

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015DY279
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Name of Service:	Hyde and Seek Childcare (Shaw St)
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Address of Service:	Unit 1D Hyde Court, Shaw Street, Dublin 2
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Name of Registered Provider:	Siobhan Davy
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Service type:	Full Day, Part Time, Sessional
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Date of Inspection:	30/05/2024
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No of pre-school children:	AM	34	PM	32
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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 & E. Griffin
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.
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Description of service

Hyde and Seek Childcare (Shaw St) is a privately operated service located on the ground floor of a residential building in Dublin 2. It is one of four services operated by the registered provider. The childcare service is registered to provide full day care to children aged 0-5 years from 7:30am to 6:30pm, however, the service is currently operating from 7:45am to 6pm Monday to Friday. A registered school age service is provided in the afternoons. The service consists of a reception area, an office, a kitchen and four care rooms; Tiny Tots room catered to children aged 1-2 years, Wobbler room which catered to children aged 1-2 years, Toddler room which catered to children aged 2-3 years and the Montessori room which catered to children aged 3-4 years. A cot room was available for children from the Tiny Tots room and could be accessed from both the Tiny Tots and Wobbler care rooms.

Staffing

The registered provider employs nine staff to work in the service including the person in charge, seven early years staff and a chef who is also qualified in early years and who provides relief cover 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 unannounced and focused on the area of governance, safety and premises and facilities. The inspection may also focus on other areas as required.

The inspection focused on an examination of compliance under the following regulations;

Regulation 9 (1)(a)(b), (2)(a)(b)(c)(d),(4); Management and Recruitment

Regulation 11 (1)(2); Staffing Levels

Regulation 15 (1); Records in relation to the preschool child

Regulation 17; Information for parents

Regulation 21; Equipment and materials

Regulation 23; Safeguarding the health, safety and welfare of the child

Regulation 26 (1)(a)(b), (4); Fire safety

Regulation 32(1)(a)(b)(c), (2)(a)(b); Complaints

however, on inspection additional non-compliance which posed a risk was identified under Regulation 8; Notification of change in circumstance. These findings are outlined within the relevant regulation within this report. Regulation 28; Insurance was also reviewed in relation to the non-compliance identified under Regulation 8.

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 internal Tusla referral was made in relation to the service operating outside of its registered status. Further information is available under Regulation 8.

Acknowledgments

The inspectors wish to acknowledge the cooperation of the registered provider, HR manager, person in charge, administrator, staff and children who were present on the day of the inspection.

Part II - Registration and Register

Regulation 8 - Notification of change in circumstances

(1) A registered provider of a pre-school service other than a temporary pre-school service shall, subject to paragraph (3), notify the Agency in writing of any proposed change in the details in relation to the pre-school service contained in the register pursuant to section 58C(2) of the Act or Regulation 7(2) at least 60 days before it is proposed that the change would take effect.

Non-Compliance Information

(1) The registered provider failed to notify the agency of a change in the numbers of children catered for in the service prior to the implementation of the change. The service is registered to cater for 32 children at one time however on the day of inspection 34 children were observed to be present in the service at one time. The service was referred internally in relation to operating outside of their registered status.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

We made the application in advance of the 60 day required notice. We have been in correspondence and are awaiting a response on the matter.

Supporting documentation submitted

Documentation in relation to the CIC application made in November 2023 and current application have been reviewed.

Summary Comment

The registered provider has addressed the non-compliance under Regulation 8.

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 the roster showed that five staff have commenced employment in the service since the last inspection in November 2023. The files of these staff were reviewed in full along with garda vetting disclosures for all staff currently employed in the service and four members of the management team who were present in the service on the day of inspection.
- (a) Eight written and verified references were available from a past employer in relation to five staff members.
 - (b) Two written and verified references were available from a source other than a past employer in relation to two staff members.

(c) Garda vetting disclosures had been obtained for 13 staff currently employed in the service including the registered provider and members of the management team who were present on the day of inspection. 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 five 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 five 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.

