

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015KE031
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Name of Service:	Tots Creche & Daycare Nursery Limited
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Address of Service:	4 The Great Southern, Newbridge, Co. Kildare
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Eircode:	W12 AT27
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Name of Registered Provider:	Annette Byrne, Audrey Murray
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Service type:	Full Day, Part Time, Sessional
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Date of Inspection: (Day 1)	04/09/2024
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Date of Inspection: (Day 2)	06/09/2024
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No of pre-school children:	AM	37	PM	32
Day 2	AM	38	PM	26

Address of the Early Years Inspectorate:	Early Years Inspectorate, Tusla Child and Family Agency, Suite 7, Vista Primary Care, Ballymore Eustace Road, Naas, Co. Kildare, W91 X38W
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Inspection undertaken by:	E. Mulhern and T. Duignan
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Title:	Early Years Inspectors
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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

Tots Creche and Daycare Nursery Ltd. is one of nine early years services privately operated by the registered providers. This service offers full day care, part-time and sessional education and care to children aged 0-6 years from 7am to 6.30pm, Monday to Friday. School aged care is provided also. The service is based in an adapted bungalow in a residential development in Newbridge, County Kildare. There are five preschool rooms, a sleep room, sanitary facilities, a kitchen and an outdoor play area on the premises. Set down and parking facilities are available outside the premises.

Staffing

There are nine adults employed in the service including the cook. Nine adults were present on the day one of the inspection. Of the nine adults, five were working directly with thirty-seven pre-school children, two adults including the person in charge provided support to the five care rooms. The area manager, manager and cook were present on the day of the inspection.

On day two of the inspection, ten adults were present. Of the ten adults present, seven were working directly with the children. The area manager was present, the manager of the service provided support to the care rooms and a cook was employed to prepare food for 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/ 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), (2), (4) & (7)(a) - Management and recruitment

Regulation 10 - Policies, procedures etc. of pre-school service

Regulation 11 (1), (2) & (8)(a) - Staffing levels

Regulation (16) (1) (h), (i) & (k) - Record in relation to pre-school service

Regulations 23 – Safeguarding health, safety and welfare of child (General Safety)

Regulation 24 - Checking in and out and record of attendance

Regulation 27 – Supervision

Regulation 29 (b) – Premises

Regulation 31 - Notification of incidents

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

The inspection was undertaken due to information received from the registered providers on 30 August 2024 notifying the Agency of an incident which occurred on 28 August 2024.

Immediate Action Notice

An Immediate Action Notice was issued to the registered providers on 5 September, under regulation 23 in relation to the non-compliance identified under regulation 27 - Supervision. A response was received by the inspectorate on 7 September 2024 which was deemed to mitigate the risk identified.

Escalation Procedures

Regulatory Compliance Meetings

A regulatory compliance meeting was held with the registered providers on 23 October 2024 in relation to outstanding non-compliance following the CAPA process and due to repeat non-compliance posing a risk to children under regulations 9 – Management and recruitment, regulation 11 – Staffing levels and regulation 27 – Supervision. A second CAPA submission was received and reviewed, the contents of which have been included in the report.

Regulatory compliance meetings have been held with the registered providers on 15 May 2018, 15 October 2021, 8 July 2022 and 20 December 2023 due to repeat non-compliance with regulatory requirements identified on inspection. Conditions had been attached to the services registration status on 6 November 2018 and 6 October 2022 under Part III (9), Part V (19) and Part VI (23) of the Child Care Act 1991 Early Years Regulations 2016 due to non-compliance with regulatory requirements and the risk posed to children. These conditions had been subsequently removed when corrective actions had been demonstrated.

Acknowledgments

The inspectors wish to acknowledge the cooperation of the area manager, person in charge, staff and children who were present on the days 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.

(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.

(7) A registered provider shall ensure that all employees, unpaid workers and contractors are appropriately supervised and provided with appropriate information, and where necessary training, including in relation to the following:

- (a) the policies, procedures and statements of the service specified in Schedule 5;

Compliance Information

- (1)
- (a) The service had a person in charge and a named person to deputise.
 - (b) Both the person in charge and a named person who could deputise were on the premises during the inspection. The staff roster provided for either the named person or person who could deputise to be present at all times of opening.

(c) There was a documented management structure in place including roles and responsibilities of staff. Staff and management were aware of the lines of authority and accountability.

(2) (a) & (b) It was evident that adequate consideration had been given to references for fourteen staff members. References had been sourced from their past employers and from another source where they had only one or no previous employers. The references had a record of verification checks carried out.

(c) Garda vetting disclosures were available for all staff members. Garda vetting disclosures had been renewed in accordance with the Early Years Inspectorate Regulatory Notice, which requires services to renew Garda vetting every three years.

(d) International police vetting had been sourced for four staff members who had lived in another state for more than six months as an adult.

(4) Nine staff employed to work directly with children held at least a major award in Early Childhood Care and Education at Level 5 on the National Framework of Qualifications or a qualification deemed equivalent by the Minister.

