

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015FL285
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<b>Name of Service:</b>	Sticky Fingers
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<b>Address of Service:</b>	14 Portersgate Green, Clonsilla, Dublin 15.
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<b>Eircode:</b>	D15 PR58
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<b>Name of Registered Provider:</b>	Breda Byrne
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<b>Service type:</b>	Full Day
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<b>Date of Inspection:</b>	29/01/2025
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<b>No of pre-school children:</b>	AM	48	PM	26
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<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>	C. Harte and E. Griffin
<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).

Conditions if applicable

Not applicable

### Description of service

Sticky Fingers childcare service is situated in the urban area of Clonsilla, Dublin 15 offering care to children aged 1-6 years of age. The service operates from 7:30am to 6:00pm Monday to Friday. The service participates in the Early Education and Childhood Care (ECCE) scheme. The service also offers registered school aged childcare. The service operates from a two-storey converted residential premises and has six care rooms, sanitary facilities, a kitchen for the preparation of food and an enclosed outdoor space located at the back of the building. The four care rooms situated on the ground floor are the Wobbler room (1-2 years), Toddler room (2-3 years), Lion room (2 years 8 months - 4 years) and the Zebra room (2 years 8 months - 4 years). On the first floor are the Tiger room (2 years 8 months - 5 years) and the Panda room (2 years 8 months - 5 years).

### Staffing

The service employs 17 staff including the registered provider, deputy designated person in charge and an office administrator. The registered provider and deputy person in charge are responsible for the preparation of meals and snacks for the children and the break and lunch cover for staff.

### 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, premises and facilities. 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), (3), (4) Management and Recruitment
- Regulation 11 (1), (2) Staffing Levels
- Regulation 16(1) Record in Relation to a Pre-school Service.
- Regulation 21 Equipment and Materials
- Regulation 23 Safeguarding the Health, Safety and Welfare of the Child
- Regulation 25(1), (2) First Aid
- Regulation 29 (d)(e) Premises

A sampling process was used to assess compliance under Regulation 21 Equipment and Materials, Regulation 23 Safeguarding the Health, Safety and Welfare of the Child and Regulation 29 Premises. As a result, the scope of the inspection included Wobbler room, Toddler room, Lion room and Zebra room.

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 the inspection under Regulation 23, in relation to a non-compliance identified under Regulation 23. A response was received from the registered provider which mitigated the risk identified. See body of report for details.

### Acknowledgments

The inspectors wish to acknowledge the cooperation of the registered provider, 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.*

*(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) The registered provider ensured there was a designated person in charge and a named person to deputise as required.
  - (b) The registered provider was on the premises when the inspectors arrived unannounced to the service and remained in the service for the duration of the inspection.
  - (c) There was a clear management structure in place and staff were aware of their role and responsibilities.
- (2) A review of paperwork and conversation with management showed there are currently 17 staff employed by the service. The files of 6 new staff who commenced employment since the last inspection were reviewed. A review of records maintained by Tusla demonstrated that Garda vetting disclosures were dated within three years for all existing staff. The registered provider had completed the following checks:
- (a) Ten written and validated references were available from past employers.
  - (b) Two written and validated reference was available from a source other than a past employer.
  - (c) Garda vetting disclosures had been obtained for six adults. 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 for five adults who had lived in a country other than Ireland for a period of six months or more as an adult.
- (4) Evidence was available to show that six adults 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 and Youth Affairs.

### Non-Compliance Information

- (3) There was no documentary evidence available that references had been considered for five staff members prior to them being appointed. The following was observed:
- A review of start dates showed two adults commenced employment in the service prior to appropriate consideration of both references.
  - A review of start dates showed three adults commenced employment in the service prior to appropriate consideration of one reference

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

#### Corrective and Preventive Action

Management will ensure that references are checked and filed prior to an employee's start date.

#### Supporting documentation submitted

- No supporting documents submitted.

#### Summary Comment

The corrective and preventative actions proposed by the registered provider are sufficient to address the non-compliance identified 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 an adequate number of adults were working with the children in the service.

There were 12 staff caring for 48 children on the morning of the inspection. The registered provider and service manager were available in a supernumerary capacity to offer support as required.

(2) The adult child ratios were correct when the inspectors arrived unannounced to the service and throughout the inspection. The following was observed.

