

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015DY386
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<b>Name of Service:</b>	Náionra Mológa Teo
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<b>Address of Service:</b>	F/ch Scoil Mológa, Br Thigh Chlár, Cros Araild, Harolds Cross, Dublin 6W, Co. Dublin
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<b>Eircode:</b>	D6W EA22
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<b>Name of Registered Provider:</b>	Deirdre Uí Chuilinn
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<b>Service type:</b>	Part Time, Sessional
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<b>Date of Inspection:</b>	19/09/2023
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<b>No of pre-school children:</b>	AM	26	PM	N/A
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<b>Address of the Early Years Inspectorate:</b>	2 <sup>nd</sup> floor, Carysfort House, Carysfort Avenue, Blackrock, Co Dublin
<b>Inspection undertaken by:</b>	L. Magee & E. Mulhern
<b>Title:</b>	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).

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

This Irish speaking service is located in an urban setting in Harolds Cross, south county Dublin. The service is registered to provide part-time and sessional care to children aged 3.5 years-5 years. The service is registered to operate between the hours of 8:40am-1.15pm, Monday to Friday. The service is located on the grounds of Scoil Mologa junior school and currently operates from two large, prefabricated care rooms. The service has access to a secure large outdoor play area with an artificial grass surfacing.

### Staffing

The service employs five staff members including the registered provider who all work directly with the children.

### 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 the following regulations.

Regulation 9 (2) & (4) Management and recruitment

Regulation 11 Staffing levels

Regulation 19 (1b) Health Welfare and Development of a child

Regulation 23- Safeguarding health, safety and welfare of child.

Regulation 25 First Aid

Regulation 26 Fire Safety Measures

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

### Immediate Action Notices Issued 19 September 2023

#### Governance

Regulation 9(2)(c) An Immediate Action Notice was issued as a mandatory Garda vetting disclosure was not available for two adults who were present in the service contrary to the National Vetting Bureau (Children and Vulnerable Persons) Act 2012. The registered provider submitted a response on 20 September stating the adults would not be present on the premises until Garda vetting had been obtained. Garda vetting was subsequently received for both adults on 21 September 2023.

### Regulatory Compliance Meeting held 8 November 2023

A regulatory compliance meeting was held with the registered provider due to the significant non-compliance with regulation 9 and the failure of the registered provider to provide appropriate actions to address the non-compliance with regulation 9(2)(a). A further opportunity was provided for the registered provider to submit supporting documents to evidence the non-compliance had been addressed. These documents were received after the meeting on 8 November 2023.

### Acknowledgments

The inspectors wish to acknowledge the cooperation of the registered provider, staff and children who were present on the day of the inspection.

### Part III – Management and Staff

#### Regulation 9 – Management and recruitment

*(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

(2) The service currently has five members of staff working directly with the children. All five staff files were reviewed as part of the inspection process as evidenced below;

- (a) Five validated references were available from past employers.
- (b) One validated reference from a source other than a past employer was available.
- (c) Garda vetting was available for three adults.
- (d) Police vetting was not required as none of the adults had lived outside the state for longer than six consecutive months.

(4) There was evidence that three adults working directly with the children had attained at least a major award in Early Childhood Care and Education at Level 5 on the National Framework for Qualifications.

### Non-Compliance Information

- (2)
- (a) Four references were available from past employers but were not validated in respect of two adults.
- (c) An Immediate Action Notice was issued as a mandatory Garda vetting disclosure was not available for two adults who were present in the service contrary to the National Vetting Bureau (Children and Vulnerable Persons) Act 2012. The registered provider submitted a response on 20 September stating the adults would not be present on the premises until Garda vetting had been obtained. Garda vetting was subsequently received for both adults on 21 September 2023.
- (4)
- There was no evidence that two adults working directly with the children had attained at least a major award in Early Childhood Care and Education at Level 5 on the National Framework for Qualifications.

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

#### Corrective and Preventive Action

- (2)
- (a) The registered provider has tried to contact one of the references supplied by a staff member on a number of occasions but has not made contact. The provider is waiting for another employer (who is on holidays at this time) of the staff member to issue another reference. The registered provider has received a reference for the staff member in question from a person who is known to the staff member for the last 15 years. Going forward all references will be checked and contacted on receiving same, signed and dated.
- (c) Garda vetting was received for both adults on 21 September 2023.
- (4) Both staff members are attending colleges and will complete their courses April and June 2024. Neither staff member will be left in charge of the children on their own, the Manager or other qualified member of staff would be always with them.

