

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:	Audrey Murray , Annette Byrne
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Service type:	Full Day, Part Time, Sessional
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Date of Inspection:	16/10/2023
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Date of Regulatory Compliance meeting:	18/12/2023
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No of pre-school children:	AM	31	PM	26
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Address of the Early Years Inspectorate:	Early Years Inspectorate, Child and Family Agency, Suite 7, Vista Primary Care Centre, Ballymore Eustace Road Naas, Co. Kildare W91 X38W
Inspection undertaken by:	T. Duignan, F. Maher
Title:	Early Years Inspectors

Authority to Inspect

The Tusla Early Years Inspectorate carries out inspections of Early Years Services under Section 58(J) of the Child Care Act 1991 (as inserted by Section 92 of the Child and Family Agency Act 2013).

Conditions if applicable

n/a

Description of service

Tots Creche and Daycare Nursery Ltd. opened in 2004 as a privately run childcare service for pre-school children aged 0 to 6 years.

The service provides full day care, part-time and sessional education and care to pre-school children from 7:00am – 6:30pm, Monday to Friday. School aged care is provided also.

The Early Years' Service is based in an adapted bungalow in a residential development in Newbridge. There are five preschool rooms. A sleep room, one nappy changing area, a kitchen and an outdoor play area at the rear are located on the premises. Set down and parking facilities are available outside the premises.

Staffing

There were eleven adults present in the service including the person in charge on the day of the inspection. An area manager arrived after the inspection commenced. The registered providers were not present. Of the eleven adults present, seven were working directly with the children; there was one adult employed to provide support to care rooms as needed and a cook was employed to prepare food each day.

Ten adults employed and working directly with the pre-school children in the service had documentary evidence available of completion of a major award in Early Childhood Care Education as per the National Framework of Qualifications.

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 and safety. The inspection may also focus on other areas as required.

The inspection focused on an examination of compliance under,
Regulation 9 (1)(a)(b), (2)(a)(b)(c)(d), (4), (7)(a) - Management and recruitment.
Regulation 11(1),(2), (8)(a) – Staffing Levels.
Regulation 19(1)(a) - Health, welfare and development of child.
Regulation 23 – Safeguarding health, safety and welfare of child.

However, on inspection additional non-compliance which posed additional risk was identified under.
Regulation 20(1)(b) – Facilities for rest and play.

These findings are outlined within the relevant regulation 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.

Additional Information

1. A regulatory compliance meeting was conducted by the Inspection and Registration Manager with the Registered Provider and managers of the service on 18 December 2023.

Acknowledgments

The inspectors wish to acknowledge the cooperation of the registered providers, person in charge, area 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.

(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) There was a designated person in charge.

The records of 12 staff members employed and/or present in the service were reviewed.

(2)(a),(b) 24 written and verified past employer references or references from a reputable source, in the absence of a past employer, were available in respect of twenty-four records reviewed.

(c) Garda Vetting disclosures were available for 12 employed staff members.

(d) Police vetting was available for five staff members who had lived in a state other than the State for a period of longer than 6 consecutive months.

(4) 10 members of staff employed and who work directly with the children whose records were reviewed held a major award at Level 5 or higher in Early Childhood Care and Education on the National Qualifications Framework. Three staff members were in possession of a letter of qualification recognition issued by the Department of Children, Equality, Disability, Integration and Youth (DCEDIY).

(7)(a) There was documentary evidence available that staff induction and staff supervision had commenced in the service.

Non-Compliance Information

- (1)
- (b) There was no designated deputy person in charge identified.
- (c) There was a lack of clarity around the management structure in the service that identified the lines of authority.
- (2)(d) Police vetting was unavailable for one staff member who had lived in a state other than the State for a period of longer than 6 consecutive months.
- (7)(a) There was no documentary evidence available to support staff meetings has occurred such as a meeting agenda and minutes of meetings conducted.