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) There were 34 preschool children being cared for by six adults on the morning of inspection. The person in charge and a deputy manager were rostered and available to cover breaks and assist in the care rooms as required. Additional cover was provided on the day of inspection by members of the management team.

(2) Ratios were maintained during the inspection. The following was observed:

- In the Tiny Tots room five children aged 1-2 years were being cared for by one adult.
- In the Wobbler room eight children aged 1-2 years were being cared for by two adults.
- In the Toddler room eleven children aged 1.5-3 years were being cared for by three adults.
- In the Montessori room ten children aged 2 years 10 months-4 years were being cared for by one adult.

Members of the management team were observed to assist in the care rooms for the duration of the inspection.

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 ten children’s files were reviewed as part of the inspection. The registered provider ensured that the information required under (a)-(i) was maintained for each child.

Part IV – Information and Records

Regulation 17 – Information for parents

A registered provider shall ensure that a parent or guardian of a child proposing to attend the service is provided with the information referred to in subparagraphs (a) to (g) of Regulation 16(1).

Compliance Information

Discussion with the registered provider and management team showed that the required information is shared with parents as required for example parents are provided with a handbook which details relevant information about the service and a copy of the policies while other relevant information and staff details are displayed on a notice board in the entrance hall. Ongoing communication includes daily updates through a software application and a calendar of events in which parents can participate.

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 the following equipment and materials were available to the children in the service;

- Furniture and equipment in the care rooms were observed to be well maintained, durable, easy to clean, and suitable for the age and stage of the children attending.
- Low level tables and chairs were observed in all care rooms which allowed the children to eat meals and engage in tabletop activities comfortably.
- Low level shelving was used to display toys and equipment at a level accessible to the children.
- A range of toys and equipment were available in the care rooms appropriate to the age and developmental stage of the children.
- The outdoor area provided opportunities for a range of play experiences appropriate to the various age groups.

Non-Compliance Information

1. The registered provider did not ensure that the following play materials in the Toddler room were maintained in good condition and accessible to the children to support meaningful play experiences;
 - An art easel was stored in the corner of the room and made inaccessible to the children due to the presence of a sensory tray and bin while supporting equipment such as paint, crayons or colouring pencils were not observed to be present to support mark making experiences.
 - The books available on the morning of inspection were in poor condition and did not support children's engagement with early literacy; pages were observed to be severely dog eared and a number of books were not complete with the cover or some pages only present. A variety of well-maintained books are required to promote engagement with literacy and ensure children can follow the sequence of a story ensuring meaningful experiences. It is acknowledged that additional books were added to the bookshelf during the inspection and some damaged books were removed.
 - Four inset jigsaws were available for use by the children however the jigsaws were not maintained intact and the pieces were not visible to the inspector throughout the inspection. Materials should be grouped appropriately to ensure ease of access to the children to encourage engagement. One child was observed

to take one of the jigsaws from the shelf before dinner and stand holding the board for a few moments before it was returned to the shelf. It is acknowledged that following feedback a member of the management team located the jigsaw pieces in a basket on the shelf opposite when the jigsaws were stored however this is not appropriate storage for the jigsaws given the age and stage of development of the children present.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

1.
 - The room has been rearranged to ensure the children have easy access to the easel. Daily checklist updated to remind staff to check the art easel is accessible and stocked with materials during activity times.
 - As stated in the inspection report the books were refreshed during the day. The creche manager/deputy manager will verify that the condition of the children's books has been checked by staff in the room as per the daily checklist.
 - Jigsaws will be checked in the evening as part of the tidy up routine. A check of the jigsaws has been added to the cleaning list. Managers and staff have been instructed on this requirement.

Supporting documentation submitted

Photographs and a copy of the checklists have been reviewed.

Summary Comment

The corrective and preventive actions proposed by the registered provider are sufficient to address the non-compliances under Regulation 21.

