

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier: TU2015KE083

Name of Service: Tír na Nóg

Address of Service: Avilla, Old Connell, Newbridge, Co. Kildare

Eircode: W12 TP63

Name of Registered Provider: Ian Clarke, Orlaith Connolly Clarke

Service type: Full Day, Part Time, Sessional

Date(s) of Inspection: 14/10/2024

No of pre-school children:	AM	99	PM	53
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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
Inspection undertaken by:	E. Mulhern, T. Duignan and M. Condon
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	Not applicable
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Description of service

Tir na Nóg is an early year's service for children aged 0 to 6 years. The service offers full day, part time and sessional care and education from 7:15am to 6:30pm Monday to Friday. School aged childcare is also provided.

The service operates from two detached dormer bungalows, a single-story semi-detached bungalow, a detached two-story building and two log cabins on the outskirts of Newbridge, Co Kildare. The children are allocated to one of eight rooms according to their age and stage of development. There are two separate sleep rooms and two outdoor play areas.

Staffing

There are 36 staff members employed to work in the service including the service managers. Nineteen adults were present on the day of inspection; sixteen staff members and a student worked directly with the pre-school 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 areas of governance/ health, welfare and development of child / safety. The inspection may also focus on other areas as required. The inspection focused on an examination of compliance under the following Regulations.

- Regulation 9 (1)(a)(b)(c), (2)(a)(b)(c)(d), (4), (7)(a) - Management and recruitment.

- Regulation 11(1),(2),(8)(a) – Staffing Levels.
- Regulation 19 (3) – Health, welfare and development of child.
- Regulations 23 – Safeguarding health, safety and welfare of child
- Regulation 25 (1), (2)(a)(b) – First aid.
- Regulation 27 – Supervision

A sampling process was used to assess compliance under regulation 19(3), 23 and 27 therefore the findings relate to the service's units numbered 1, 4, 6 and 7.

Inspection findings are documented in the inspection report which is first issued in draft format to the service with an opportunity to respond to any findings. Where statutory requirements are identified as not being met, the registered provider must demonstrate how they have rectified the non-compliance and will prevent any non-compliance from re occurring. The Corrective Action and Preventive Action plan (CAPA) will be used to inform decisions about compliance with regulatory requirements. Where the registered provider fails to meet the statutory requirements an escalation process may be commenced.

The inspectorate reserves the right to edit responses received for reasons including clarity, completeness and compliance with administrative and legal processes.

The contents of the report are compiled by the inspectorate body.

Additional Information

Immediate Action Notice

An Immediate Action Notice was issued to the registered providers on 15 October 2024, under regulation 23 - Safeguarding health, safety and welfare of child. A response was received by the inspectorate on 16 October 2024 which was deemed to mitigate the risk identified.

Acknowledgments

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

(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 designated person in charge and named persons to deputise in their absence.
 - (b) There was a designated person in charge and a named person who could deputise on the premises throughout the inspection. The staff roster provided for either the named person in charge or a 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) The inspection focused on references for six staff members who had been employed since the previous inspection dated 27 May 2024 and a student who was present on the day of inspection. It was evident that adequate consideration had been given to references for five staff members and the student. 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 adults. 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) The inspection focused on the consideration of police vetting for six staff members who had been recruited since the previous inspection and a student who was present on the day of inspection. International police vetting was required for two of these adults as they had lived in another state for more than six months as an adult. International police vetting was available for one of the adults.

(4) The inspection focused on the qualifications of four staff members who had been recruited to work directly with pre-school children since the previous inspection. All four staff members 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) The registered providers demonstrated that all employees were appropriately supervised and provided with necessary training and information prior to commencing employment in the service and on an ongoing basis. Records were available detailing inductions (which included provision of all service policies), individual meetings between management and staff and regular team meetings.

Non-Compliance Information

(2)(a)(b) There were no records relating to references available for one staff member.

(2)(d) The required international police vetting document was not available for one staff member who had been recruited since the previous inspection.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

2(a)(b) The service has received two written references and verified these by telephone. Before a new staff member commences employment, the service will always ensure two written and verified references are on file.

2(d) The required international police vetting is now on file. Our new policy ensures that no new staff member can start employment without police and criminal clearance if they have lived out of the country for more than six months.

