

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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Eircode:	D01 X7N0
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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:	25/10/2023
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No of pre-school children:	AM	21	PM	21
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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 31 children aged 0-6 years 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.

The inspection focused on an examination of compliance under Regulations 9(1)(a)b)(c)(2)(a)(b)(c)(d)(3)(4) Management and Recruitment, Regulation 11(1)(2) Staffing levels, Regulation 15(1) Records of a preschool child, Regulation 23 Safeguarding the Health, Safety, and Welfare of child, Regulation 25 (1)(2)(a)(b) First Aid, Regulation

26(1)(a)(b)(4) Fire Safety Measures however, on inspection additional non-compliances which posed a risk to the children was identified under Regulation 19 (1)(a) Health, Welfare and Development of child. These findings are outlined within the relevant regulations within this report.

A sampling process was used to assess compliance under Regulation 15 Records of a preschool child; files of 12 children currently attending the Baby/Wobbler room and Toddler room were reviewed.

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 26th October 2023 in relation to an identified safety concern under Regulation 23. A response which adequately addressed the concern was received on 27th October 2023.

Acknowledgments

The inspector wishes to acknowledge the cooperation of the 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

(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.

(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) The service has a designated person in charge and a named person to deputise as required. A review of the roster showed that the person in charge or named deputy is on the premises at all times during the service opening hours.

(c) The service had a clear management structure and staff were aware of their own role and responsibilities.

(2) Discussion with the person in charge and a review of the roster showed there are currently eleven people employed to work in the service. The files of eleven staff were reviewed.

(a)(b) Twenty-two written and verified reference were available in relation to 11 staff members.

- (c) Garda vetting was available for eleven staff members.
- (d) Police vetting was available for seven staff members who had lived in a country other than Ireland for a period of more than 6 months.
- (3) The records showed that the procedures specified in (2) were carried out before the start date of all staff who had commenced employment since the last inspection.
- (4) Evidence was available to show that ten staff 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 was not available for one staff member who lived in a country other than Ireland for a period of more than 6 months.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

(2)(d) We have requested staff member to apply for the International Child Protection Certificate in addition to her police vetting already on file. Continue monitoring of staff and student files to ensure all are in place before starting in the company.

Supporting documentation submitted

Documentation in relation to the application has been reviewed.

Summary Comment

The registered provider has taken action and is in the process of addressing the non-compliance under Regulation 9(2)(d).

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 seven staff were working directly with 21 children on the morning of inspection. A relief staff member and the person in charge were also available to support in care rooms as needed.

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

- In the Baby/ Wobbler room two adults were caring for 5 children aged 6 months- 1 year old.
- In the Toddler room two adults were caring for 5 children aged 1-2 years old.
- In the Montessori room three adults were caring for 11 children aged 2 years 9 months-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.*

Non-Compliance Information

(1) A random sample of the files of 12 children from the Baby/wobbler room and the Toddler room were reviewed. Eleven files did not contain the required information. The following was observed;

- Seven files did not detail whether the child had any allergies, illnesses or medical conditions.
- Five files did not contain the immunisation records for the child. It is acknowledged that there were notes in some files confirming dates on which staff had requested the information from parents.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

(1) All files have been inspected, all children that have no specific allergies, illnesses or medical conditions noted on the application form have been correctly noted to avoid any further confusion. The application form has been reviewed and an option to state "no" was added. Parents of 5 children that had no immunisations on file have been contacted to provide their updated immunisation records. Manager of the centre will continue to run quarterly internal audits of the children's application forms to ensure we have all details needed.

Supporting documentation submitted

The updated form was reviewed.

Summary Comment

The registered provider has addressed the non-compliance under Regulation 15.