Corrective & Preventive Action submitted by the Registered Provider

The person authorised on behalf of the registered providers stated in the written response submitted that:

Corrective and Preventive Action

- (1)
- (b) We have informed the staff the person who is in charge when the manager is not in the service.
- (c) The deputy person in charge has been trained in opening the building and running the floor, how to deal with first aid incidents, how take phone calls and payments, deal with parents queries or any enquiries, including all operations of a busy childcare service. The Operations Manager and Area Manager supports the deputy and acting manager when required.
- (2)(d) Police vetting application was posted on the 07/11/2023 and proof of this is attached.
- (7)(a) The acting manager had been doing staff support and supervision meetings with staff and was using this time for reviewing the staffs training.

Supporting documentation submitted

- (1)(b)(c) Photograph of "Person in Charge" sign in entrance hall
- (2)(d) Photographs of the police vetting application and evidence of application posted.
- (7)(a) Minutes of team meeting dated 2 November 2023.

Summary Comment

The written response, documentary and photographic evidence submitted have been assessed by the Early Years Inspectorate. Regulatory compliance is met for regulation 9. This area will be assessed at 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.*
- (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) There were 31 children attending the service being supervised directly by seven staff members during the inspection.
- (2) The minimum ratio of adults to children was adhered to during the day as specified in column (3) of Part 1 of Schedule 6.
- (8)(a) There were at least two adults on the premises at all times for the duration of the inspection, this was verified by the staff roster.

Non-Compliance Information

- (1)
1. At 13:57pm, children were heard crying in the cot room by the inspectors, there were no staff nearby or available to promptly attend to the children. Both inspectors entered the cot room, and the following was observed:
- One child, whose cot was placed adjacent to the window had pulled the window blind into the cot and was holding onto same
 - One child had dislodged the plastic guard rail from one side of the cot; this was observed on the floor beside the cot.
 - One child had been placed to sleep with their shoes still in place.

The second inspector sought assistance while the first inspector remained with the children. The staff member assigned to provide cover to the sleep room was providing cover to another care room for nappy changing and was also expected to be available to provide cover in the outdoor area where children were playing at this time. There was no other staff available to assist during this period.

Corrective & Preventive Action submitted by the Registered Provider

The person authorised on behalf of the registered providers stated in the written response submitted on 8 January 2024 that:

Corrective and Preventive Action:

(1)

- The layout of the cots has been changed so there is no access to the blind.
- The guard rail has been removed as it could not be fixed to the cot.
- The staff in the service have received the safe sleep policy read, signed and dated it.

A clear sleep routine has been worked out for all Baby Room children, Wobbler room children and Toddler room children in the building clearly indicating the following.

- The number of children in the rooms who require sleeps daily.
- The sleep times,
- The person supervising the children in bed and recording sleep checks every 10 minutes.
- Who remains in rooms and ratios of children to staff.
- Nappy changes and cover for nappy changes
- Dinner time routine
- Staff Lunch times and cover for lunches
- Stack bed sleeps
- Sterilising of cots

A centralised booking department where only one person (Registered Provider) is in charge of the allocation of children to spaces available in the service. Spreadsheets of all services bookings and availability is viewed online before spaces are allocated to a service. Room ratios, sleep ratios, number of nappy changing stations and sinks and number of staff facilities are on our booking spreadsheets, and they are worked out in advance making sure all details are checked before allocating to new child to the service.

Supporting documentation submitted:

Safe sleep policy and signatures of staff.

Two photographs of sleep room.

Sleep routine document.

Summary Comment

The written, photographic and documentary responses submitted were assessed by the Early Years Inspectorate. The responses provided meet the minimum regulatory requirement for regulation 11(1). This area of practice will be assessed at the next 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-

(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 of children:

The service promoted a healthy eating policy. Food and snacks were provided at regular intervals during the day. Young children had the opportunity to feed themselves and their drinks were within their reach throughout the day should they feel thirsty. Three highchairs were available for the children in the baby room.

Nappy changing was completed regularly and promptly when required. It was handled in a sensitive and positive manner.

The adults working with the children were sensitive and responsive in promoting positive behaviours. Children were spoken to in a kind and respectful manner, their first names were used, appropriate eye contact and gentle vocal tones were observed being used during all interactions.

Supporting relationships around children:

Staff members were observed being respectful and kind towards the children in their care. The staff member in baby room was observed nursing and comforting the babies in her care.