(7)(a) Records were available of staff training and induction relating to the policies and procedures of the service.

Non-Compliance Information

(2)

(a) (b) A second written and verified reference from a past employer or a reputable source was not available in respect of one staff member.

This regulation was non-compliant on inspections conducted on 13 March 2018, 1 May 2019, 21 July 2021, 18 May 2022 and 22 January 2024. The corrective and preventive actions submitted following these inspections failed to prevent recurrence of the non-compliance.

(d) International police vetting was not available for one staff member who had lived in another state as an adult for more than six consecutive months.

This regulation was non-compliant on inspections conducted on 13 March 2018, 18 May 2022 and 16 October 2023. The corrective and preventive actions submitted following these inspections failed to prevent recurrence of the non-compliance.

(4) It was not evidenced that one staff member employed to work directly with children held at least a major award in Early Childhood Care and Education at Level 5 on the National Framework of Qualifications or a qualification deemed equivalent by the Minister.

This regulation was non-compliant on inspections conducted on 13 March 2018 and 18 May 2022. The corrective and preventive actions submitted following these inspections failed to prevent recurrence of the non-compliance.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

(2)(a) (b) A second reference from a previous employer has been sourced for this staff member. Two written references from a previous employer or a reputable source are to be kept on file before the staff member is employed by the service. These references must be related to the job specifications for the employment role and must be checked and verified prior to commencement.

(2)(d) The outstanding international police vetting has been received. International police vetting will be received, translated and validated before staff members are offered a position in the service.

(4) The outstanding staff members letter of qualification recognition is now on file. All staff qualifications, translations and/or qualification recognition letters must be printed into the staffs file and a copy saved to the staff's profile on the service portal.

Supporting documentation submitted

- Copies of the outstanding documents
- Document titled 'Recruitment Specialist and HR Department Policy and Procedure' dated 24 October 2024
- Document titled 'Staff Files Uploads Policy and Procedure' dated 23 October 2024

Summary Comment

The actions submitted have been deemed to correct the non-compliance. Management and recruitment will be assessed on the next inspection.

Part III – Management and Staff

Regulation 10 - Policies, procedures etc. of pre-school service

A registered provider of a pre-school service shall ensure that the written policies, procedures and statements specified in Schedule 5 are in place for the service.

Compliance Information

The inspection focused on five of the required written policies procedures, and statements specified in schedule 5. Two of these included the required information:

- (s) settling-in policy
- (t) staff training policy

Non-Compliance Information

Although the policies required under Schedule 5 (j), (r) and (u) were available, these did not include the following required information:

(j) policy on accidents and incidents

- Procedures to be followed when an accident or incident involving a pre-school child occurs while the child is attending the service.
- The steps that are to be taken to contact the parent or guardian of the child or the emergency services if necessary.
- How information is recorded, documented and stored regarding accidents and incidents.
- Risk assessment procedures to be taken following an incident/accident occurring in the service.

(r) risk management policy

- How risk assessments completed by the service are documented.
- That the risk assessment record must show who is involved in the risk assessment process.

- How long risk management records will be kept.

(u) staff supervision policy

- What records will be kept for supervision, where the records will be stored and how long they will be kept for.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

The policies on accidents and incidents, risk management and staff supervision have been reviewed. A full review of all policies has started and all policies will be emailed to managers to replace 2023/2024 policies.

Supporting documentation submitted

Copy of services policies on accidents and incidents, risk management and staff supervision.

Summary Comment

The policies on staff supervision and accidents and incidents meet the regulatory requirement.

The policy on risk management remains outstanding.

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

(2) the minimum ratio requirement of adults to children was maintained at all times on the days of inspection. The children's attendance records, staff roster and staff sign-in records were reviewed for the week previous and demonstrated that the minimum ratio requirements were always met.

8(a) There were at least two adults on the premises at all times on the days of inspection. The staff roster and staff sign-in records were reviewed for the week previous and demonstrated that at least two adults were on the premises at all times of opening.

Non-Compliance Information

(1) An adequate number of adults were not available to the children attending the Preschool 1 room on the first date of inspection (4 September 2024). There was one adult allocated to work directly with 10 children who had commenced the first year of the Early Childhood Care and Education (ECCE) programme. Some of the children had high needs and required one-to-one attention to keep them safe and tend to their basic needs. The adult was unable to provide the ECCE programme as a result, with the remaining children wandering aimlessly and receiving little to no interaction from the adult.

This regulation was non-compliant on inspections conducted on 21 July 2021 and 16 October 2023. The corrective and preventive actions submitted following these inspections failed to prevent recurrence of the non-compliance.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

A second staff member was assigned to this room the next day until an extra staff member was recruited. The service recruited a new staff member who started once her vetting was conducted. Parents are requested to provide the service with information relating to their child for review before a child starts in the service. This information is reviewed before the service calls the parents to discuss a settle in period. No parents had highlighted care needs at this stage, which led management to believe there would be an adequate number of staff for the age range of children. In future, the service will hold a coffee morning two weeks prior to all ECCE-

aged children starting, to meet the children and parents. On this day the service will discuss any observations and implement staggered settling in periods accordingly.

