

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015GY225			
<b>Name of Service:</b>	Sea Garden Childcare			
<b>Address of Service:</b>	Leenane Childcare, Leenane, Co. Galway.			
<b>Eircode:</b>	H91 X51F			
<b>Name of Registered Provider:</b>	Joan Mulloy			
<b>Service type:</b>	Full Day			
<b>Date of Inspection:</b>	15/04/2024			
<b>No of pre-school children:</b>	AM	6	PM	2
<b>Address of the Early Years Inspectorate:</b>	Early Years Inspectorate, Quality and Regulation Directorate, Clinical & Administration Building, Block A - (1st Floor- Green Corridor), Merlin Park, Galway.			
<b>Inspection undertaken by:</b>	F. Nic Dhonnacha			
<b>Title:</b>	Early Years Inspector			
<b>Authority to Inspect</b>				
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			

### Description of service

Sea Garden Creche operates from a prefabricated unit on the grounds of national school in the village of Leenane, Co. Galway. This private preschool service offers the options of full day care and part time care provision, from 8.30hrs to 17.30hrs. An Early Childhood Care and Education (ECCE) pre-school care programme and sessional programme from 9.00hrs to 12.00hrs, Monday to Friday is also offered. The preschool caters for children aged between 6 months to 6 years of age. The service consists of one playroom, a designated sleep room and a kitchen. Three cots are available for younger children under the age of 2 years, requiring sleep and four stackable beds are available for older preschool children, requiring sleep provision. The premises has its own kitchen, where children's main meals are prepared, cooked, and stored on site. The preschool children have access to a designated secure outdoor play area, to the front and side of the preschool premises, for play activities and exploration. A child based preschool curriculum focusing on emerging interests is provided.

### Staffing

The registered provider is on the school board of management committee is supernumerary and is not on the premises daily. There is a designated person in charge and there is a named deputy person, if required. There are 3 staff, not including the registered provider, working and caring for the children in the service. The 3 staff hold at least a major award in Early Childhood Care and Education at Level 5 to Level 8 on the National Qualifications Framework. The staff have documentary evidence of on-going training and education.

### 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/ premises and facilities. The inspection may also focus on other areas as required.

The inspection focused on an examination of compliance under regulations 11, 15, 19, 25, and 28; however, on inspection additional non-compliance which posed a risk was identified under Regulation 9, 23 and 26. These findings are outlined within the relevant regulations within this report.

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.

## Acknowledgments

The inspector wishes to acknowledge the cooperation of the person in charge, the additional staff member and children who were present on the day of the inspection.

### Part III – Management and Staff

#### Regulation 9 – Management and recruitment

(1) A registered provider shall ensure that-

- (a) the service has a designated person in charge and a named person who is able to deputise as required,
- (b) at all times during the period when the pre-school service is being carried on, the designated person in charge or the named person referred to in subparagraph (a) is on the premises, and

(2) A registered provider shall ensure that each employee, unpaid worker and contractor is suitable and competent taking into consideration the nature of the needs of children, including by-

- (a) consideration of references from the person's past employers, if any, and in particular the most recent employer, if any,
- (b) consideration of references from reputable sources in the case of a person who has no past employers,
- (c) consideration of the vetting disclosure received from the National Vetting Bureau of the Garda Síochána in accordance with the Act of 2012 in respect of the person, and
- (d) ensuring, insofar as is practicable, that where a person has lived in a state other than the State for a period of longer than 6 consecutive months, he or she provides police vetting from the police authorities in that state.

(4) A registered provider shall ensure that, without prejudice to the generality of paragraph (2) and subject to paragraphs (5) and (6), each employee working directly with children attending the service holds at least a major award in Early childhood Care and Education at Level 5 on the National Qualifications Framework or a qualification deemed by the Minister to be equivalent.

#### Compliance Information

- (1)(a) There was a designated person in charge and there was a named person available to deputise in the service.
- (b) The person in charge was on the premises when the early years inspector arrived and remained on site for the duration of the inspection. Staff rosters indicated that either the designated person in charge or deputy were available, on the premises, at all times when the pre-school children were present.
- (2) Three files were available and reviewed by the inspector. The findings included the following:
- (a) Six written references from past employers or a source other than a past employer were available for the three staff members.
  - (c) Garda vetting disclosures were available in respect of the three adults.
  - (d) International police vetting was available for three adults working in the service who had lived in another state for a period longer than six months.