Supporting documentation submitted

2(a)(b) Copy of outstanding references with records of verification.

2(d) Copy of outstanding international police vetting record.

Summary Comment

The actions submitted were reviewed with the supporting documents and have been deemed to adequately address the areas of non-compliance.

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) An adequate number of adults were working directly with the children throughout the inspection. There were 16 staff members allocated to work directly with 99 children.

(2) The minimum adult to child ratio requirement was maintained in accordance with the ages and type of service delivered. The staff roster provided for the minimum ratio requirements to be maintained at all times.

(8)(a) A minimum of two adults were on the premises throughout the inspection. The staff roster provided for at least two staff to be present at all times of opening.

Part V - Care of Child in Pre-school Service

Regulation 19 - Health, welfare and development of child

(3) A registered provider shall ensure that no practices that are disrespectful, degrading, exploitive, intimidating, emotionally or physically harmful or neglectful are carried out in respect of a pre-school child whilst attending the service.

Compliance Information

Staff demonstrated respect for the children through their language and manner. The service had a Behaviour Management policy which outlined practices which are prohibited, and staff members demonstrated an awareness of these. The policy outlined positive measures for managing challenging behaviour according to the child's age and stage of development. Staff demonstrated an understanding of the actions outlined including engaging with the child's parent/guardian when required.

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 to safeguard the children. The entrances and exits were secured to prevent unauthorised access or children leaving unsupervised. Cleaning products were kept out children's reach. Heavy furniture was secured to prevent tipping. Emergency exits were kept clear to allow for timely evacuation in the event of a fire. There was a signed assembly point in the outdoor area and staff members demonstrated an awareness of fire evacuation procedures. A system of daily indoor and outdoor environmental risk assessments had been implemented and were observed to be completed.

Infection Control:

Measures were taken to reduce the risk of infection spreading. The premises appeared to be clean; individual bed linen was provided; cleaning schedules were in place which included the weekly laundering of bed linen. Staff demonstrated an awareness of exclusion criteria for children showing signs of contagious infections in keeping with the infection control policy. Nappy changing practices were observed to be consistent with the services procedure for nappy changing.

Safe Sleep:

Measures were taken to safeguard children when sleeping. All children were aged over one year on the day of inspection. The children slept in cots and low beds appropriate to their age and stage of development; an adult was always present in the room where children slept on low beds; Children's outer clothing was removed prior to them being placed to sleep. All sleeping children were checked at ten-minute intervals and staff kept a record of the checks.

Non-Compliance Information

General Safety:

1. Trailing cables were observed beside two cots in Unit 1 where they could be reached by children if they were placed to sleep in the cots, posing a risk of injury. It is acknowledged that these were removed when brought to the attention of staff by the inspectors.

Infection Control:

2. There were no paper towels available in the sanitary facilities of Units 1, 4, and 7 for hand drying. Inspectors observed staff using toilet paper, stored on a windowsill, to dry both their own and the children's hands after nappy changing posing a risk of cross-contamination.
3. The pedal-operated bins used for nappy disposal were too narrow, preventing staff from disposing of nappies without touching the bins. Inspectors observed staff pushing nappies into the bins by hand, increasing the risk of cross-contamination.
4. There was no system in place in the Wobbler room (Unit 1) for removing and cleaning toys which had been mouthed by the children. The inspector observed children passing these toys between one another and staff placing them back on shelves, creating a risk of cross-infection.
5. The tables used for meals and activities in Unit 1 (ECCE room) had a significant amount of sticky residue left from removed tape, making it difficult to properly clean them for infection control purposes.
6. The plastic covering on the soft seating in Unit 1 (ECCE room) and Unit 4 was significantly torn, exposing the inner fabric. As a result, the seating could not be adequately cleaned for infection control purposes.

Administration of Medication:

7. Appropriate measures were not in place to ensure the safe management of a child who may require emergency medication in the event of a potential anaphylactic reaction. Staff informed the inspectors that the child might need an inhaler and auto injector due to potential anaphylaxis. However, the following concerns were noted:
 - No letter was available from the child's GP or consultant confirming the child's condition and required medication, as per the medication administration policy.
 - No written parental or guardian consent was available for administering medication, contrary to the medication administration policy.
 - Only one auto injector was available, while two is the standard requirement for anaphylaxis treatment.
 - The inhaler was stored without its original packaging or proper labelling identifying the child for whom it was prescribed.