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 appropriately secured, and staff were observed to attend the door to allow access which prevented unauthorised persons entering the service.
- The door was secured internal by a thumb turn lock at adult height which prevented children leaving the service unsupervised.
- Toys and equipment were well maintained and free from hazards.
- Low level presses were fitted with child proof locks where required to prevent children accessing unsafe items.
- Cleaning sprays were stored out of reach of the children.

Infection Control:

- Nappy changing was completed in line with best practice and the service policy.
- A suitable pedal operated lidded bin was available for disposal of soiled nappies and associated items.
- Tables were cleaned with antibacterial spray before and after mealtimes.

Safe Sleep:

- Physical checks of sleeping children were observed to be conducted at regular 10-minute intervals and written records of these checks were maintained

Fire Safety:

- Staff were knowledgeable of procedure to be followed in the event of a fire emergency.

Non-Compliance Information

Infection Control:

1. Handwashing in the Tiny Tots room was not in line with best practice and was not sufficient to prevent the spread of infection for example before dinner time a staff member was observed to clean the hands of five children aged over 1 year with a damp cotton pad, soap was not observed to be used during this process. Warm water and soap are required for adequate handwashing to prevent the spread of infection. During the feedback meeting the registered provider advised that this practice is done to prevent holding babies at the

sink however all children in the room were over one year old and four of the five children were observed to be able to stand independently or with support.

2. Three mattresses in the cot room were observed to be torn at the corners preventing adequate cleaning and exposing the internal foam which posed a choking hazard. It is acknowledged that additional mattress protectors were in use however the waterproof part did not extend over the corners of the mattress and was only present on the top leaving a thin piece of material covering the torn pieces which is not sufficient to prevent the spread of infection.

Action submitted by the Registered Provider

Corrective Action

Infection Control:

1. It has been the creche policy and procedure since 2018 to use water wipes to clean the hands of children that are not yet mobile. This method was used to ensure the safety of the children and to reduce the risk of a fall when holding children up to a sink. As per Tusla's request we will wash the children's hands at the sink.
2. Replacement mattresses have been ordered and we are awaiting delivery. A weekly mattress check has been added to the Tiny Tots room cleaning checklist.

Preventive Action

1. The policy and procedure has been updated and staff have received training on the new procedure.

Supporting documentation submitted

Invoice for mattresses reviewed.

Summary Comment

The corrective and preventive actions provided by the registered provider are sufficient to address the non-compliances identified on inspection under Regulation 23.

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 fire fighting 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) The registered provider ensured that the following records were maintained;
- (a) A record of monthly fire drills showed that the last fire drill had taken place on 5th April 2024.
 - (b) A record of servicing and maintenance for the fire fighting equipment and smoke alarms showed that the fire fighting equipment was last serviced on 5th March 2024 while the smoke alarms were last serviced on 12th April 2024.
- (4) Notices detailing the steps to take in the event of a fire were displayed throughout the service; in communal areas and care rooms.

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 that the service was insured for up to 34 children attending on a full day care basis. The insurance certificate reviewed showed the insurance is in place up to 5th January 2025.

Part VIII - Notifications and Complaints

Regulation 32 – Complaints

- (1) A registered provider shall ensure that the complaints policy of the service specifies-
- (a) the procedure to be followed by a person for the purposes of making a complaint in relation to the service,
 - (b) the manner in which such a complaint shall be dealt with, and
 - (c) the procedures for keeping a person who makes such a complaint informed of the manner in which it is being dealt with.
- (2) A registered provider shall ensure that-
- (a) a record in writing is kept of a complaint made to the provider in respect of the pre-school service, and
 - (b) the complaint is duly dealt with in accordance with the provider's complaints policy.

Compliance Information

(1) (a)(b)(c) The complaints policy was reviewed as part of the inspection process. The review showed that the policy clearly outlined the information required under (a), (b) and (c).

(2) (a)(b)

A written complaints log was available for review. The log showed that the service had received three complaints since the previous inspection in November 2023. Documentation available detailed the nature of the complaint, the steps taken to resolve the complaint and the outcome of the complaint in line with the service policy.