- (4) Three adults working directly with the children held Early Childhood Care and Education qualifications ranging from Level 5 to 8 on the National Framework of Qualifications or a qualification deemed by the Minister to be equivalent.

## Non-Compliance Information

- (2) (a) Six written references on file for 3 staff members had no evidence of validations.

## Corrective & Preventive Action submitted by the Registered Provider

On the 16/5/2024 and 20/5/2024 the registered provider advised of the following.

### Corrective and Preventive Action

The references were validated, and a checklist is added to each staff file. All staff will have their references validated prior to commencement of employment in the service.

### Supporting documentation submitted

A copy of the validated references was submitted to the office of the early years inspectorate.

## Summary Comment

The inspector has reviewed the actions and evidence submitted. The non-compliance identified under Regulation 9 (2) (a) has been adequately addressed.

## 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.*
- (8) Without prejudice to paragraphs (2) to (7)-*

*(a) a registered provider of a pre-school service other than a child-minding service or a sessional pre-school service shall ensure that there are at least 2 adults on the premises at all times*

### Compliance Information

- (1) At all times during the period of the inspection, the person in charge ensured that an adequate number of adults were working directly with the children.
- (2) Documentary evidence in the form of attendance records and staff rosters indicated that adult child ratios were adhered to.
- On the morning of the inspection, there were 6 pre-school children aged between 2 years 10 months to 4 years attending the pre-school service. Two adults were working directly with the children.
- In the afternoon of the inspection, there were 2 pre-school children aged between 3 to 4 years attending the part-time service. Two adults were working directly with the children.
- Additionally, 2 school aged children attended the afterschool programme.
- (8)(a) The staff roster demonstrated that two adults were available in the service at all times.

### 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.*

*(3) A record in writing referred to in paragraph (1) or (2) shall be open to inspection on the premises by-*

*(a) a parent or guardian of a pre-school child but only in respect of the record relating to that child,*

*(b) an employee who is authorised in that behalf by the registered provider, and*

*(c) an authorised person.*

*(4) A registered provider shall ensure that a record in writing referred to in paragraph (1) is retained for a period of 2 years from the date on which the child to whom it relates ceases to attend the service.*

### Compliance Information

**(1)(a),(b),(c),(d),(e),(f),(g),(h)&(i).** A sample of 8 children's records were reviewed by the Early Years Inspector.

The entries reviewed were factual, consistent, and accurate.

The random records of children contained the following:

- The name and date of birth of the child.
- The date on which the child first attended the service.
- The date on which the child stopped attending the service (where relevant).
- The name and address of the child's parent or guardian, and a telephone number where that parent or guardian (or a relative or friend of the parent or child) can be contacted during the hours of operation.
- Written authorisation / permissions for collecting the child.
- Details are recorded of any illness, allergy, or additional need(s) the child had, together with all the information relevant to the provision of specific care or attention.
- The name and telephone number of the child's registered medical practitioner.
- A record of any immunisations the child has had.
- Written parental or guardian consent was included to allow the child to have appropriate medical treatment if there was / is an emergency.

**(3)** The registered provider ensured that each child's record was kept confidential but was open for inspection in respect of:

- A parent or guardian in relation to their child.
- An authorised employee designated by the registered provider.
- An authorised person.

(4) The person in charge advised and documentary evidence from file review indicated, that all relevant children's records were kept for 2 years from the date a child stops attending the service.

## Part IV – Information and Records

### Regulation 18 – Copy of Act etc.

*A registered provider shall ensure that a copy of Part VIIA (inserted by section 92 of the Child and Family Agency Act 2013 (No. 40 of 2013)) of the Act and of these Regulations is kept on the premises and the said copies shall be open to inspection on the premises by-*

- (a) a parent or guardian of a child attending or proposing to attend the service,*
- (b) an employee, unpaid worker or contractor, and*
- (c) an authorised person.*

### Compliance Information

A copy of Part VIIA (inserted by section 92 of the Child and Family Agency Act 2013 (No. 40 of 2013)) of the Act and of these Regulations was available on the notice board and available for parents, guardians, employees, unpaid workers, contractors, and authorised persons.

