

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015DY088			
<b>Name of Service:</b>	Happy Tots Crèche & Afterschool			
<b>Address of Service:</b>	17 May Park, Malahide Road, Donnycarney, Dublin 5			
<b>Eircode:</b>	D05 Y4T8			
<b>Name of Registered Provider:</b>	Niamh McCormack			
<b>Service type:</b>	Full Day, Part Time, Sessional			
<b>Date of Inspection:</b>	27/03/2024			
<b>Regulatory Compliance Meeting:</b>	17/05/2024			
<b>No of pre-school children:</b>	AM	35	PM	30

<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
<b>Title:</b>	Early Years Inspector

### 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

Happy Tots Crèche & Afterschool is a privately owned service which offers full day care to children aged 0-6 years and participates in the Early Childhood Care and Education (ECCE) programme. The service operates from the first and second floors of a retail unit in North Dublin and is open 7:30-6pm Monday to Friday. The service consists of four care rooms; the Tweeny room caters for children aged 1-2 years, the Toddler room caters for children aged 2-3 years, Junior Preschool room caters for children aged 2.5-3.5 years and the Senior Preschool room caters for children aged 3-5 years. School aged children are catered for in the Junior preschool room in the afternoons and during school breaks. The service also has a kitchen, cot room, sensory room, an office, and sanitary facilities. An outdoor area is available to the rear of the premises off the Junior Preschool room.

### Staffing

The service employs a total of thirteen staff including the registered provider, manager, nine childcare staff, one school aged staff member and a cook. Nine staff were present 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 the child and safety. The inspection may also focus on other areas as required.

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 inspector wishes to acknowledge the cooperation of the registered provider, service manager, 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) There was a designated person in charge and a named person to deputise when required. The deputy person in charge was on the premises when the inspector arrived unannounced and was present for the duration of the inspection.

(2) Discussion with management showed that three staff members have commenced employment since the last inspection in January 2023. The files of these staff were reviewed as part of the inspection along with Garda vetting disclosures for all staff currently employed in the service. Evidence of a qualification for one staff member which was outstanding on the previous inspection report was also requested for review.

(a)(b) Six written and verified references were available in relation to the three new staff members.

(c) Garda vetting disclosures had been obtained for all thirteen staff. However, the service did not adhere to the re-vetting timeframes as outlined in the Early Years Inspectorate Regulatory Notice, requiring services to renew Garda vetting every three years. Please refer to the information outlined under regulation 23 of this report.

(d) There was no evidence in the files of the three new staff members to indicate that Police vetting was required for any of the staff members.

### Non-Compliance Information

(3) A review of the paperwork available showed that the registered provider had not conducted the checks required under (2) prior to the employment start date of two new staff members who commenced employment since the last inspection in January 2023.

(4) Evidence was not available to show that three staff members who worked directly with the preschool aged 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. This includes the staff member who was noted as not having a qualification on the last inspection and two new staff members. It is acknowledged that all three staff are currently enrolled in courses to gain a recognised qualification.

## Corrective & Preventive Action submitted by the Registered Provider

### Corrective and Preventive Action

- (3) Checks are done on each staff member before employment begins, Garda vetting, references etc are carried out. Going forward we will ensure that both the service provider and the manager check over staff files to make sure there is nothing missed.
- (4) The 3 staff are completing a QQI level 5 course, the staff that are doing this course are never left in a room alone with the children, also are not allowed change nappies etc. Two staff have one module left and will have completed their level 5 award in three weeks.

### Supporting documentation submitted

No supporting documentation submitted.

## Summary Comment

Regulatory compliance remains outstanding for Regulation 9 (4), and the service have been advised to submit the qualifications once they are received.

## 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 on the day of inspection; Thirty-two preschool aged children and three school aged children were being cared for by 8 adults on the morning of the inspection.

## Non-Compliance Information

- (2) The registered provider did not ensure ratios were maintained at all times in the care rooms. For example;
- During lunchbreaks from 12-1pm one staff member was caring for 6 children aged 1-2 years in the cot room and two staff members were caring for three children aged 2 years, thirteen children aged 3 years and three school aged children.
  - Between 1:10pm and 2:15pm and 2:55pm and 3:05pm one staff member was caring for 6 children aged 1-2 years in the Tweeny room.

## Corrective & Preventive Action submitted by the Registered Provider

### Corrective and Preventive Action

(2) On the day of inspection 2 staff absent due to illness this is why ratios were not maintained, we will ensure this is not the case going forward. At a staff meeting we discussed splitting lunch breaks when staff is absent to ensure cover.

### Supporting documentation submitted

Meeting notes were reviewed.

## Summary Comment

The corrective action taken by the registered provider will address the non-compliance identified under Regulation 11.