#### Supporting documentation submitted

- (2)(a) No supporting documents submitted with first CAPA response. Copy of one reference with record of verification submitted 12 October 2023 following second request. Copies of outstanding verification records submitted 8 November 2023 following regulatory compliance meeting.

(2)(c) Copy of Garda vetting for two staff members submitted 21 September 2023.

(4) Copy of communication records between two staff members and colleges submitted 12 October 2023.

### Summary Comment

(2)(a) The registered provider did not submit any action or supporting documents in relation to references on initial request. A second opportunity was provided to submit the required information and documents. The registered provider submitted a record of verification for one reference. Verification records remained outstanding for three references in relation to two staff members. A regulatory compliance meeting was held with the registered provider on 8 November 2023. The outstanding verification records were subsequently submitted and met the regulatory requirement. The effectiveness of the preventive actions will be assessed on the next inspection.

(2)(c) It is acknowledged the registered provider received Garda vetting for the two staff members following the inspection. At the regulatory compliance meeting on 8 November 2023 the registered provider was reminded of their duty to ensure Garda vetting is received and considered prior to employees, unpaid workers or contractors having access to the children. The regulation will be assessed on the next inspection to ensure Garda vetting is sought and considered prior to staff commencing work in the service.

(4) The non-compliance remains outstanding as two staff working directly with children do not hold the required qualification. A regulatory compliance meeting was held on 8 November 2023. The registered provider was informed of the requirement to ensure that all staff employed to work with children hold the required qualification. This will be assessed on the next inspection.

### 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 an adequate number of adults working directly with the children attending the service. On the day of inspection there were five adults working directly with 26 pre-school children.

(2) The minimum ratio of adults to children was maintained during the inspection.

### 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-*

*(b) appropriate and suitable care practices are in place in the pre-school service, having regard to the number of children attending the service and the nature of their needs.*

#### Compliance Information

(1) (b)

Appropriate and suitable care practices were observed on the day of inspection as evidenced below:

Nutritious lunches were sent in from home and these were stored in the fridge. Adults sat with the children and helped them with their lunch. Water was offered during lunchtime and available during the day. The children washed their hands after using the toilet and before lunchtime. A cosy rest area was available if the children wanted to take a break from their activities during the session. Adults engaged with children using appropriate language and were observed to physically comfort children when required. Adults were observed speaking kindly and praising the children during their activities.

## 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 registered provider had taken steps to safeguard the children attending as demonstrated by the following findings;

External doors were appropriately secured to prevent children from exiting unsupervised and to prevent unauthorised access to the service. All hazardous equipment and cleaning materials were stored out of reach of the children. The fire escape routes were free from any obstructions. Heavy furniture was secured. No loose cables were observed.

##### Infection Control:

The children were observed washing their hands after using the toilet and before eating. Sanitary facilities were equipped with warm water, liquid soap, and paper towels for handwashing. The preschool rooms were maintained in a clean condition. Completed cleaning schedules were in place demonstrating the daily and weekly procedures taken by the service.

## 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 person trained in first aid was immediately available to the children at all times.

(2)

(a) The first aid box was adequately stored in an easily accessible and conspicuous location within the service as required.

(b) A first aid box was always available to the adults and children in the service.

### 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)
- (a) A written record was available detailing fire drills that had taken place in the service. A fire drill last took place in the service on 12 September 2023.
  - (b) There was an annual record to show that the alarm system had been serviced on 21 March 2023.
  - (4) A notice of the procedures to be followed in the event of fire was displayed in a conspicuous position in the premises.

#### Non-Compliance Information

- (1) (b)
- There was no record to show that the firefighting equipment had been serviced since May 2022. Regular servicing ensures they are in good working order for when they are required.

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

##### Corrective and Preventive Action

The inspection of the Fire Extinguishers and Maintenance was carried out on 25/9/2023. This inspection will be carried out annually.

##### Supporting documentation submitted

Supporting documentation was submitted and reviewed by the early years inspectorate.

#### Summary Comment

At the regulatory compliance meeting on 8 November 2023 the registered provider was reminded of their duty to ensure firefighting equipment is serviced as required. The regulatory requirement has been deemed to be met and will be assessed on the next inspection.