

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015KE177			
Name of Service:	Tots Creche & Daycare Nursery Ltd			
Address of Service:	The Bungalow, Moorefield Road, Newbridge, Co. Kildare			
Eircode:	W12 KT93			
Name of Registered Provider:	Annette Akerlind, Audrey Murray			
Service type:	Full Day, Part Time, Sessional			
Date of Inspection:	25/10/2023			
No of pre-school children:	AM	63	PM	36
Address of the Early Years Inspectorate:	Early Years Inspectorate, Tusla, Child and Family Agency, SAP Office, St. Loman's Campus, Mullingar, Co. Westmeath			
Inspection undertaken by:	C. O' Connor Hughes & K. Murphy			
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			

Description of service

The service is registered to offer sessional, part time and full day care places. The age range of children enrolled in the service is 0 to 6 years of age. The service is currently operating from 07:00 to 18:30. A school aged childcare facility is available. The service is part of a multiple.

The Early Years' Service is located in a single storey adapted premises and provides five pre-school rooms namely the baby room, the wobbler room and pre-school rooms 1,2 and 3. A sleep room, kitchen and an office are located in the main building.

An outdoor play area is available at the back of the premises with a sheltered area for use by children. A second play area is adjacent to pre-school room 1. The service is located in the town of Newbridge, Co. Kildare.

Staffing

Thirteen staff members including the designated person in charge were working directly with children on the 25 October 2023. A cook is employed in the service. A student on work experience was present in the service.

The area manager arrived at the service after the inspector's arrival and was in attendance at the closing meeting. The registered providers do not work directly with 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;

Regulation 9 (1)(a)(b) (2)(a)(b)(c)(d) (4) (6) (6A)- Management and Recruitment.

Regulation 11(1)(2)(8)- Staffing Levels.

Regulation 18 (a)(b)(c)- Copy of Act.

Regulation 19(1)(a)- Health, Welfare and Development of Child.

Regulation 20 (1)(a)(b)(3)- Facilities for Rest and Play.

Regulation 23 -Safeguarding Health, Safety and Welfare of child.

Regulation 25(1)(2)(a)(b)- First Aid.

Regulation 26 (1)(a)(b) (4)- Fire Safety Measures.

Regulation 28- Insurance.

Regulation 29 -Premises

However, on inspection additional non-compliance which posed a risk was identified under Regulation 30 (2) - Minimum Space Requirements.

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 inspectors wish to acknowledge the co-operation of the 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.

(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.

(6) Paragraph (4) shall not apply before 1 September 2021 to a person who-

- (a) has signed a declaration on or before 30 June 2016 to the effect that he or she intends to retire from employment in a pre-school service before 1 September 2021.

(6A) is inserted by S.I. No.632 of 2016 CHILD CARE ACT 1991 (EARLY YEARS SERVICES) (AMENDMENT) REGULATIONS 2016 which states; Regulation 9 of the Child Care Act 1991 (Early Years Services) Regulations (S.I. No. 221 of 2016) is amended - in paragraph (4), by the substitution of “paragraphs (5), (6) and (6A)” for “paragraphs (5) and (6)”, and (b) by the insertion of the following paragraph after paragraph (6): “

(6A) Paragraph (4) shall not apply to an employee of a registered provider where - (a) the registered provider receives funding for the employment of the employee pursuant to a scheme funded by the Minister and known as the Access and Inclusion Model, and (b) the employment of the employee is for the purpose of providing support, pursuant to the scheme referred to in subparagraph (a), for a child attending the service to enable the child to participate in the programme known as the Early Childhood Care and Education (ECCE) funding Programme.”

Compliance Information

(1)(a)

The designated person in charge and a named person to deputise were available as required.

(b)

The designated person in charge was present for the duration of the inspection.

Twenty-seven staff files were reviewed. The following was noted:

(2)(a)(b)

The required number of validated references were available from past employers and from a source other than a past employer in respect of staff members and the student on work experience.

(c)

A Garda Vetting disclosure was available in respect of the staff members and the student on work experience.

(d)

Police vetting was available in respect of three staff members who had lived outside the state for a period of longer than six consecutive months.

(4)

Eleven staff members working directly with children attending the service held a major award in Early Childhood Care and Education at Levels 5 to 8 on the National Framework of Qualifications or a qualification deemed by the Minister to be equivalent.

(6) (a)

No employee had signed a declaration on or before the 30th of June 2016 to the effect that they intended to retire from employment in a pre-school service.

(6A)

Three adults were employed to work directly with children under the Access and Inclusion Model. One adult was not present on the 25 October 2023.

