

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015DY235
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Name of Service:	Kids Inc Liberty Park
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Address of Service:	Liberty Park, Foley Street, Dublin 1
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Name of Registered Provider:	John Harnett
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Service type:	Full Day
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Date of Inspection:	16/07/2024
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No of pre-school children:	AM	18	PM	22
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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
Title:	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.
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Description of service

Kid Inc Liberty Park is a privately operated service located in the inner-city area in Dublin 1. The service is registered to cater to a maximum of 34 children aged 0-6years on a full day care basis from 8am-6pm Monday to Friday. The service is comprised of three care rooms; Baby/Wobbler, Toddler and Montessori rooms, a kitchen, staff room, office, and sanitary facilities. An enclosed outdoor area is located across a pedestrian walkway from the main entrance to the service.

Staffing

The registered provider employs eleven staff to work in the service including the person in charge, nine early years practitioners and a cleaner. The registered provider does not work in the service.

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.

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 the day of inspection under Regulation 23 in relation to an identified safety risk. A written response was received which mitigated the risk. Further details are available under Regulation 23.

Acknowledgments

The inspector wishes to acknowledge the cooperation of the person in charge, director of operations, 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.

(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 if required.
 - (b) A review of the roster showed that a named person in charge or the deputy is rostered to be on the premises at all times during the service opening hours.
- (2) Discussion with management and a review of Tusla documentation and the staff roster showed that three staff have commenced employment in the service since the last inspection in October 2023. The files of these staff were reviewed in full. Police vetting was also sought for one staff member as it was outstanding from the previous inspection.
- (a) Six written and verified references were available from a past employer in relation to three staff members.
 - (c) Garda vetting disclosures had been obtained for three staff members whose files were reviewed. The service also demonstrated compliance with the Early Years Inspectorate Regulatory Notice requiring services to renew Garda vetting every three years.
 - (d) Police vetting was available in relation to two staff members who had lived outside of Ireland for a period of more than 6 months as an adult.
- (4) Evidence was available to show that three staff members who worked directly with the 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 has not yet been obtained for the staff member whose file was reviewed on the last inspection in 2023. It is acknowledged that evidence of an application for police vetting was reviewed as part of the CAPA process following the last inspection.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

(2) (d) The staff member is no longer employed at Kids Inc. According to our Kids Inc Policies and Procedures on Recruitment, all staff who have lived and worked outside Ireland for more than 6 months must have relevant police vetting.

Supporting documentation submitted

Documentation in relation to above has been reviewed.

Summary Comment

The corrective and preventive actions proposed by the registered provider are sufficient to address 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 there was adequate staff available to the children at all times during the day for example six staff were working directly with 18 children on the morning of inspection. The person in charge was available to provide support to the care rooms as needed and a relief staff arrived in the service at 11am in line with the staff roster to provide support for break times.

(2) Ratios were maintained in the care rooms. The following was observed;

- In the Baby room two adults were caring for 6 children aged 1-2 years old.
- In the Toddler room two adults were caring for 5 children aged 2-3 years old.
- In the Montessori room two adults were caring for 7 children aged 3-4 years old.

Part IV – Information and Records

Regulation 15 – Record of pre-school child

(1) A registered provider of a pre-school service other than a pre-school service in a drop-in centre or a temporary pre-school service shall ensure that a record in writing is kept in respect of each pre-school child attending the service containing the following particulars:

- (a) the name and date of birth of the child;*
- (b) the date on which the child first attended the service;*
- (c) the date on which the child ceased to attend the service;*
- (d) the name and address of a parent or guardian of the child and a telephone number where that parent or guardian or a relative or friend of the child can be contacted during the hours of operation of the service;*
- (e) authorisation for the collection of the child;*
- (f) details of any illness, disability, allergy or special need of the child, together with all the information relevant to the provision of special care or attention;*
- (g) the name and telephone number of the child's registered medical practitioner;*
- (h) record of immunisations, if any, received by the child;*
- (i) written parental consent for appropriate medical treatment of the child in the event of an emergency.*

Compliance Information

(1) A sample of eleven record forms of children who currently attend the service were reviewed. These records contained all the information required under (a) to (i) above.

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

- Food and drinks are provided to children at regular intervals throughout the day. Mealtimes are scheduled however staff were responsive to needs of children to requested food outside of mealtimes and supported them to get food from their lunchboxes.
- Additional portions of dinner were readily available in the care rooms and were offered to children as they finished eating.
- Nappies changing was done on a set schedule and observed to be done additionally as children required.

