

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015DY224
<b>Name of Service:</b>	Tigers Childcare
<b>Address of Service:</b>	St Vincents Primary School, Philomena Road, Glasnevin, Dublin 11, Co. Dublin
<b>Eircode:</b>	D11 HX78
<b>Name of Registered Provider:</b>	Therese Noonan
<b>Service type:</b>	Sessional
<b>Date(s) of Inspection:</b>	30/04/2024
<b>Regulatory Compliance Meeting:</b>	9 May 2024

<b>No of pre-school children:</b>	AM	10
<b>Address of the Early Years Inspectorate:</b>	Early Years Inspectorate 2 <sup>nd</sup> Floor, Unit 4/5 The Nexus Building Blanchardstown Corporate Park Ballycoolin Dublin 15   D15 CF9K	
<b>Inspection undertaken by:</b>	T. Nelson	
<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).

<b>Conditions if applicable</b>	Not applicable.
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### Description of service

Tigers Childcare is a sessional service providing pre-school care and education to up to a maximum of 22 children aged 2 to 5 years old. The service operates from 9.10am to 12.20pm, Monday to Friday for 38 weeks of the year, and is one of 15 services operated by the registered provider. The service is also registered to provide school age childcare in the afternoons.

Tigers preschool service operates from one care room in St.Vincent's National School in Dublin 11. There is shared access to sanitary accommodation and an outdoor area.

### Staffing

There are currently three staff employed in the service, the person in charge and two staff who work directly with the children. The registered provider does not work in the service.

There were four adults present on the day of the inspection including the person in charge, a staff member, a student and a quality manager who manages the oversight of quality across the services operated by the registered provider.

### 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. 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), (4)(7) Management and Recruitment
- Regulation 11(1),(3) Staffing Levels
- Regulation 23 Safeguarding the Health, Safety and Welfare of the Child
- Regulation 27 Supervision
- Regulation 31 Notification of Incidents

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

This inspection was triggered as a result of a statutory notification of an incident received to the inspectorate on the 26 April 2024.

An Immediate Action Notice was issued to the registered provider in relation to Regulation 23 safety concerns on 30 April 2024. A response was received to the Inspectorate on the 1 May 2024 which was not adequate to ensure the safety of children. An additional response was requested on the 2 May 2024. A response was received on the 3<sup>rd</sup> of May, and the actions and evidence which was received by the inspectorate on the 23 May 2024 adequately addressed the concerns.

### Acknowledgments

The inspector wishes to acknowledge the cooperation of the person in charge, quality 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*
- (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.*

*(7) A registered provider shall ensure that all employees, unpaid workers and contractors are appropriately supervised and provided with appropriate information, and where necessary training, including in relation to the following:*

- (a) the policies, procedures and statements of the service specified in Schedule 5*

## Compliance Information

(1)(a) The service had a designated person in charge and named person to deputise as required.

(b) The person in charge was present during the inspection.

(c) There was a clear management structure in place, and staff reported being aware of this.

(2) The files of the three staff members and a student were reviewed.

The registered provider had completed the following checks:

(a)(b) Eight validated written references were available from recent past employers or a source other than a past employer for the four files reviewed.

(c) Garda vetting disclosures were available for all four adults. The service also demonstrated compliance with the Early Years Inspectorate Regulatory Notice requiring services to renew Garda vetting every three years.

(d) Documentary evidence showed that two adults had lived outside of the state for six months or more as adults and international police vetting from that state was available for inspection.

(4) The three staff who worked directly with children attending the service held at least a major award in Early Childhood Care and Education at Level 5 or above on the National Framework of Qualifications or a qualification deemed eligible by the Department of Children, Equality, Disability, Integration and Youth Affairs.

(7)(a) The registered provider ensured all adults in the service were appropriately supervised and provided with appropriate induction support, information and training. For example:

1. Documentary evidence was available that all adults had received information on a recent update on the Health and Safety policy and procedures within the service. Staff and students reported they were aware of these updates.
2. The inspector's reviewed a sample of documentary evidence of recent staff meetings and one to one supervisions and new staff inductions.

This was in line with the service policies on Colleague Support and Supervision and Colleague Training policies.

### Part III – Management and Staff

#### Regulation 10 - Policies, procedures etc. of pre-school service

*A registered provider of a pre-school service shall ensure that the written policies, procedures and statements specified in Schedule 5 are in place for the service.*

#### Compliance Information

The registered provider ensured that the written policies and procedure and statements specified in Schedule 5 were in place in the service.

The following policies were reviewed:

- (m) Outdoor Play.
- (r) Risk Management
- (t) Staff Training
- (u) Staff Supervision

### 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.*

*(3) Subject to paragraph (5), a registered provider of a sessional pre-school service shall ensure that at all times the minimum ratio of adults to children specified in column (3) of Part 2 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) therefore at that reference number is satisfied.*

#### Compliance Information

(1) (3) On the day of inspection there were an adequate number of adults working directly with the children. There were two staff available to the ten children aged between 3 to 5 years old. There was a student available to support the staff in the room.

## 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:

- Blind cords were observed to be secured.
- Cleaning products were observed to be up high out of reach.

##### Infection Control:

- Handwashing was completed after outdoor play.
- Tables were wiped down before snack time.

##### Fire Safety:

- A fire evacuation notice was displayed clearly in the care room.