Non-Compliance Information

(4)

Evidence was not in place to indicate that two staff members working directly with children held a major award in Early Childhood Care and Education at Level 5 on the National Framework of Qualifications or a qualification deemed by the Minister to be equivalent.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

The first staff member has received her transcript of modules from her college. The second staff member has received confirmation of her first year giving her Level 5 in Early childhood care and education. (Please see attachments sent to inspector by email on the 20/11/2023).

All paperwork regarding level of qualification must be received by the candidate before the interview process begins. This way we can ascertain the correct level of qualification the candidate holds before interviewing.

Supporting documentation submitted

Written documentation submitted.

Summary Comment

Evidence submitted and reviewed by the Early Years Inspector met the Regulatory requirement.

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)

The minimum ratio of adults to children was maintained during the inspection.

(2)

There were sixty-three children attending the service supervised directly by thirteen adults including the designated person in charge.

(8)(a)

The staff roster indicated that two adults are on the premises at all times.

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 the of Part V11A (inserted by section 92 of the Child and Family Agency Act 2013 (No.40 of 2013) of the Act and Regulations was available for inspection by (a)(b)(c).

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.*

Compliance Information

(1)(a)

A weekly menu plan was available for review. All food was prepared by the cook on site. A selection of crackers, bananas and berries was provided for the midmorning snack. Children attending the ECCE programme brought a snack from home consisting of a variety of sandwiches, rolls, crackerbreads, fruits and cheese. The main meal consisted of chicken a la king with rice and a serving of broccoli and cauliflower. Milk and water were available to drink. Children were given time to enjoy the whole food experience. Staff sat with children during mealtimes engaging in conversation with the children and providing assistance with feeding as required. Young children wore bibs to protect their clothes at mealtimes.

Good communication between the child and adult was observed during nappy changing. Young children attending the baby room were given the opportunity to sleep on an individual basis in a separate sleep room. Older children availed of the rest areas in the pre-school rooms to rest and relax as required. In the pre-school rooms the children were observed playing freely in the various interest areas supervised by staff.

Children enjoyed story time in pre-school room 2 sitting in the rest area supported by staff. Children were happily engaged in birthday celebrations in pre-school room 3 and enjoyed the birthday cake distributed by the staff member. The two children in the baby room enjoyed floor play with the staff member. Vinyl floor mats provided the children with a comfortable environment to explore the available play materials.

In the outdoor area the children from pre-school room 1 enjoyed a pumpkin carving /scooping activity supported by the staff. The children attending the wobbler room were observed to enjoy extended periods of play in the outdoor play area.

A key person system was in place to help promote the emotional security of the children attending the service. Staff were familiar with each child and their personalities. Staff offered choices to children, using the child's name, making eye contact and speaking in a positive tone to the children. Access and Inclusion plans were available for review. A visual timetable was displayed in pre-school 1. Children requiring additional support were helped as needed by staff. Good teamwork was evident in the service during the inspection.

The service works in partnership with parents. A verbal handover to parents was provided at collection time. Information relating to the children's daily routines including feeding, sleeping, toileting and nappy changing were documented and shared with parents via a shared electronic system. Staff stated that children's artwork was sent home on a regular basis to parents.

The five pre-school rooms in operation were bright and colourful. The indoor environment provided a range of developmentally appropriate experiences for children. Areas of interest included home areas, construction areas, cosy rest areas with library and dress up. Low level tables and chairs were available for children. Materials were accessible to children on low level shelving in the pre-school rooms. Materials included paint, books, dolls, puzzles, blocks, trucks, animals and fine motor skill toys including pegboards, jigsaws and shape sorters. Children's artwork displayed depicted themes relating to Halloween and "all about me."

Evidence that the early childhood curriculum was being implemented was noted in the pre-school rooms. Children's child development observations were noted on each child. Group and individual learning journals documented the activities to date enjoyed by the children in the pre-school rooms.

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-
- (a) having regard to the number of pre-school children attending the service, their respective ages and the amount of time they spend on the premises, there are adequate and suitable facilities for each child to play indoors and, where required by these Regulations, outdoors, during the day, and
 - (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.
- (3) A registered provider of a full day care service, a part-time day care service or a childminding service, other than such a service to which paragraph (2) applies, shall ensure that-
- (a) a suitable, safe and secure outdoor space to which the pre-school children attending the service have access on a daily basis is provided on the premises.

Compliance Information

(1)(a)

Suitable play equipment indoors and outdoors, that included toys and equipment for construction, tabletop activities, arts and crafts, sensory play and home corners.

(b)

A separate sleep room was available equipped with six cots. Low level beds were available for children over two years of age. Rest areas were noted in the pre-school rooms for children to rest and relax.