### 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:*

- (a) the name, position, qualifications and experience of the person in charge and of every other employee, unpaid worker and contractor;*
- (b) details of the class of service and the age profile of children for which the service is registered to provide services;*
- (c) details of the adult:child ratios in the service;*
- (d) the type of care or programme provided in the service;*
- (e) the facilities available;*
- (f) the opening hours and fees;*
- (g) the policies, procedures and statements the service is required to maintain in accordance with Regulation 10;*
- (h) details of attendance by each pre-school child on a daily basis;*
- (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

- (1) The registered provider ensured that a record in writing was kept of the following information in relation to the preschool service:
- (a) The staff files contained the name, position, qualifications, and experience of the person in charge and of every other employee.
  - (b) The Tusla registration certificate was displayed in the hall of the service and detailed the class of service and age profile for which the service is registered to provide care.
  - (c)(d)(e)(f) The statement of purpose and function detailed the information required under (b)(c)(d)(e)(f).
  - (g) The service had all the policies, procedures and statements required in accordance with Regulation 10.
  - (h) The children’s attendance was recorded in roll books in each care room.
  - (i) A staff roster which was reflective of the staff present on the day was available for review.

## Non-Compliance Information

(j) A sample of 16 medication administration forms were reviewed of these nine records were found to be incomplete;

- The date of birth of the child was not listed on eight of the records.
- The surname of the child was not listed on two records.
- The parent initial was not present acknowledging they have been advised of the administration of medication was not present on two records.

Accurate records are required to ensure identification of children at a later stage if required.

(k) A sample of 20 accident and incident records were reviewed of these eight records did not contain the date of birth of the child. Accurate records are required to ensure identification of children at a later stage if required.

## Corrective & Preventive Action submitted by the Registered Provider

### Corrective and Preventive Action

(j) It was explained to all staff during the staff meeting the importance of the correct information being put on medication reports and accident/innocent reports. The staff understand how important this is for future investigations etc. Management will sit down at the end of each week and ensure that the reports from the previous week have been signed and filled in completely.

### Supporting documentation submitted

Meeting notes have been reviewed.

## Summary Comment

The corrective actions provided by the registered provider are sufficient to address the non-compliance under Regulation 16.

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

#### Regulation 20 – Facilities for rest and play

(1) Subject to this regulation, a registered provider shall ensure that-

- (a) having regard to the number of pre-school children attending the service, their respective ages and the amount of time they spend on the premises, there are adequate and suitable facilities for each child to play indoors and, where required by these Regulations, outdoors, during the day, and
- (b) there are adequate and suitable facilities for a pre-school child to rest during the day, and in the case of an overnight pre-school service, during the day and the night.

#### Compliance Information

(1) (a) Adequate and suitable facilities for play were provided in all care rooms and in the outdoor area. The following was observed;

- Rooms were organised and clutter free ensuring adequate space for children to move freely between areas and activities.
- A range of toys and materials which were suitable to the age and stage of development of the children were provided for the children in each care room.
- Toys and equipment were displayed on low level shelving to ensure accessibility to the children.
- Tables and chairs were suitable to the age and stage of development of the children.
- The outdoor area provided opportunities for a variety of play experiences.

(b) Adequate and suitable facilities were available for children to rest and sleep where necessary during the day. The following was observed;

- All care rooms had a cosy corner consisting of a fluffy mat and a selection of cushions, accessible to the children throughout the day for rest and relaxation.
- An adequate number of standard cots were provided for children in the Tweeny room. These were observed to be in good condition and were well maintained. Mattresses were well fitted in all cots and footholds were avoided.
- Stackable beds were available for children over 2 years old in the Toddler room who required sleep.
- A comfortable environment was provided for sleeping children; outdoor clothes and shoes were removed; blinds were used to dim the rooms where children slept and an ambient temperature of 18-22°C was maintained in the cot room and Toddler room where children over 1 year old were sleeping.

### Non-Compliance Information

1. Two travel cots were available for children from the Tweeny room to sleep in. Staff and management advised that the travel cots, are placed in the Tweeny room for two children aged 1-2 years to sleep. It is acknowledged that the travel cots were not used on the day of inspection as only 6 children required cots on the day and could be catered for in the cot room. The registered provider and service manager advised they are having difficulty obtaining standard folding cots at the moment but have been trying. The service sleep policy acknowledges that travel cots, are prohibited for use in the service.

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

#### Corrective and Preventive Action

1. The service will ensure that travel cots, are no longer used in the service going forward. The registered provider has followed up with the company who supply the folding cots since inspection as they have been out of stock for quite some time. The company will deliver the new cots in the next two weeks.