## Part V - Care of Child in Pre-school Service

### Regulation 19 - Health, welfare and development of child

*(1) A registered provider shall, in providing a pre-school service, ensure that-*

- (a) each child's learning, development and well-being is facilitated within the daily life of the pre-school service through the provision of the appropriate activities, interaction, materials and equipment, having regard to the age and stage of development of the child, and*

### Compliance Information

#### Basic Needs

- Healthy eating was promoted within the service. A healthy eating policy was available if required.
- The parents and guardians provided nutritious snacks for the preschool children. The preschool service provides the hot meal of the day and a second meal during the full day care hours of service.
- The atmosphere during mealtimes was relaxed, with pleasant social interaction among the children and staff.

- The staff encouraged and supported the children to be independent.
- The tables and chairs were suitable for the children’s ages and stages of development.
- The children had unrestricted access to the toilet and did not have to wait to use the toilet.
- Three children wore a nappy on the day of inspection and had their nappy changed frequently.
- Children were encouraged and supported to develop self-help and personal hygiene skills.
- All the children had opportunities to move about freely and explore their environment, both indoors and outdoors.

### SUPPORTING RELATIONSHIPS

The service supported children in forming and sustaining positive relationships,

- By listening to the voice of the child as they communicate their needs, thoughts, and experiences both verbally and non-verbally, by reading children’s cues, gestures, and body language,
- Using soft tones, and by using the child’s individual name, and getting down to their level and making eye contact,
- Providing opportunities for small and large group activities and play, leading to increased social awareness, co-operation, teamwork, and a sense of belonging,
- Providing opportunities for children to learn from each other and with each other, to work together, join in and contribute to projects and tasks.
- Collaborating with parents and guardians by sharing knowledge and observations of the child’s interests, strengths, developmental and care needs, approaches to learning, changes in their life, and any other concerns.
- Parents/ guardians received copies of the updated policies, parents’ handbook and an information pack at the beginning of the new term.
- On speaking with staff, the inspector was informed that they verbally provided parents with daily information on their child’s experiences in the preschool including the child’s likes, interests and preferences and play activities engaged in. This information was provided at collection times, private phone application, or by phone calls. The service had individual child profile books which captured the child’s activities and experiences with documentary and photographic evidence of various activities and the most recent themes that the children engaged in such as My Family, Easter, Flowers and Spring.

- The staff provided opportunities for the child to decide their play activities and experiences. The themes of the week were Mini Beats. Children were observed making pictures of wiggly worms and slugs while sitting and chatting about mini beats at snack and lunch time.
- The children were observed on the day playing outdoors, running, chasing each other, playing with the mud kitchen and sand box, transport toys, pretend play in the wooden coach- activity centre, sliding down the slide, building blocks and pedalling the tractor and tricycles.

### 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 had taken the following measures to safeguard the health, welfare and safety of children attending by:

- The entrance door into the pre-school was secure to prevent unauthorised access by a person or the unsupervised exiting by a pre-school child.
- The external outdoor play area was secure.
- The fire doors in the building were unobstructed and were fitted with an alarm system.
- All cleaning agents and equipment were stored inaccessible and out of children's reach.
- The kitchen area was secure and inaccessible to the preschool children.
- There was a step-up system in the designated nappy changing area.
- All toys and play equipment were observed to be safe and in good condition.
- Daily attendance records were kept for all of children attending the playroom.

##### Infection Control:

- Hand washing facilities were provided with a supply of warm water, liquid hand soap and disposable paper hand towels. Thermostatically controlled warm water was available for use by the children to facilitate hygienic hand washing.

- Children were observed washing their hands before eating their morning snack / lunch and after nappy changing / toileting, after messy play and outdoor play. The staff supervised hand washing.
- An airtight sealable bin was available for the disposal of used nappies in the nappy changing area.
- Staff involved in the serving of food and nappy changing used disposal aprons and gloves when nappy changing.
- The children's belongings for nappy changing were individually labelled. The children's barrier creams were clearly individually labelled / stored within the nappy changing area.
- Tabletops and work surfaces were cleaned with disposal paper towels and disinfectant spray.
- Adequate supplies of disposable tissues were readily available in the playroom and in the outdoor play area.