(3)(a)

The outdoor play areas were safe and secure. The main outdoor play area had a decking area which was sheltered and equipped with low level tables and chairs for tabletop activities. Sensory trays, a toy kitchen and art board were also available.

In the artificial grass section, a wooden playhouse with slide, a playhouse and basketball hoop were noted.

A second outdoor play area to the side of the premises had an artificial grass surface and was equipped with a climb and slide unit as well as a free-standing basketball hoop stand, a water play tray, a plastic playhouse, rockers and a variety of child sized benches and tables.

Non-Compliance Information

(1)(b)

The required 50cm space was not provided between cot 4 and cot 5 and between cot 5 and cot 6 in the sleep room.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

The sixth cot has been removed from the nursery to allow the 50cm space between cots in the nursery. Counted on the 20/11/2023 we have 1 child under 9 months and 7 other children requiring a cot in the nursery for sleeps. The rest of the children are over 2 years of age and sleep on low lying stack beds. (See attached Photos of Nursery with 5 cots showing 50cm between cots).

It is important that when taking bookings for the service the manager makes sure she has the correct number of cots, floor beds or stack beds for the number of children requiring a sleep/rest period throughout the day.

Supporting documentation submitted

Photographic evidence.

Summary Comment

Evidence submitted and reviewed by the Early Years Inspector met the Regulatory requirement. The practice stated will be assessed on the next TUSLA 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 service met the necessary safety requirements in respect of the indoor environment, toys and equipment and the safe storage of cleaning agents. Daily safety checklists for the pre-school rooms were available for review.

Infection Control:

Children were observed to wash their hands before snacks, meals and after toileting.

The nappy changing procedure observed was carried out as per the service nappy changing procedure.

Soothers were stored hygienically in individual containers. Prepared infant formula was stored correctly in the fridge in the kitchen.

Administration of Medication:

No medication was given at the time of the inspection. Temperature reducing medication was stored safely in the service if a child presented with a high temperature. Documentation reviewed indicated that the administration of medication was carried out correctly. Health care plans and individual emergency plans were available for children with a defined medical condition.

Safe Sleep:

A record of the colour, position and breathing of sleeping children was noted in a sleep log. The sleep room temperature noted was 18°Celsius. Sleeping children were physically checked every ten minutes. In room supervision was in place for children over the age of two who slept on low level beds.

Fire Safety:

Emergency exits were unobstructed from the pre-school rooms and the main corridors in the service. The fire assembly point was noted to the front of the service.

Non-Compliance Information

Infection Control:

1. Refrigerators were not available for the storage of perishable foods in the pre-school rooms. Lunches were stored in children's school bags.

- An appropriate disinfection solution was not available for use in the nappy changing area a “window and glass” solution was sprayed onto the nappy changing mat after use which was inappropriate for infection control.

Action submitted by the Registered Provider

Corrective & Preventive Action

Infection Control:

1.

The service has decided to provide snacks for full day care children and ECCE children that bring in their own snack at 9.15am will have snack at 10.00 / 10.30 am to make sure they are finished their snack within the two hours timescale.

Food that requires storing for more than two hours will be stored in the kitchen fridge making sure to abide by all HACCP and Infection Control standards.

2. The spray bottles that have cleaning or sterilising solution in them are all labelled with the correct cleaning solution for use on the Nappy changing mat in keeping with infection control. (See photo of spray bottles in Nappy changing area attached to email sent to inspectors on 20/11/2023).

Chemical solutions and cleaning solutions should always be stored in the correctly labelled spray bottles. If a label falls off it must be replaced straight away.

Supporting documentation submitted

Written documentation and photographic evidence.

Summary Comment

The evidence submitted was reviewed by the Early Years Inspector and the following was noted.

The non compliance remains outstanding in respect of Infection Control point 1. The corrective and preventive action response is not accepted as all perishable goods must be stored in a refrigerator.

Evidence submitted and reviewed by the Early Years Inspector met the Regulatory requirement in respect of infection control point 2.

The practice stated will be assessed on the next TUSLA inspection.

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)
Four adults were qualified in First Aid response (FAR) and available on the premises during the hours of operation.

(2)(a)
First aid boxes were located in the front hall, next to the office and in the corridor next to pre-school rooms 2 and 3.

(b)
A first aid box was accessible to children in 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 firefighting 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

(1)(a)

A written record for the completed monthly fire drills was available on the premises. The last fire drill was recorded as taking place on the 20 October 2023.

(b)

A record was available demonstrating the number, type and maintenance of the firefighting equipment and smoke alarms on the premises. The firefighting equipment and the smoke alarms in the premises were serviced in June and September 2023 respectively.

(4)

A notice of the procedures to be followed in the event of a fire was displayed in a conspicuous position in the pre-school rooms.