#### Supporting documentation submitted

Meeting notes and invoice for folding cots reviewed.

### Summary Comment

The corrective action taken by the registered provider will address the non-compliance identified under Regulation 20.

### 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 securely locked on arrival to the service. A buzzer system and video bell is in place to allow staff to identify visitors to the service.
- A coded lock prevented children accessing the entrance hall on both the first and second floor preventing children from leaving the service unsupervised.
- Cleaning supplies were stored out of reach of the children.
- Restrictor devices were fitted to the windows in the service to ensure the safety of the children.
- Sanitary areas were maintained in a clean manner and were not used of storage of toys and equipment.

##### Infection Control:

- Pedal operated bins were available in care rooms and sanitary areas for safe disposal of contaminated items.
- Individual bedlinen was provided for each child, stored in individual storage bags when not in use and laundered weekly or as needed.
- Cleaning checklists were available and completed to date.
- The nappy changing procedure observed was in line with best practice and the service policy.

##### Administration of Medication:

- A health care plan was available for one child; one who required emergency medication. Staff were aware of the care plans and process for administering medication to the children.

##### Safe Sleep:

- A minimum of 50cms was present between each cot and low-level bed to prevent the spread of infection.
- Mattresses used in the service were maintained in good condition and fitted with a wipeable cover.

##### Fire Safety:

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

#### Non-Compliance Information

##### General Safety:

1. Garda vetting was available for four staff members. However, these vetting disclosures 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'.
2. Prescription medication was observed to be stored in a child's bag which was hung on a low-level hook and could potentially be accessed by children in the service. This is contrary to the service policy which stated that medication would be stored on a high shelf out of reach of the children. This posed a potential risk of injury to the children.
3. A large crack which presented a pinch risk was present on one seesaw in the outdoor area posing a risk of injury to the children.

### **Infection Control:**

4. Paper handtowels were not hygienically dispensed in the service which posed a risk of cross contamination for example in the Tweeny sanitary area a roll of blue paper towel was on the counter beside the sink. A small puddle of water was observed on the counter and was seeping into the roll of paper towel, later following a nappy change large splashes of water were observed on the paper handtowels.
5. Evidence of a leak was observed in the roof of the Junior preschool room and mould was observed to be present. Mould can impact the air quality of a room posing a potential risk to the children.
6. Two vents; one in the sanitary area in the Senior preschool room and one on the lobby between the care room and Senior preschool rooms were observed to have a build-up of debris which could limit the effectiveness of the vent.

### **Safe Sleep:**

7. Written records of sleep checks were not observed to be maintained for four children in the Toddler room between 1:10pm and 1:30pm when 3 children woke and 1:10 and 1:35pm for the fourth child. Adequate sleep checks are required to ensure the safety of sleeping children.

### **Action submitted by the Registered Provider**

### **Corrective & Preventive Action**

#### **General Safety:**

1. Each staff member has applied for new garda vetting, the service have received some back but are still waiting on some. Management will make sure to keep up to date with newsletters, and changes as the service were not aware that vetting's had to be renewed every 3 years.
2. The child's medication has been moved out of the bag and it is now stored on a high shelf in the care room. The service will ensure going forward that all medication is stored out of reach of the children.

3. The damaged sea saw has been removed from the service. The service will ensure that regular checks of all the toys are carried out to make sure they are not damaged.

### Infection Control:

4. The service have been in touch with the company who supply our sanitary products and they are going to fit paper hand towel dispensers in each care room in May to ensure staff can clean their hands appropriately.
5. The service were aware of the leak in the junior preschool room before inspection we were just awaiting the maintenance company to seal the roof, remove the mould and fix the damaged paint. This has been completed. The service will try to keep on top of the maintenance of the creche.
6. The two vents have been hoovered out and cleaned. The service will ensure the vents are kept completely clean for constant air flow and circulation.

### Safe Sleep:

7. Staff understand the importance of sleep checks and will ensure they are done correctly. Management will check all sleep logs at the end of each week.

### Supporting documentation submitted

1. Updated vetting for two staff who's vetting was out of date was received.
2. Photograph reviewed.
3. No evidence provided.
4. Invoice reviewed.
5. Photograph reviewed.
6. Photograph reviewed.
7. Meeting notes reviewed.

### Summary Comment

The corrective actions taken by the registered provider will address the non-compliances identified under Regulation 23. The registered provider must submit the outstanding updated Garda vetting disclosures to the Inspectorate as soon as they are received.

## 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 the roster and conversation with staff showed that a staff member trained in First Aid Response (FAR) is rostered to be on the premises and available to the children at all times during the opening hours of the service.

(2) (a)(b) Suitably equipped first aid boxes were stored safely out of reach of children, readily available and easily accessible if required at any time.