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

Non-Compliance Information

(1)(a)

1. The outdoor area did not provide for a range of play experiences as per the service policy. On entering the garden at 11:10am the inspector observed 16 children from the Toddler and Montessori rooms and four staff present. The toys and equipment in the garden included; a play kitchen, no supporting equipment was present, 2 large plastic blocks, two small plastic balls, one soft doll and two plastic cones. Staff played music and engaged the children in a game of the floor is lava however children lost interest and were observed wandering around the area and attempting to play with the items available. The service policy recognises *"the outdoor area as an invaluable place of learning and engagement and has a positive impact on the children's physical and mental wellbeing"* it also states that the outdoor space is designed to provide a varied, multi-sensory, challenging, creative and enriching experience with opportunities for boisterous play, physical challenge and risk taking and open-ended materials. A selection of outdoor toys were stored in the service including bikes, seesaws and large blocks however these were not made available to the children.
2. The sleep and play needs of children in the Montessori room were not adequately provided for on the day of inspection. Between 12pm-12:38pm six children were observed lying down on mats in the room for naptime while four children played. Staff repeatedly asked the children playing to be quiet as their friends were trying to sleep. Four children who had been put down for a nap were observed to not settle to sleep on the day and were observed trying to watch the children who were playing before being taken up from their mats and allowed to play.
3. Staff did not adequately supervise the children using the sanitary facilities in line with the service policy. At 1:10pm the inspector who was in the office area could hear a child calling "teacher". The calls became louder and more frequent. The inspector exited the office into the hall at 1:11pm where a staff member was observed leaving the Montessori room and opening the sanitary area door to allow a child out of the

toilet. The staff member could be heard telling the staff inside the room that the child struggles with the door sometimes.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

1. In Kids Inc we understand that outdoor play is very important for overall development for children. Due to specificity of the garden in Kids Inc Liberty Park, equipment must be taken out each time children go outside. On the day of the visit, staff decided to introduce more structured/ adult - led activities. The manager spoke to staff after the inspection about importance of balancing adult - led structure activities and child – lead activities. The layout must be set up at all times to offer the choice.
All staff have received further training on building an exciting outdoor space for the children using equipment available to them in the setting such as tuff trays, portable kitchen (with toy food, pots and pans) and gross motor toys (bicycle, tricycle and scooters). Garden toys have been rearranged for ease of staff and children to choose which items they would like to bring to the garden. The garden will be monitored closely, and frequent refresher training will be completed with staff. The manager will continue monitoring layout of the garden and choices provided to children.
2. The classroom layout has been reviewed to ensure children who choose not to sleep can still engage in variety of play in the room - such as reading stories, painting, relaxation, and meditation. Regular review of the layout and activities provided to children after dinner time. Relaxation, meditation resources available at all times in the room.
3. All staff have been retrained on our supervision of children indoor and outdoor policy. All children must be supervised while in the toilet and supported when needed. The manager to monitor the practise of staff supervising children in sanitary areas.

Supporting documentation submitted

Photos and training records in relation to above have been reviewed.

Summary Comment

The registered provider has addressed the non-compliance under Regulation 19.

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:

- Food such as grapes which may pose a choking hazard to small children were observed to be cut into appropriate size pieces.
- Blind cords were secured out of reach of the children.
- A bottle warmer was used to heat infant formula bottles in the Baby/Wobbler room.
- Low level presses were locked to prevent children accessing hazardous items in the care rooms.

Infection Control:

- Windows were open in the care rooms throughout the day to allow fresh air to circulate.
- Thermostatically controlled warm water, dispensed soap and paper handtowels were available for handwashing.
- Lunches which were brought from home were refrigerated as children arrived in the service to prevent spoiling of perishable items.
- Soothers were stored in individual labelled containers.
- Cots were fitted with wipeable mattresses to allow for adequate cleaning.

Administration of Medication:

- Individual care plans were available for children who required emergency medication. Staff in all care rooms had access to the information regarding all children which ensures that children's medical needs are met if they move rooms throughout the day.

Safe Sleep:

- Staff were observed to physically check sleeping children in the cot and Toddler room every ten minutes. These checks were recorded.

Fire Safety:

- Fire exit doors were clear and accessible throughout the day.
- Staff were knowledgeable of the procedure to be followed in the event of a fire emergency.

Non-Compliance Information

General Safety:

1. An immediate action notice was issued to the registered provider as they did not ensure unauthorised persons could not enter the service without the knowledge of staff which posed a risk to the children. The following was observed;
 - On arrival to the service a parent opened the external door and allowed the inspector access to the service. A second door which has a release button was also open which allowed the inspector access to the service without the knowledge of staff.
 - At 1:42pm a staff member who was walking down the hallway toward the nappy changing area observed both the internal and external doors to be fully open. The staff member then closed both doors. It is not known how long the doors were open for.
2. Flexes from a phone charger and air conditioning unit in the Montessori were unsecured and posed a risk of injury to the children.

