

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier: TU2015DY050

Name of Service: Clever Clogs

Address of Service: Central Hall, St Lawrences Road, Dublin 3

Eircode: D03 T448

Name of Registered Provider: Louise O'Hara

Service type: Full Day

Date of Inspection: 23/10/2024

No of pre-school children:	AM	63	PM	55

Address of the Early Years Inspectorate: Early Years Inspectorate,
Floor 7 Brunel Building,
Heuston South Quarter,
St. John's Road West,
Kilmainham,
Dublin 8

Inspection undertaken by: E. Finnegan Hayes & T. Nelson

Title: 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

Clever Cloggs is a privately operated service located in a residential area in North Dublin. The service operates from a converted church building encompassing seven care rooms; six of which are used for preschool aged children, a kitchen and sanitary facilities. The service is registered to provide early childhood care and education to a maximum of 130 children aged 0-6 years. The service participates in the Early Childhood Care and Education (ECCE) scheme offering sessional care from 9am-12pm daily, 38 weeks per year in line with the programme rules. An outdoor play area is available onsite to the front of the service.

Staffing

Thirty- one staff are employed to work in the service including the registered provider, twenty early years practitioners, four trainee early year practitioners who do not work in ratio, five school aged practitioners and a cook. On the day of inspection there were sixteen early years practitioners and three trainee early years practitioners working directly with the children in the service. The registered provider was available to cover in rooms as needed.

Methodology

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

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

The findings on inspection are based on:

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

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

A sampling process was used to assess compliance under regulation 16 Records in relation to the preschool service, Regulation 21 Materials and Equipment, Regulation 23 Safeguarding the Health, Safety and Welfare of Child and Regulation 29 (c) Premises. As a result, the scope of the inspection included the Wobbler room, Toddler room, Playschool room and ECCE 3 rooms 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.

Additional Information

An immediate action notice was issued to the registered provider on 23rd October 2024 in relation to concerns under Regulation 23 Safeguarding the Health, Safety and Welfare of Child. A response which adequately addressed the concerns was received on 29th October 2024. Further details are available under regulation 23 below.

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
- (c) there is a clear management structure in the service that identifies the lines of authority and accountability in the service and the specific roles and responsibilities of each employee and unpaid worker.

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

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

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

Compliance Information

- (1)
- (a) The service had a designated person in charge and a named person to deputise when required.
- (2) A review of the staff files and discussion with management and staff showed that there are currently thirty-one staff members are employed in the service who work directly with the children including the registered provider. The files of all staff were reviewed as part of the inspection.
- (a) (b) Sixty-two written and verified references were available for thirty-one staff members currently employed in the service.

(c) Garda vetting disclosures had been obtained for thirty-one staff members employed in the service. However, the service has not adhered to the re-vetting timeframes as outlined in the Early Years Inspectorate Regulatory Notice, requiring services to renew Garda vetting every three years.

(d) There was no evidence to suggest that any staff member required police vetting.

(4) Evidence was available to show that nineteen staff members who work 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

(1) (b) Discussion with management and a review of the roster showed that the designated person in charge or the deputy is not present in the premises at all times during the opening hours of the service. For example, neither the person in charge or the deputy are rostered to be on the premises between 7:50am when the service opens and 8:30am daily.

(4) Evidence was not available to show that two staff who worked directly with the preschool children in the service 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. It is acknowledged that a copy of the approved list of qualifications was submitted in relation to one qualification which was on file however the course name did not match exactly with the list, so the inspector was unable to verify that the course is approved.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

(1) (b) New Deputy has been appointed during these times. Plan the rota to ensure there is someone in charge on the premises at all times.

(4) We have sent a letter to the DCEDIY to have the qualifications assessed. We have reviewed all staff details and ensured everyone has the full cert on file, we will continue to do this for any new staff coming in too.

Supporting documentation submitted

No documentation has been submitted.

Summary Comment

The registered provider has addressed the non-compliance under (1)(b). The registered provider advises they have attempted to address the non-compliance under (4) however this will remain outstanding. The registered provider is required to submit evidence of the qualification approval to the inspectorate once received from the DCEDIY.