- Wobbler room - 2 adults were caring for 7 children aged between 1 year - 1 year 10 months.
- Toddler room - 2 adults were caring for 4 children aged 2-3 years.
- Lion room - 2 adults were caring for 9 children aged 2 years 8 months - 4 years.
- Zebra room - 2 adults were caring for 6 children aged 2 years 8 months - 4 years.
- Tiger room - 2 adults were caring for 11 children aged 2 years 8 months - 5 years.
- Panda room – 2 adults were caring for 11 children aged 2 years 8 months - 5 years.

### Part IV – Information and Records

#### Regulation 16 – Record in relation to pre-school service

(1) A registered provider shall ensure that a record in writing is kept of the following information in relation to the service:

- (a) the name, position, qualifications and experience of the person in charge and of every other employee, unpaid worker and contractor;
- (b) details of the class of service and the age profile of children for which the service is registered to provide services;
- (c) details of the adult:child ratios in the service;
- (d) the type of care or programme provided in the service;
- (e) the facilities available;
- (f) the opening hours and fees;
- (g) the policies, procedures and statements the service is required to maintain in accordance with Regulation 10;
- (h) details of attendance by each pre-school child on a daily basis;
- (i) details of staff rosters on a daily basis;
- (j) details of any medication administered to a pre-school child attending the service with signed parental consent;
- (k) details of any accident, injury or incident involving a pre-school child attending the service.

#### Compliance Information

- (1) The registered provider ensured that a record in writing was kept of the following information in relation to the service:
- (a) Details of the name, position, qualifications, and experience of all staff were maintained within the staff files and included in staff profiles displayed in the hallway.
  - (b) The service Tusla registration certificate displayed in the hallway detailed the class of service and the age profile of children for which the service is registered to provide services.
  - (c) Details of the adult child ratios were displayed in the hallway and listed in the services statement of purpose and function.
  - (d) (e) The service statement of purpose and function detailed the type of care or programme provided and the facilities available within the service.

- (f) The opening hours and fees of the service were displayed in the hallway.
- (g) The registered provider maintained the policies required in accordance with Regulation 10.
- (h) Attendance records detailing the arrival and departure of the children on a daily basis were maintained in each care room on a software application.
- (i) A record was maintained of the staff roster which was reflective of the staff present on the day.
- (j) Following a review of a sample of ten records, the registered provider ensured a full record in writing was maintained for the administration of medication.
- (k) Following a review of a sample of ten records, the registered provider ensured a full record in writing was maintained for accident and incidents.

### 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 service ensured there was adequate and suitable furniture and equipment available, for example:

- The furniture and equipment in the rooms was observed to be adequate for the number of children in the rooms, it was appropriate for the age range and stage of development of the children attending.
- The toys and equipment were laid out on low level shelving, visible to the children, and were grouped in themed areas of interest such as construction and dress up. Themed areas were observed with real life resources promoting meaningful play experiences.
- There was a variety of play materials and equipment available to the children according to their age and stage of development, which facilitated a range of play experiences including creative, imaginative and language play.
- The outdoor environment was very well resourced and included a number of themed play areas including a café and fire station with supporting equipment. Children had access to outdoor seating and ride on toys which encouraged gross motor movements. The garden was laid out in a creative and welcoming design and included covered areas providing shelter from the weather.

### Non-Compliance Information

1. The Lion and Zebra rooms did not have a suitably equipped rest area for children to access during the day and take a break from activities. The rest areas included a thin household mat with a small number of pillows. This restricted children choice to rest comfortably or share the space with their peers, the area should be an inviting space with soft seating or matting allowing for the children's comfort and provide a space to rest or lay down.

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

#### Corrective and Preventive Action

1. New mats haven been added to the rest areas for both the Lion and Zebra rooms. Check all care room and replace mats where needed.

#### Supporting documentation submitted

- Photographic evidence.

### Summary Comment

The inspectorate has reviewed the corrective and preventative actions and evidence submitted. The non-compliance identified under Regulation 21 has been addressed.

## 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 kitchen was observed to be inaccessible to children during inspection.
- Blind cords were secure, and windows restrictors were observed in place.
- Plastic door guards were observed in place and suitable for use.
- No trailing flexes were observed.

#### Infection Control:

- Warm water, foot pedal bins, dispensed soap and hand towels were available to support hand hygiene practices.