Physical and Material environment

- All care rooms were equipped with a range of toys and equipment suitable to the age and stage of development of the children attending. Toys and equipment were grouped appropriately in defined interest areas and accessible at all times on low level shelving. Staff spoke about restricting the play areas in line with the children's emerging interests. This supports children to make decisions in their play and promotes a range of play experiences.
- A selection of toys and materials were provided in the outdoor area for use by the children for example large and small blocks, a kitchen and utensils, animals and paper and crayons. This provided a stimulating environment for the children while still allowing space for gross motor play.

Supporting relationships

- Staff were observed to be kind and caring toward the children in all care room. Staff were observed to engage in the children's play and were knowledgeable of the children in their care and their individual needs and preferences. This enabled the supportive and inclusive environment observed on the day of inspection.

- Staff were observed to support children’s transition into the service offering support and comfort as needed. Staff were observed encouraging two children who were upset on arrival to the service to come in and were then observed cuddling the children until they were ready to engage in the activities.
- Children were unrestricted in their movements throughout the day for example in the garden children moved from one activity to the next as they wished while in the Toddler room children were observed to leave the table after their meal and engage in playtime while the other children finished eating.
- Staff supported and encouraged the children to complete tasks independently and acknowledged their achievements once the task was completed for example children in the Toddler room were encouraged to put their plate in the sink and wash their hands and face when they finished dinner.
- Staff were observed to recognise and support the individual needs of the children for example a child was observed to become distressed and upset while in the garden. The staff member brought the child into the care room to help them settle. The staff member recognised the child’s cue of tiredness and prepared a bed for the child to lie down on. The child settled once lying in the bed and was observed to doze off shortly afterwards. Recognising and supporting children’s needs helps them feel safe and secure.

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 and staff were observed to attend the door to allow access to visitors. A second door forms a small porch area and is also fitted with a coded lock providing a second layer of security to prevent unauthorised persons accessing the building and to prevent children leaving the service unsupervised.
- The outdoor area is secured with fencing and a gate which has a bolt lock fitted on the outside at adult height. This prevents children leaving the outdoor area unsupervised.
- Toys and equipment were well maintained and free from hazards.

Infection Control:

- Thermostatically controlled warm water, dispensed soap and paper handtowels were available through the care rooms and sanitary areas to support adequate hand hygiene.
- Food which was brought from home was refrigerated to prevent spoiling of perishable items. Lunch boxes were clearly labelled to prevent children receiving the wrong food.
- Waterproof mattresses were provided in all cots and the cots were clearly labelled for use by individual children.
- Cots and low-level beds were adequately spaced in the cot room and Toddler room to minimise the risk of infection spreading.

Administration of Medication:

- Medications were stored out of reach of the children and clearly labelled with the owners name.

Safe Sleep:

- Staff were observed to physically check sleeping children and records of these checks were adequately maintained.

Fire Safety:

- Staff are aware of the procedure for evacuation in a fire emergency.
- Emergency exits were unobstructed and clearly labelled throughout the service.

Non-Compliance Information

Safe Sleep:

1. An ambient temperature of 18-22°C was not maintained in two rooms where children aged over 1 year old were sleeping. The temperature of the Cot room was observed to be 25.8°C at 12:25pm while the temperature of the Toddler room was 26.2°C at 12:47pm. It is acknowledged that staff were aware of the issue and were taking steps to cool the rooms when the inspector arrived in the service. Staff were also observed to take steps to cool the children at naptime for example children from the baby room were put to sleep in their vests and blankets were removed. The temperatures recorded posed a risk of overheating to the children. An immediate action notice was issued to the provider in relation to this non-compliance.

Action submitted by the Registered Provider

Corrective & Preventive Action

Safe Sleep:

1. Air conditioning units have been rented to cool the sleep rooms and will be used in conjunction with the other measures which were already in place. Temperatures will continue to be monitored daily.

Supporting documentation submitted

An invoice for air conditioning units and images of them in place were reviewed.

Summary Comment

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

Part VI - Safety

Regulation 28 - Insurance

A registered provider shall ensure that the pre-school service is adequately insured.

Compliance Information

The registered provider ensured the service was adequately insured as a full day care service catering for 34 children. The insurance is valid up to the 27th March 2025.