Staff members were observed sitting with the children at mealtimes and engaging them in conversation which ensured that the experience was relaxed and sociable.

Information was shared with parents and guardians at the drop off and collection times. All information was shared with parents via a closed electronic communication system.

Face to face meetings can be arranged for parents/guardians as necessary and email and telephone contact are used as an alternative method of contact.

Physical and material environment:

Defined areas of interest were observed in the care rooms. These included a library area, a home corner with dress up clothes, area with bricks, blocks, puzzles, jigsaws, and magnets a construction area, small world toys including cars and small animals and musical toys.

The Baby room was furnished with soft mats, soft climbing blocks and cushions and an armchair to enable the staff member to sit and feed a baby or nurse an upset baby. Materials included a baby gym, stationary wooden interactive unit, various treasure baskets, rattles, selection of stacking and sorting toys, material books, musical toys, sensory bottles and puzzles.

The materials and play equipment in the rooms inspected were available on low level shelving which were accessible to the children. Low level chairs and tables were available to the children for meals and tabletop activities.

The outdoor area was located at the rear of the premises; it had a covered area which enabled its use during inclement weather. The ground surface is covered with artificial grass carpet. A secured, covered area is adjacent to the Wobbler room and enables the young children to be outside safely when other groups of children are using the outdoor area simultaneously.

Programme of activities:

There was documentary evidence of short and medium planning of activities in the care rooms.

Non-Compliance Information

Physical and material environment

1. There were no sensorial materials such as sand, water, playdough, shredded paper in any of the care rooms inspected. It was noted that two bowls with a limited amount of pasta and rice were available in Preschool room 2 however the bowls were not available to the children for the duration of the inspection as they were located in a cupboard.

Corrective & Preventive Action submitted by the Registered Provider

The person authorised on behalf of the registered providers stated in the written response submitted that:

Corrective and Preventive Action

1. There is sand, pasta, rice, water, playdough etc are available in all rooms every day.

Supporting documentation submitted

Seven photographs.

Summary Comment

The written response and photographic evidence submitted have been assessed by the Early Years Inspectorate. Regulatory compliance is met for regulation 19. This area of practice will be reviewed at the next inspection.

Part V - Care of Child in Pre-school Service

Regulation 20 – Facilities for rest and play

(1) Subject to this regulation, a registered provider shall ensure that-

- (b) there are adequate and suitable facilities for a pre-school child to rest during the day, and in the case of an overnight pre-school service, during the day and the night.

Compliance Information

(1) (b)

A sleep room with five cots was available in the service. Low level beds were provided for children over 2 years requiring sleep.

Comfortable rest areas were available in each care room for any child wishing to sit quietly or take a break from activities.

Non-Compliance Information

(1)(b)

1. There were insufficient sleep facilities available to meet the sleep needs of the children aged 0-2 years attending the service on the day of the inspection. There were five cots available in the service and based on the numbers of children aged 0-2 years currently attending, a minimum of six cots were required.

Corrective & Preventive Action submitted by the Registered Provider

The person authorised on behalf of the registered providers stated in the written response submitted that:

Corrective and Preventive Action

(1)(b)

1. We have purchased low lying floor beds for the wobble room children when they require a sleep. We have worked out our sleeps depending on the age of the children and the needs of the children. We have one child that is under 9 months, so she is allocated one of the five cots in the nursery, and we have 7 other children who require sleeps every day also. To sleep these 7 children, we have 4 more cots and 2 floor beds.

We have purchased low lying floor beds for the wobbler room children when they require a sleep. A clear sleep routine has been worked out for all Baby room children, Wobbler room children and Toddler room children in the building clearly indicating the following.

- The number of children in the rooms who require sleep daily.
- The sleep times.
- The person supervising the children in bed and recording sleep checks every 10 minutes.
- Who remained in rooms and ratios of children to staff.
- Nappy changes and cover for nappy changes
- Dinner time routine
- Staff Lunch times and cover for lunches
- Stack bed sleeps
- Sterilising of cots

A centralised booking department where only one person (Registered Provider) is in charge of the allocation of children to spaces available in the service. Spreadsheets of all services bookings and availability is viewed online before spaces are allocated to a service. Room ratios, sleep ratios, number of nappy changing stations and sinks and number of staff facilities are on our booking spreadsheets, and they are worked out in advance making sure all details are checked before allocating to new child to the service.