#### Non-Compliance Information

##### General Safety:

1. The outdoor play area was not fully enclosed. There was a significant risk to the safe supervision of children, and the potential risk that the children could leave the premises unaccompanied. The following was observed:
  - The area was cordoned off using only a plastic chain with moveable plastic support posts which was easily crossable by the children and not sufficient to safely enclose the play area.
  - On several occasions the children were observed to run through the cordon. On one occasion a child was observed to run towards the larger school yard, and another ran towards the side of the main school building. The inspector observed that the area to the side of the main school building had an open gate leading to another school and the larger school yard had an open gate with direct access to a road.
  - Staff did not have full visual supervision of the play area at all times. When staff were positioned by the cordon, they did not have visual sight of children playing behind a prefabricated building which was located in the outdoor play area. This posed a risk to the safety of children.

An Immediate Action Notice was issued to the provider with regards to this risk.

2. There was no plan displayed which clearly detailed the risks and the measures required to address these risks for children who had additional care needs. This posed a potential risk of an oversight in the supervision requirements of these children which could impact on their safety. It is acknowledged that this information was recorded in support plans; however, this information should be easily visible to facilitate new staff or students in the care rooms.

### Infection Control:

3. Warm water was not available in the sanitary accommodation. A temperature of 12.4°C was recorded by the inspector at 9.46am. Warm water is required to support effective hygienic hand washing practice.

### Action submitted by the Registered Provider

#### Corrective & Preventive Action

##### General Safety:

##### 1. Corrective action

Appropriate immediate action was taken to eliminate the risks to children's safety as identified by the inspector. A wooden fence was erected on Friday 10<sup>th</sup> May to create a safe enclosed outdoor play area.

##### Preventive action

The company investigated the matter under their Risk Management policy and procedures and took appropriate action. Staff were briefed on the necessity to ensure that any new environment or significant change in daily routine is risk assessed prior to being used or implemented. The centre manager is scheduled to attend training on Risk Management on Monday 27<sup>th</sup> May. Following the inspection, colleagues carried out additional risk assessments on transitions and put in place revised procedures which were agreed by the team at a meeting on 3<sup>rd</sup> May.

##### 2. Corrective action

Individual support plans and individual risk assessment were available on the day of inspection for those who require them. Following the inspection, these support plans and a risk assessment are now clearly displayed in the care room.

##### Preventive action

These items were added to the staff induction on-the-job training card so that colleagues are aware of risks and measures for individual children.

### Infection Control:

#### 3. Corrective action

The school have arranged for a plumber to thermostatically control the water under 43°C.

#### Preventive action

Management will take the water temperature on a daily basis and take action if the water is found to be cold or over 43°C. A water temperature log is in place.

### Supporting documentation submitted

#### General Safety:

#### 1. Photographic evidence of works completed.

Minutes of team meetings.

Evidence of risk assessments.

Evidence of forthcoming training.

#### 2. Photographic evidence of support plans and risk assessments and revised procedures displayed.

Minutes of team meetings

Revised induction training card

### Infection Control:

#### 3. Temperature log.

Evidence of confirmation of completed works.

### Summary Comment

The inspector has reviewed the actions taken and evidence submitted. The non-compliances identified under Regulation 23 have been addressed and will be reviewed on the next inspection.

## Part VI - Safety

### Regulation 27 – Supervision

*A registered provider shall ensure that pre-school children attending the service are supervised at all times.*

#### Compliance Information

- Staff were observed to complete a head count at regular intervals during the transition to and from the outdoor play area and to the sanitary accommodation.
- Staff were observed to position themselves effectively during the transition to and from the outdoor play area.

### Non-Compliance Information

The registered provider did not ensure adequate supervision of the children attending the service. The following was observed:

1. The positioning of staff, and the layout of the outdoor play area did not always allow for the visual supervision of children. This was not in line with the service policy on the Supervision of Children. The impact of this resulted in a risk to the safety of children which is detailed under Regulation 23 Safeguarding health, safety and welfare of the child.
2. Children were observed to use the sanitary accommodation unsupervised, while staff waited in the corridor outside of the toilet area. Staff were unable to supervise by sight or sound. Staff were therefore not available to intervene or support the children if required. This was not in line with the service policy on the Supervision of Children which stated that that children are always within sight or hearing of at least one staff member at all times.
3. The registered provider did not ensure that children attending the service were adequately supervised by a qualified staff member at all times. An adult who did not have a relevant qualification was observed being directly responsible for the supervision of children during the period 11.16am to 11.41am while the children were in the outdoor play area.

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

#### Corrective and Preventive Action

1. **Corrective action:** The installation of a wooden fence frees up staff to position themselves in full view of the rectangle area behind the prefab. Staff were briefed on ensuring that blind spots are covered while supervising in the play yard as per service standard safety practices.  
**Preventive action:** The installation of a wooden fence
2. **Corrective action:** The practice of staff standing in the corridor while children used toilets has ceased. Management and staff were briefed on the requirement to ensure that children are always within sight or hearing of staff at all times as per service standard safety practices.  
**Preventive action:** Training on Risk Management and Standard Safety Practices.

3. **Corrective action:** The student's placement is finished. Staff were briefed that students are always accompanied by a suitable qualified colleague at all times and not to be given responsibility for the supervision of children.

**Preventive action:** staff were briefed on the company's policy and practice around student placement.

### Supporting documentation submitted

Minutes Team meeting 3<sup>rd</sup> May

Training invite

Standard Safety Practices

Student Policy

Photographic evidence of the fence

### Summary Comment

The inspector has reviewed the actions taken and evidence submitted. The non-compliances identified under Regulation 27 have been addressed and will be reviewed on the next inspection.

## Part VIII - Notifications and Complaints

### Regulation 31 - Notification of incidents

*A registered provider shall notify the Agency in writing within 3 working days of becoming aware of any of the following incidents occurring in the preschool service:*

*(e) an incident in respect of which a pre-school child attending the service goes missing while attending the service.*

### Compliance Information

(e) The registered provider ensured a notification of an incident was submitted to the inspectorate within the required timeframe.