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 an adequate number of adults were working directly with the children on the day of inspection. In the morning time 12 early years practitioners were caring for 63 children aged 1-4 years while in the afternoon time 11 staff were caring for 55 children aged 1-4 years. Three trainee early years practitioners were available in the morning and two in the afternoon along with the registered provider to provide support in the rooms as required.

(2) Ratios were maintained were maintained on the day of inspection. The following was observed;

- In the Wobbler room two staff were caring for 9 children aged 1-2 years.
- In the Toddler room two staff were caring for 11 children aged 2-3 years.
- In the Playschool room one staff was caring for 6 children aged 2-3 years.
- In the ECCE 1 room three staff were caring for 12 children aged 3-4.5 years old.
- In the ECCE 2 room two staff were caring for 14 children aged 3-4.5 years old.
- In the ECCE 3 room two staff were caring for 11 children aged 2 years 8 months -4 years old.

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;
- (j) details of any medication administered to a pre-school child attending the service with signed parental consent;
- (k) details of any accident, injury or incident involving a pre-school child attending the service.

Compliance Information

- (j) A sample of 12 medication administration records were reviewed and found to be completed in full.

Non-Compliance Information

- (i) The roster provided to the inspectors did not accurately reflect the staff employed or present in the service on the day of inspection for example;
 - Three staff employed in the service were not listed on the roster; two of whom were present on the day of inspection.
 - Five staff who were recorded as being present on the roster were noted to be on leave on the day of the inspection.
 - The working hours and breaktimes of staff were not clearly listed.
 - The roster did not clearly identify the role of staff members for example school aged care staff and trainee staff who were not included in ratio.
- (k) A sample of 12 accident and incident records were reviewed as part of the inspection of these 6 records did not contain the date on which the parent was notified of the accident, and one did not contain a parent signature showing they had been informed of the incident. This posed a potential risk to the children.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

- (i) We have combined the staff lists used and now print off the rota for the week which states each person's hours and room they work in. Ensure new updated rota is used going forward, and we have updated new staff and removed past staff.
- (k) We have discussed this with staff, and they will address this going forward. The parents have since signed the record.

Supporting documentation submitted

No supporting documentation submitted.

Summary Comment

The corrective and preventive actions proposed by the registered provider is sufficient to address the non-compliances under Regulation 16.

Part V - Care of Child in Pre-school Service

Regulation 21 – Equipment and materials

A registered provider shall ensure that there is adequate and suitable furniture, play and work equipment and materials available on the premises of the pre-school service.

Compliance Information

The registered provider ensured that a supply of suitable materials and equipment were available to the children in the service. The following was observed;

- Low level tables, chairs and shelving was available to support the children to be independent.
- Toys and equipment were easily accessible and grouped into clearly defined interest areas with a variety of props available to support the children’s play.
- A selection of books was available to support children’s language development.
- Soft seating areas were available for children to rest as needed.
- The outdoor area provided an opportunity for gross motor play.

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 entrance to the service was secure which prevented unauthorised persons accessing the service and prevented children leaving the building unnoticed.
- Toys and equipment were maintained in good condition free from hazards preventing risks to the children.
- The kitchen was secured with a safety gate making it inaccessible to the children as they passed by.
- Cleaning records were available and completed to date throughout the service.

Infection Control:

- Daily risk assessments were completed to date.
- Soothers were stored in individual labelled containers.
- Food which is brought from home was refrigerated to prevent spoiling of perishable items.
- Dispensed soap and handtowels were available in sanitary areas to support adequate hand hygiene.
- Pedal operated bins were available in all sanitary accommodation for disposal of contaminated items.
- Handwashing was completed regularly throughout the day for example after toileting and before mealtimes.
- Low level presses were adequately secured to prevent children accessing hazardous materials.
- Cleaning products were stored out of reach of the children.

Safe Sleep:

- Physical checks of sleeping children were observed to be conducted at 10-minute intervals. These checks were recorded promptly.