Supporting documentation submitted

Invoice for the purchase of two low beds.

Document describing how the staff manage the routine around sleep.

Document – induction which has training around how to recognize a tired baby.

Summary Comment

The written response and documentary evidence submitted was assessed by the Early Years Inspectorate.

Regulatory compliance is not met for regulation 20 as no documentary evidence was provided to evidence that sleep assessments and care plans for children aged under 2 years sleeping on low beds were completed.

This area of practice will be assessed at the next inspection

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 entrance door to the service and the side gate to the rear of the premises were electronically secured and controlled by staff to prevent children from exiting the service unsupervised and to restrict unauthorised persons from gaining access to the pre-school. There was documentary evidence available that regular daily indoor and outdoor environmental risk assessments had commenced in the service since the last inspection.

Infection Control:

Thermostatically controlled hot water and liquid hand soap were readily available for hygienic hand washing. The staff members supervised children's handwashing and handwashing routines were well established and observed. Gloves, plastic aprons, and nappy sacks were available for hygienic nappy changing practices. Foot pedal operated bins were provided for the disposal of used tissues, nappies and paper towel.

Written cleaning schedules were maintained for all room environments which were observed to be maintained in a clean and hygienic condition.

Administration of Medication:

Medication was not given at the time of the inspection and during conversations with various staff members, they advised they were aware of the procedures to be followed to administer medicine safely to a child if required while attending the service.

Safe Sleep:

Staff advised the inspector that 10-minute sleep check observations were completed on all sleeping children and the colour, position and breathing pattern of sleeping children in their care was documented, this was confirmed by the sleep observation documentation observed. The sleep room temperature was recorded 16.2°Celsius at 10:33am, this was within the recommended temperature of 16-20°C for sleep room environments.

Fire Safety:

Staff members advised the inspectors they were familiar with the emergency evacuation procedures and confirmed regular monthly fire drills are carried out. All fire exits were easily identifiable and unobstructed.

Outing:

The service does not conduct outings.

Non-Compliance Information

General Safety:

1. There was no documentary evidence available of oversight by management of the daily indoor environmental risk assessments. It was observed in Preschool 2 room that the daily indoor environment risk assessments had not been completed for the previous three days.
2. There were no visibility strips on the glass doors in Preschool room 1 which created a potential risk of injury to a child if they failed to recognise the glass.
This was a non-compliance on inspection 15 November 2022 and the corrective and preventative action submitted following this inspection failed to prevent the recurrence of the non-compliance.
3. A cot was placed close to a window with a blind which was accessible to a child from the cot. There was evidence of frayed edges of the blind which created a potential risk of ingestion of the blind material .
4. The toilet seat in the sanitary area used by the Toddler room was loose and created a potential risk of injury to a child if they fell off it.

Infection Control:

5. The toilet rolls were not dispensed hygienically from the dispenser in the sanitary areas used by Playschool 1 and Toddler rooms. They were observed to be placed on the radiator in sanitary area used by Toddler room and the toilet roll holder was placed on the window sill.
This was a non-compliance on inspection 15 November 2022 and the corrective and preventative actions submitted following this inspection failed to prevent the recurrence of the non-compliance.
6. There was no paper towel dispenser in the sanitary area used by Toddler room for the hygienic dispensing of individual paper towels. The paper towel was observed in single sheets in a container; this was a risk of cross infection.

7. The nappy changing practices observed were not consistent with the nappy change step by step procedure that was displayed in the nappy change area as evidenced by the following observations:
- A single use disposable apron was not worn at one nappy change.
 - Nappy bags were not used to contain the soiled cleaning materials and soiled nappies.
 - Single use disposable gloves and the single use disposable apron were not removed at the point that the soiled nappy and used cleaning material were bagged up prior to being disposed of.
 - The nappy change disposal bins were not used correctly as it was observed that staff members used their gloved hand to open the lid rather than using the foot pedal.
8. There was no container with sterilising solution for the immediate sterilisation of mouthing toys in the Baby room. It is noted that toys were cleaned, however, they were sprayed with sterilising solution rather than being immersed in the sterilising solution for the required period of time. This practice was not adequate for infection control purposes.