Infection Control:

3. Five sleep mats which were in use in the Montessori room were not adequately spaced 50cm apart. This posed an infection control risk. The way in which the beds were laid out also posed a risk in terms of access to the children in the event of an emergency. This was a non-compliance on the previous inspection in 2021. The preventive action has not been sufficient to prevent recurrence.
4. Low level beds which were used by children in the toddler room were stacked with sheets and blankets on which posed a risk of cross contamination.
5. The nappy changing procedure observed was in line with the nappy changing policy however gloves and aprons which were worn during changing remained on until the child was fully dressed, and the mat was cleaned posing a risk of cross contamination. During feedback the person in charge advised this had been addressed at a staff meeting the night before the inspection.
6. The bins used for nappy changing were integrated into the nappy changing unit and were hand operated which is not in line with best practice or the service policy which stated that pedal operated bins should be used for disposal of nappies, gloves, and aprons.

Action submitted by the Registered Provider

Corrective & Preventive Action

General Safety:

1. Parents were addressed directly and explained seriousness of the breach of Kids Inc Policy on Setting Security. They received emails highlighting impact of their actions (letting and leaving the front door open) on safety of children in the setting. An official letter was issued to all the parents reminding key points of Kids Inc Policy on Setting Security. A sign was placed on the door to remind the parents to check that all doors are securely closed behind them, at all times. We have also spoken to staff to remain extra vigilant about practises in the centre and address the issues when noticed (as happened during the inspection when staff member promptly closed the doors). All parents and guardians will be frequently reminded that only staff are authorised to allow entry into the centre and to make sure the door is closed securely behind them. Door has been upgraded to an automatic close function.
2. Flexes were secured to the wall to prevent a risk of injury to the children. Health and Safety Officer will complete regular checks in the centre to identify any hazard and remove risks to children, staff and visitors.

Infection Control:

3. The Montessori classroom layout has been reviewed to ensure there is enough space to put sleeping mats more than 50cm apart. This is to ensure sufficient infection control and enough space to access the beds safely in the event of emergency. The manager is responsible to do daily spot checks on beds arrange for sleep. Head Office Senior Management must be consulted when a layout of the room is changed. This is to establish that there is an adequate space between the mats. The manager will continue to monitor practises in the rooms.
4. The low-level beds are stripped after sleep and blankets and sheets are stored in individually labelled canvas bags. Room leader in the Toddler room in charge of making sure all sheets and blankets are stored appropriately in individually labelled canvas bag to avoid cross contamination.
5. All staff have been trained on correct nappy changing procedure, with step-by-step guide displayed above nappy changing mat. Frequent spot checks made by Manager and Deputy Manager to ensure all staff follow the correct nappy changing procedure with gloves removed before dressing up a child.
6. A pedal bin has been placed in the nappy room and has been in use since the follow up briefing after inspection. Hand operated bins integrated to the changing unit are no longer in use. The manager will continue to observe practices in the changing room.

Supporting documentation submitted

Photographs and letter to parents were reviewed.

Summary Comment

The registered provider has addressed the non-compliance under Regulation 23.

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 First aid Response (FAR) certificates for three staff showed that the registered provider ensured that a person trained in FAR was available to the children during the opening hours of the service.

(2)(a)(b) Adequately stocked first aid boxes were available in all care rooms. These were stored in a high press out of reach of the children but immediately available to the staff if required.

Part VI - Safety

Regulation 26 - Fire safety measures

- (1) A registered provider shall ensure that a record in writing is kept of-*
- (a) any fire drill that takes place in the premises, and*
 - (b) the number, type and maintenance record of firefighting equipment and smoke alarms in the premises.*
- (4) A notice of the procedures to be followed in the event of fire shall be displayed in a conspicuous position in the premises.*

Compliance Information

- (1)(a) The registered provider ensured that a record of fire drills which have taken place on the premises were available for review. The record showed that the last fire drill took place on 7th September 2023.
- (b) A record of the number, type and maintenance of firefighting equipment and smoke alarms was available for review. The record showed the firefighting equipment was last service on 16th May 2023 while the smoke alarms were serviced on 7th September 2023.
- (4) A notice of the procedure to be followed in the event of a fire emergency were displayed throughout the service in care rooms and communal areas.