- The child's care plan was incomplete, lacking critical details such as the name of one medication, signs indicating when medication is needed, appropriate actions, and instructions on when to contact emergency services.

An Immediate Action Notice was issued to the registered providers on 15 October 2024 due to the significant risk posed. A response was received from the registered providers on 16 October 2024 which was deemed to mitigate the risk.

8. The management of medication for a second child posed a risk to the child's health and safety in the event the medication was needed. A care plan was not available to guide staff on when to administer the inhaler or what actions to take if the medication proved ineffective. Additionally, the child's inhaler was improperly stored in their bag, contrary to the medication administration policy, which specified that inhalers should not be stored in children's bags.
9. Four records of medicine which had been recently given to children attending the Wobbler room (Unit 1) were reviewed. Written consent from parents/guardians was not available for medications administered in two of the records. This was at variance with the medication administration policy, which stated that staff are not permitted to give medicine without written permission.
10. It was not clear that parents/guardians were properly informed when medication had been administered, potentially impacting the continuation of care. Of the four records reviewed, none had been signed by a parent/guardian upon collection. This was inconsistent with the medication administration policy, which requires parents/guardians to sign to confirm they were informed of the dosage given when collecting their child.

Action submitted by the Registered Provider

Corrective & Preventive Action

General Safety:

1. The cot was moved out of reach and the cables have been enclosed with conduit. The service will make sure any trailing cables will be enclosed with conduit in future.

Infection Control:

2. Paper hand towels have been put into each bathroom. Management spoke to all staff members regarding cross contamination and the importance of avoiding this. A stock take will be done more frequently to ensure an adequate supply of paper towels going forward. One person has been designated this role to ensure all paper towel holders are refilled as required.
3. New pedal operated bins have been purchased for each nappy changing area.
4. Management had a meeting with the staff in the wobbler room regarding the importance of cleaning toys. A basin with sterilising tablets has been put into the room.
5. The table has been cleaned thoroughly and the sticky residue was removed. Tape will not be used on the tables in future to prevent this recurring.
6. The couches have been removed from the rooms and replaced with soft matting.

Administration of Medication:

7. The child was collected from the service and did not return until all the relevant information was received. The service now has a letter from the child's GP; a letter of consent from the child's parents; two new auto injectors; a new inhaler and a new care plan. All medicines have been stored correctly. Any child who requires specific medication on site will have a new care plan documented, and all relevant information will be available on the child's file.
8. A care plan is now available for this child. The child's parents provided an inhaler to be kept onsite which has been stored correctly. All children with medical requirements will have a new care plan implemented and monitored.
9. A meeting was held with staff around the importance of administering medicine and ensuring parental consent is received. Staff re-read the medication administration policy and have agreed to adhere to the practices on an ongoing basis. No medication will be administered without written consent and the proper care plan in place. All medication must come in the original packaging with a clear prescription. This will

be closely monitored as part of the Managers weekly classroom review and staff will be reminded of it on an ongoing basis and as part of the monthly and quarterly meetings.

10. All staff have been instructed that parents/guardians must be informed of any medicine given to their child and request parents/guardians sign the medicine record upon collection of their child.

Supporting documentation submitted

General Safety:

Photographs in keeping with the actions stated.

Infection Control:

Photographs in keeping with the actions stated.

Administration of Medication:

Copies of documents referred to in the CAPA response.

Summary Comment

The actions submitted were reviewed with the supporting documents and have been deemed to adequately address the areas of non-compliance.

Part VI - Safety

Regulation 25 - First aid

(1) A registered provider shall ensure that a person trained in first aid for children is, at all times, immediately available to the children attending the pre-school service.

(2) A registered provider shall ensure that a suitably equipped first aid box for children-

(a) is safely stored in an easily accessible and conspicuous position on the premises, and

(b) is available to the children attending the pre-school service at all times.

Compliance Information

(1) A person trained in first aid for children was always available. The staff roster provided for a person with training in first aid for children to be available at all times of opening.

(2)

(a) Suitably equipped first aid boxes were stored in conspicuous positions easily accessible to staff.

(b) The first aid boxes were always available to children.

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 were appropriately supervised. This included indoors, outdoors, and when moving between different parts of the premises.