### Administration of Medication:

- No medication was administered on the day of inspection.

### Safe Sleep:

- A quiet rest area with child size seating and soft matting were available for children to rest or opt out of an activity if he/ she chooses to do so. Four stackable beds were available for sleep provision if required.
- There was a designated sleep room available for the provision of sleep. Two cots were available for children under the age of 2 years if required.

### Non-Compliance Information

#### General Safety:

1. There was inappropriate storage of a metal black folded chair in the designated sleep room and two unused heaters in the playroom that needed to be removed and placed in safe storage inaccessible to the preschool children as they posed a safety risk.

#### Infection Control:

2. The adults involved in nappy changing wore an apron and gloves but did not wash their hands after changing a child's nappy or before changing another child's nappy, this was in variance with the nappy changing policy and therefore potentially causing a risk of cross infection.

#### Fire Safety:

3. There was no evidence that monthly fire drills were practiced since the preschool service reopened on 8<sup>th</sup> of February 2024 (it was temporarily closed from the end of June 2023 to February 20024). The last recorded fire drill was dated 8/06/2023. This poses a safety risk to both staff and children in the preschool service.

### Action submitted by the Registered Provider

On the 16/5/2024, 20/5/2024 and 29/5/2024 the registered provider advised of the following.

#### Corrective & Preventive Action

##### General Safety

1. The chair and the heaters have been removed from the preschool service. No items that cause a risk of danger to children will be left in the pre school service.

##### Infection Control:

2. The adult staff wash their hands following nappy changing procedures now. The staff will wash their hands following each nappy change going forward now.

##### Fire Safety:

3. A fire drill took place on the 24/04/2024 following the inspection and a record was maintained. Monthly fire drills will be recorded, and records maintained from now on.

#### Supporting documentation submitted

##### General Safety:

1. A photograph of the playroom was submitted.

##### Infection Control:

2. A copy of the revised updated nappy changing policy was submitted.

##### Fire Safety:

3. A copy of the monthly fire drill records was submitted.

### Summary Comment

The inspector has reviewed the actions and evidence submitted. The non-compliance identified under Regulation 23 point 1,2 and 3 has been adequately 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) The service provided evidence that a person trained in first aid for children, was available at all times to the children attending the pre-school service. One staff member had First Aid Responder training and one staff had training in first aid with a paediatric module.
- (2) (a) There was a first aid box available for the playroom with content items within date, safely stored, easily accessible and stored in a conspicuous position in the kitchen.
- (b) The service demonstrated that the first aid box was fully equipped and available to the children attending the pre-school 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

- (4) A notice of the procedures to be followed in the event of a fire was conspicuously displayed in the service on the wall in the playroom.

### Non-Compliance Information

- (1)(a) A written record was not available of the monthly fire drills completed in the service. The last recorded monthly fire drill was dated June 2023.
- (b) A written record was not available for the annual maintenance of the fire equipment, a service sticker was dated 10/2022 on the equipment.
  - The annual written record was not available for the number, type and maintenance of the fire alarm and detection system, a sticker on the alarm was last dated 18/06/2021.

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

On the 16/05/2024 and 20/05/2024 the registered provider advised of the following.

## **Corrective and Preventive Action**

(1) (a) A fire drill was carried out on the 24/04/2024 and a record was maintained. Monthly fire drill will be carried out in the preschool going forward and records will be maintained.

(b) The fire equipment and fire detection and alarm system have been serviced and a record maintained. The preschool will have the fire equipment and fire alarm system serviced on an annual basis and records will be maintained.

## **Supporting documentation submitted**

(1)(a) A copy of the monthly fire drills has been submitted.

(b) A copy of the fire detection service record and the fire alarm system service record was submitted to the office of the early years inspectorate.

## **Summary Comment**

The inspector has reviewed the actions and evidence submitted. The non-compliance identified under Regulation 26 (1)(a) and (b) has been adequately addressed.

## Part VI - Safety

### Regulation 28 - Insurance

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

## Compliance Information

Adequate insurance was available for the service for 20 pre-school children in a full day care service with an expiry date of 27/03/2025.