Safe Sleep:

9. It was observed that a baby aged 5 months old was sleeping on a large stuffed soft caterpillar toy on the floor of the baby room at 11:35am. This practice contravened the safe sleep guidelines to reduce the risk of sudden infant death syndrome.

Action submitted by the Registered Provider

The person authorised on behalf of the registered providers stated in the written response submitted that:

Corrective & Preventive Action

General Safety:

1. The acting manager and deputy have been trained in overseeing that the staff have carried out their internal risk assessments of their room. The manager and deputy manager will oversee the staffs signing off on the room risk assessment books and will double check this daily. If there is anything broken or damaged it is removed from care rooms, communal areas, outdoor areas or carparks and reported to the manager or deputy manager. The manager is responsible for reporting maintenance to the maintenance man. The Area Manager and Operations Manager have now been assigned the task of doing fortnightly pre-Tusla inspection on all 6 of our buildings instead of monthly inspections. These inspections will support the Manager, deputy manager and staff by us doing on-going inspections to identify the areas of non-compliance before we have our Tusla inspections. Risk Assessments are definitely high on our team's agenda and the Area Manager and Operations Manager will be keeping risk assessments high on our radar at all times. When the manager is sick the deputy will step in and oversee all risk assessments and daily running of the service. The Operations Manager is required to visit the

service daily to support manager and the deputy while they are running the service and overseeing their daily checks. This will continue until the manager and deputy has proved themselves to have gained enough experience of running the service.

2. There are stickers on all windows and doors in the service.
3. The nursery has been moved around and there is no access to blinds.
4. The Toilet seat had become loose and has been fixed.

Infection Control:

5. The toilet roll dispenser has been re-attached.
6. The Z-fold dispenser has been replaced.
7. The nappy change policy was read by all staff, explained to all staff and practical training was done with all the staff to make sure they have all understood and are carrying out the procedures in place.
8. There is a basin beside the sink in all rooms to be used for sterilising mouthed toys. In the morning the basin is filled to the water line and the sterilising solution (as per manufacturing instruction on sterilising solution) in it every morning that they staff member will place toys in to sterilise them throughout the day when children have mouthed toys. Mouthed toys should be placed straight into sterilising solution for the required time to be fully sanitised before being returned to the play area. (refer to manufacturing instruction on sterilising solution).

Safe Sleep:

9. On this day the baby had fallen asleep in the care on the way to the service, so her sleep pattern had been changed this day which meant there was not enough cots available.

The 6 months old baby is allocated a cot in the nursery to use whenever the baby requires a sleep. As we have allocated this cot it means we have an empty cot available all day long for when the baby is tired. We have a sleep plan in place and agreed with mam. Baby falls asleep at home in Mammys arms, and we have continued this, and we then place baby into her cot. We will adapt her sleep routine in line with the parent's routine and as the baby grows.

Bookings have been centralised into one email address system and booking are only taken if the spreadsheets have a place available. We have room ratios one the one drive for bookings department and managers to check availability and space requirements before taking in new children.

This seems to be working well. Also, with reference to the guidance for sleep provision for children under 24 months the low-lying floor beds have opened the option for care rooms to be adapted to sleep rooms for under 2's. We had trouble storing folding cots in this service, so we have had to order low lying floor beds for our wobbler room children.

Supporting documentation submitted

General Safety:

Risk assessment training document.
Daily risk assessment and safety check training.

Infection Control:

Nappy change procedure.
Induction document with staff signatures that practical nappy changing completed.
Photograph of staff member completing practical training.
Photographs of sterilising solution container and relevant signage.

Safe Sleep:

Receipt for purchase of two low beds
Safe sleep policy
Two photographs of cot room

Summary Comment

The written response, documentary and photographic evidence submitted have been assessed by the Early Years Inspectorate. Regulatory compliance is not met for regulation 23 as the responses and evidence submitted did not address infection control and sleep practices. This area of practice will be assessed at the next inspection.

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

Children were observed being supervised in the outdoor play area at all times by the staff members caring for them.