Fire Safety:

- Fire exits throughout the service were observed to be unobstructed.
- Staff were knowledgeable of the procedure to be followed in the event of a fire emergency

Non-Compliance Information

General Safety:

1. The surface temperature of two radiators which were accessible to the children were not thermostatically controlled and posed a potential risk of injury to the children. The following was observed;
 - The temperature of the radiator in the book area of the Toddler room was recorded to be 57°C at 10:28am.
 - The temperature of the radiator in the sanitary area between the Toddler and Playschool rooms was recorded to be 60°C at 11am while the pipes below the radiator which were also at a level accessible to the children were 65.5°C at 11:02am.

An immediate action notice was issued to the registered provider.

2. Garda vetting disclosures that were available for two staff members were not dated within the previous three years in adherence to with the Early Years Inspectorate Regulatory Notice 'EYI-RN12.3 Renewal of Garda Vetting'.
3. Water in two sinks in the upstairs sanitary area used by the children was not thermostatically controlled below 43°C. Both sinks were easily accessible by the children. The water temperatures were 43.3°C and 43.6°C when checked between 10:55am and 10:58am. This posed a potential risk of scalding to the children.
4. The outdoor play area was not adequately secured to prevent children leaving the area; a plastic fencing unit is used inside the wall to enclose the play area however this was not secured to the wall on one end and could be moved by the children. An external gate which would provide a secondary measure was not closed at all times.
5. Piping was protruding from the wall in ECCE 3 and posed a potential risk of injury to the children should they fall against it. Pipes should be fully enclosed to prevent injury.
6. A hole was present in the wall behind the door to the Toddler room and plaster was observed to be loose and flaking. This was within reach of the children and posed a potential risk of injury should they ingest the material.

Action submitted by the Registered Provider

Corrective & Preventive Action

General Safety:

1. The temperature has been adjusted and maintenance was carried out to ensure it was at the correct temperature. Radiator temperature checks are carried out daily and added to our risk assessment check list.
2. Updated Garda vetting is on file.
3. The thermostat has been fixed and water is at the correct temperature now. We have added water temperature checks to our daily check list and to our manager check list
4. We have requested a review of the restriction on attaching the fence to the building and we should have a response by December 6th, in the meantime we are locking the outer gates at all times and staff are positioned at the entrance of the garden at all times. We have also ensured there is a pillar weight attached to the fencing so children can't open or move the fencing. Staff have been updated of the changes and our outdoor risk assessment has been updated.
5. The pipes have been boxed in. Checking all pipes are safely secured has been added to risk assessment.
6. The hole has been filled in. We have fitted a door stopper to stop the door banging into the wall.

Supporting documentation submitted

Documentation in relation to above has been reviewed.

Summary Comment

The corrective and preventive actions proposed by the registered provider is sufficient to address the non-compliances under Regulation 23.

Part VI - Safety

Regulation 24 - Checking in and out and record of attendance

(1) A registered provider shall ensure that each pre-school child attending the service is checked in and out of the service by an employee or an unpaid worker.

(3) A registered provider shall ensure that-

(a) no person other than-

(i) pre-school child attending the service,

(ii) a person dropping or collecting such a child,

(iii) an employee, or

(iv) an unpaid worker, can enter the premises without his or her entry being approved by an employee, and

(b) a daily record in writing is kept of the entry on the premises of any such person.

Compliance Information

- (1) Children are checked into and out of the service by a staff member in their care room and attendance was recorded in a timely manner to adequately reflect the children present in the service.
- (3) (a)(b) Staff were observed to greet visitors at the main door to the service which prevented unauthorised persons accessing the service. A visitor record book was available in the entrance hall and the inspectors were asked to sign in.

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

Compliance Information

(c) The registered provider ensured the service was kept adequately lit, heated and ventilated. The following was observed;

- Natural light was available in all care rooms, and this was supplemented by artificial light as needed.
- An ambient temperature of 18-22°C was maintained in the care rooms throughout the day.
- Windows were opened to allow fresh air to circulate in the service throughout the day.