regulation 25 - First aid

*(1) A registered provider shall ensure that a person trained in first aid for children is, at all times, immediately available to the children attending the pre-school service.*

*(2) A registered provider shall ensure that a suitably equipped first aid box for children-*

*(a) is safely stored in an easily accessible and conspicuous position on the premises, and*

*(b) is available to the children attending the pre-school service at all times.*

### Compliance Information

(1) The registered provider ensured that there was a staff member with certification in First Aid Responder (FAR) training available at all times to the children attending the service. The registered provider demonstrated that there were five members of staff with current FAR training.

(2)(a) & (b) Suitably equipped first aid boxes were easily accessible to adults and available on the premises.

## Part VII - Premises and Space Requirements

### Regulation 29 - Premises

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

*(b) safe and secure,*

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

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

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

### Compliance Information

(b) The entrance to the service was adequately secured. There was a main entrance and two other entrances to the front of the service; all were secured and a call bell system was in place. This supported the unsupervised exit of children from the service and unauthorised access to the service from visitors.

(c) There was sufficient lighting in the service. The light fittings had protective covers therefore the preventive action from the last inspection had been maintained.

(e) There were 5 children's toilets, 3 nappy changing units and 7 handwash basins available in the toilet areas for children. A toilet and handwash basin were available in the care room not being used. There were an adequate number of sanitary facilities for the children attending on the day of the inspection. Two toilets and handwash

basins were available for the staff members. Liquid soap, hand dryers and paper hand towels were provided in the sanitary facilities and care rooms. Pedal bins were provided for the disposal of nappies and general waste.

### Non-Compliance Information

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

- There was visible dust in on a shelf and door window ledge in the Junior Montessori care room.
- There was an area of dirt on the floor and cobwebs from the light fitting in the Wobbler cot room.
- There was a leakage from the water unit in the Wobbler cot room.
- The radiator covers were broken in the downstairs walkway which children accessed. A large amount of dust was observed on these radiators.
- There was no hot water available in the upstairs or downstairs sanitary facilities.
- There was damage to the nappy units which did not support effective cleaning.
- The floor surface in the Toddler room was damaged.
- The flooring in the Toddler sanitary area was damaged.
- There was uneven flooring between the Toddler Room and sanitary area.
- Mechanical vents, whilst working had a thick layer of dust.
- Mould was observed on an upstairs windowsill.
- A broken fence panel was accessible to children in the garden.

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

#### Corrective Action

(d) The registered provider stated the following corrective actions were taken;

- Old water unit replaced with a new one.
- Radiator covers replaced on 31<sup>st</sup> October.
- Nappy units were fixed.
- Floor surfaces – floor mended on 31<sup>st</sup> October.
- Mould on upstairs windowsill- treated and cleaned.
- Broken fence panel in garden (new fence ordered arriving during mid term).
- A plumber attended the service on the day of inspection to rectify the hot water.

#### Preventive Action

The registered provider stated the following preventive actions were put in place;

- Carry out maintenance check on the water units regularly.
- Carry out maintenance check on the radiator covers regularly.
- Carry out maintenance check on the nappy units regularly.
- Ensure the floor is fitted correctly and good safety order.
- Add to the cleaning list so its monitored going forward.
- Add to outdoor risk assessment

### **Supporting documentation submitted**

Updated daily risk assessment checklist

Photograph of new flooring /cleaned shelving units

Invoice for plumbing works

### **Summary Comment**

The actions taken by the registered provider through corrective and preventive actions taken have addressed the non-compliances identified.