Supporting documentation submitted

Daily staff rosters dated September and October 2024.

Summary Comment

The actions submitted have been deemed to correct the non-compliance. Staffing levels will be assessed on the next inspection.

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:

- (h) details of attendance by each pre-school child on a daily basis.*
- (i) details of staff rosters on a daily basis.*
- (k) details of any accident, injury or incident involving a pre-school child attending the service.*

Compliance Information

(1) The registered providers ensured that a record in writing was kept of required information as outlined:

(h) Details of children's attendance, including their arrival and departure times at the service, were readily available.

(i) A staff roster was available detailing the start and finish times for all staff members.

(k) Records detailing accidents, injuries, and incidents involving children were readily available. A sample of ten records was reviewed. Each record contained appropriate details.

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:

Measures had been taken in relation to the physical environment to safeguard the children. The side gate had been secured following the incident on 28 August 2024 and was no longer in use as an entrance/exit. The children entered and exited the premises through the door at the front of the building which was secured. Emergency exits were kept clear to ensure the prompt evacuation of children in case of a fire. Equipment was properly maintained. Items that could pose a hazard to children, such as cleaning products and medicines were securely stored out of their reach.

Staff demonstrated an understanding of fire safety measures, including the locations of fire extinguishers, fire drill procedures, and the importance of maintaining an up-to-date attendance record for each child for reference during an evacuation.

Part VI - Safety

Regulation 24 - Checking in and out and record of attendance

(1) A registered provider shall ensure that each pre-school child attending the service is checked in and out of the service by an employee or an unpaid worker.

Compliance Information

Each child was checked into and out of the service by an allocated staff member who recorded the times of their arrival and departure.

Part VI - Safety

Regulation 27 – Supervision

A registered provider shall ensure that pre-school children attending the service are supervised at all times.

Compliance Information

The children attending the Toddler room, Wobbler room, Pre-school 2 and Pre-school 3 rooms were appropriately supervised when they were within their rooms, in the outdoor area and using the sanitary facilities.

Non-Compliance Information

(1) The adult allocated to Pre-school room 1 was unable to appropriately supervise all 10 children (aged 2 - 4 years) in her care due to the high needs of some of the children present. The adult spent her time attempting to provide the one-to-one attention required to keep these children safe and tend to their basic needs. Despite these efforts, there were instances where children were inadequately supervised, leading to them hitting out at each other and a child falling which may have been prevented.

An Immediate Action Notice was issued to the registered providers under regulation 23 – Safeguarding health, safety and welfare of child in relation to this non-compliance. It is acknowledged that the registered providers allocated two staff members to work in this room from 5 September 2024.

This regulation was non-compliant on inspections conducted on 21 July 2021 and 18 May 2022. The corrective and preventive actions submitted following these inspections failed to prevent recurrence of the non-compliance.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

An extra staff member was moved to this room from another service that didn't require her until the service hired and vetted a replacement staff member. The service will be staggering the children's start dates in each service to make sure each building can be supported adequately. This has been one outcome of the risk assessment conducted on 6 September 2024.

The service will be holding a coffee morning two weeks prior to all ECCE aged children starting to meet the children. On this day the staff will discuss any observations and make sure ensure staggered settling-in periods for the children's safety.

Supporting documentation submitted

- Daily staff rosters dated September and October 2024
- Risk assessment document dated 6 September 2024

Summary Comment

The actions submitted have been deemed to correct the non-compliance. Staffing levels will be assessed on the next inspection.

Part VII - Premises and Space Requirements

Regulation 29 - Premises

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

(b) safe and secure,

Compliance Information

The premises were secured to prevent a child leaving unsupervised or unauthorised entry.

Part VIII - Notifications and Complaints

Regulation 31 - Notification of incidents

A registered provider shall notify the Agency in writing within 3 working days of becoming aware of any of the following incidents occurring in the preschool service:

(a) the death of a pre-school child while attending the service, including the death of a child in hospital following his or her transfer to hospital from the service.

(b) the diagnosis of a pre-school child attending the service, an employee, unpaid worker, contractor or other person working in the service as suffering from an infectious disease within the meaning of the Infectious Diseases Regulations 1981 (S.I. No. 390 of 1981).

(c) an incident that occurs in the service and that results in the service being closed for any length of time.

(d) a serious injury to a pre-school child while attending the service that requires immediate medical treatment by a registered medical practitioner whether in a hospital or otherwise.

(e) an incident in respect of which a pre-school child attending the service goes missing while attending the service.

Compliance Information

A sample of ten records of accidents and incidents involving children attending the service were reviewed. One of the incidents was a notifiable incident under the requirements of regulation 31 (e). The registered providers had notified to the Agency of the incident within the required timeframe.