Part VI - Safety

Regulation 28 - Insurance

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

Compliance Information

There was evidence of current insurance cover for the number of children attending the service. The expiry date noted was 20 April 2024.

Part VII - Premises and Space Requirements

Regulation 29 - Premises

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

- (a) of sound and stable structure,*
- (b) safe and secure,*
- (c) kept adequately lit, heated and ventilated*
- (d) cleaned, maintained and repaired, as required, and*
- (e) equipped with adequate and suitable sanitary facilities.*

Compliance Information

- (a)
The premises visually appears to be of sound and stable structure.
- (b)
A bell system is in operation to allow access to the service. A coded system is in place to allow authorised access to the pre-school rooms. Inspectors signed the visitor book on arrival.
- (c)
The environmental temperature of the pre-school rooms was recorded at approximately 21 degrees Celsius. Natural lighting was supplemented by artificial lighting in each pre-school room. Windows were openable in each pre-school room and sanitary accommodation to allow for natural ventilation.
- (d)
The premises were visually clean. A cleaning schedule was available for the service. All toys and materials were easily cleanable.
- (e)
The wash hand basins were plumbed with an instantaneous supply of hot and cold water in the sanitary accommodation. The water temperature recorded at the wash hand basins was 33.5 degrees Celsius. The sanitary accommodation was stocked with a sufficient supply of liquid soap and paper hand towels. Pedal bins were in place in the sanitary accommodation and in the pre-school rooms for the hygienic disposal of waste materials.

Non-Compliance Information

- (e)
1. There was an insufficient number of wash hand basins in the communal block sanitary accommodation used by forty-two children from pre-school rooms 2 and 3. Three wash hand basins were available for use. One wash hand basin and one toilet are required for every eleven children.
 2. There was no wash hand basin for staff members to use in the communal block sanitary accommodation. *The corrective action from the last inspection on the 22 June 2022 stated one of the children's toilets has been reassigned to staff.* One wash hand basin and one toilet are required for every eight staff members.
 3. A second wash hand basin was not provided in the sanitary accommodation attached to pre-school room.
 1. Thirteen children were in present in the morning and twenty children were present in the afternoon of the inspection. One wash hand basin and one toilet are required for every eleven children.
 4. A wash hand basin was not in place in the nappy changing area located on the main corridor for use by children attending the baby and wobbler rooms. The sink in place was not suitable for young children to have their hands washed due to the height of the sink and accessibility.
 5. Warm running water was not available at the sink in pre-school room 2.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

1. A second wash hand basin will be fitted in pre-school 1 room sanitary accommodation.
 2. A second wash hand basin will be fitted in the baby / wobbler nappy changing area located in the main corridor.
 3. A second wash hand basin will be fitted in the wobbler bathroom.
 4. A fourth wash hand basin will be fitted in the communal block for pre-school room 2 and 3.
- Timeframe: Not submitted.
5. A plumber came to service the plumbing in the service and the hot water issue was rectified. (See attached picture of water temperature in Pre-school 2 attached to email sent to inspectors on 20/11/2023).
Yearly servicing and maintenance of all machinery and fixtures in each service must be carried out to maintain the building.

Supporting documentation submitted

Written documentation from the plumber.

Summary Comment

The evidence submitted was reviewed by the Early Years Inspector and the following was noted.

The noncompliance remains outstanding in respect of point 1,2,3 and 4.

The registered providers shall submit evidence to TUSLA Early Years Inspectorate when the works are completed to address the noncompliance as outlined in the corrective action proposal.

The noncompliance has been addressed in respect of point 5.

The practice stated will be assessed on the next TUSLA inspection.

Part VII - Premises and Space Requirements

Regulation 30 - Minimum space requirements

(2) A registered provider of a full day care service or a part-time day care service shall ensure that the minimum amount of clear floor space specified in column (3) of Schedule 7 opposite a particular reference number specified in column (1) of that Schedule in respect of the age range of children specified in column (2) thereof at that reference number is available for each child in that age range attending the service.

Non-Compliance Information

(2)
1. There was inadequate floor space for the full day care pre-school children attending pre-school room 1 in the afternoon on the 25 October 2023.

No of pre-school children	Space available	Space Required
20 children FDC aged 3-5 years @2.3m ²	42.58m ²	46m ²

Corrective and Preventive Action

The service have split full day care in the afternoon into two rooms.
(Please see attached room lists attached to email).

Supporting documentation submitted

Written documentation.

Summary Comment

Evidence submitted and reviewed by the Early Years Inspector met the Regulatory requirement.
The practice stated in the corrective action will be reviewed on the next TUSLA inspection.