- Staff were observed to support children washing their hands following nappy changing and before mealtimes.
- Children's lunches from home containing perishable items were stored in the refrigerator.
- Cots were observed to be positioned a minimum of 50cm apart.

### Safe Sleep:

- An ambient room temperature of 18-22°C was maintained in rooms where children over 1 year of age were sleeping.

### Fire Safety:

- Fire evacuation procedures were clearly displayed.

### Non-Compliance Information

#### General Safety:

1. A radiator accessible to children in the Toddler room had a temperature exceeding 50°C. At 10.53am the radiator temperature was 52.4°C which posed a scalding risk to the children present. An immediate action notice was issued.
2. Children aged 1-2 years placed in highchairs during a mealtime were not secured with the use of the available safety straps. This posed a potential risk of injury and is at variance with service policy that advises equipment will be used as it is intended to be used.

#### Administration of Medication:

3. There was no medical care plan available for a child who required an emergency medication. This posed a risk of incorrect administration in the event of an emergency.

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

#### Corrective & Preventive Action

#### General Safety:

1. The radiator temperature has been fixed. The temperature will be controlled by a thermostatic control system to ensure it does not rise beyond 21°C. The radiator is fully covered, and children cannot touch it.
2. Staff will ensure that children are properly secured with safety straps when placed in highchairs. Staff in rooms where highchairs are used have been reminded that child should be secured properly and not left unattended.

#### Administration of Medication:

3. Medical care plan is now available for the child. In future every child who requires a medical care plan will have one available in the room.

## Supporting documentation submitted

### General Safety:

- Photographic evidence.

### Administration of Medication:

- Medical care plan.

## Summary Comment

The inspectorate has reviewed the corrective and preventative actions and evidence submitted. The non-compliances identified under Regulation 23 have been addressed.

## 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 available documents and conversation with management showed that a staff member trained in First Aid Response (FAR) was rostered to be on the premises and available to the children at all times during the opening hours of the service.

(2) (a)(b) A suitably equipped first aid box was stored safely out of reach of children, readily available and easily accessible to staff if required at any time.

### Part VII - Premises and Space Requirements

#### Regulation 29 - Premises

*A registered provider shall ensure that the premises of the service are-*

- (d) cleaned, maintained and repaired, as required, and*
- (e) equipped with adequate and suitable sanitary facilities.*

#### Compliance Information

(e)

- There was a suitable number of sanitary facilities available for toilet trained children in attendance.
- Wasted was observed to be managed appropriately within the sanitary facilities.

#### Non-Compliance Information

(d) The registered provider did not ensure the service was cleaned, maintained and repaired as evidenced by the following:

- The wall under the windowsill in the Lion room was observed to be damaged with large sections of cracked and exposed plaster.
- The laminate on the sink unit in the Lion room was damaged exposing chipboard underneath.
- The walls at the sink unit in the Lion room had chipped and flaking paint.
- Activity tables in the Lion and Zebra room were damaged with chipboard exposed.
- There was a section in the ceiling of Lion room with chipped paint.
- The extractor fan in the sanitary area downstairs was observed with a thick layer of dust.
- In the Toddler room a section at the corner of a skirting board was damaged with foam exposed.

(e) There was an inadequate number of nappy changing facilities for the children attending. One nappy changing unit is required for every eleven children in nappies. The service had fourteen children attending wearing nappies and only one nappy changing unit available.

## Corrective & Preventive Action submitted by the Registered Provider

### Corrective and Preventive Action

(d)

Corrective actions:

- The wall under the windowsill in Lions room has been repaired.
- The laminate on the sink unit in Lion room has been repaired.
- The walls at the sink unit in the Lion room has been fixed and covered.
- Activity tables in the Lion and Zebra room: the lids have been covered with wood laminate.
- The ceiling in Lion room has been fixed and painted.
- The extractor fan in the sanitary area has been cleared and dust is cleaned.
- The skirting board in the Toddler room has been repaired and fixed.

Preventive action: Quarterly check-up of equipment and premises to ensure it is maintained fully.

(e) An additional nappy changing facility has been added to the premises. The service will ensure that adequate nappy changing facilities are available as per the regulation.

### Supporting documentation submitted

- Photographic evidence.

## Summary Comment

The inspectorate has reviewed the corrective and preventative actions and evidence submitted. The non-compliances identified under Regulation 29 have been addressed.