

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015KK059				
Name of Service:	Muckalee Community Project CLG				
Address of Service:	Clorinka, Ballyfoyle, Co. Kilkenny				
Eircode:	R95 YR26				
Name of Registered Provider:	Noel O'Brien				
Service type:	Full Day, Part Time, Sessional				
Date of Inspection:	23/09/2024				
No of pre-school children:	<table border="1"> <tr> <td>AM</td> <td>56</td> <td>PM</td> <td>48</td> </tr> </table>	AM	56	PM	48
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Address of the Early Years Inspectorate:	Tusla Child & Family Agency, Athy Road, Carlow.				
Inspection undertaken by:	Norma Thornton, Noelle Ruddy,				
Title:	Early Years Inspector, Inspection & Registration Manager.				

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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Muckalee Community Project CLG is a registered full day care community childcare service located in the rural village of Muckalee in north county Kilkenny. The service provides sessional, part-time and full day childcare services to children aged 0 to 6 years between the 07:30 to 18:00 hours, Monday to Friday. The service is also registered to provide a school age service.

The service is comprised of four preschool classrooms, the Baby Room, Toddler Room, Early Childhood Care and Education (ECCE) Rooms 1 and 2.

There are several outdoor play areas located on the grounds of the service.

Staffing

There were 17 staff members employed in the service, which included a designated chef, cleaner and office administrator. There were three students in early childhood care and education present in the service on the day of inspection.

The registered provider does not work in the service. All staff members employed in the service held at least a minimum qualification at Level 5 ranging to Level 8 on the Quality and Qualifications Ireland (QQI) framework.

Methodology

Tusla's Early Years Inspectorate is the independent statutory regulator of early years services in Ireland. The Child Care Act 1991 (Early Years Services) Regulations 2016 define the duty of a registered provider to ensure the safety and well-being of children and to comply with these regulations. This Act also gives Tusla the authority to assess compliance with the regulations. The purpose of regulation in relation to early years services is to ensure that the care, safety, and well-being of children attending such services is upheld. Inspections of early years services are planned based on the following:

- Previous inspection history
- Any information received in relation to the service

The findings on inspection are based on:

- Information obtained through examination of documentation
- Direct observation
- Discussion with relevant staff

This inspection was unannounced and focused on the area of governance/ health, welfare and development of child/ safety/ premises and facilities. The inspection may also focus on other areas as required.

The inspection focused on an examination of compliance under regulations 8, 9, 11, and 19 however, on inspection additional non-compliances, which posed a risk were identified under Regulation 23. These findings are outlined within the relevant regulation within this report.

A sampling process was used to assess compliance under regulation 19, Health Welfare and Development of Child. As a result, the scope of the inspection the four preschool classrooms and some of the outdoor play areas.

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

This inspection was triggered by receipt of information to the Early Years Inspectorate.

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 II - Registration and Register

Regulation 8 - Notification of change in circumstances

(1) A registered provider of a pre-school service other than a temporary pre-school service shall, subject to paragraph (3), notify the Agency in writing of any proposed change in the details in relation to the pre-school service contained in the register pursuant to section 58C(2) of the Act or Regulation 7(2) at least 60 days before it is proposed that the change would take effect.

(3) Where a registered provider has been unable for good and proper reason to notify the Agency within the time specified in paragraph (1) or (2), as the case may be, of a change in the details in relation to the pre-school service contained in the register pursuant to section 58C(2) of the Act or Regulation 7(2), the registered provider shall notify the Agency in writing of the change as soon as possible thereafter.

Non-Compliance Information

(1) On the day of inspection, the designated person in charge was not the named designated person in charge as stated in the service's registration details.

Corrective & Preventive Action submitted by the Registered Provider

The designated person in charge has submitted the following corrective and preventive actions.

Corrective and Preventive Action

Corrective Action

A change in circumstances (CIC) form was subsequently submitted by the registered provider to the early years registration office on the 04 October 2024 confirming the change of designated person in charge which has been approved.

Preventive Action-

A new folder has been made with all the information needed for when a new manager takes over the service. All Tusla registration information will be kept under review on ongoing basis by the manager. All changes will be notified in a timely manner to the Early Years Inspectorate and kept on file.

Supporting documentation submitted

Screenshot of CIC application.

Photograph of Early Years Inspectorate Registration folder.

Summary Comment

The actions submitted are appropriate to address the non-compliances. The implementation of these actions will be reviewed next 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;*
- (b) Part VIIA (inserted by section 92 of the Child and Family Agency Act 2013 (No. 40 of 2013)) of the Act, and*
- (c) these Regulations.*

Compliance Information

(1)(a) The deputy designated person was in charge on the day of inspection.

(b) The deputy designated person in charge on day of inspection confirmed that the designated person in charge was on leave and that there was also a second deputy designated person in charge, who can deputise as required.

(c) A clear outline of the management of the structure was available in the service, identifying the lines of authority, accountability, the roles, and responsibilities of individual staff members in the service. It was observed by the inspector that staff were clear as to who held management positions within the service.

(2) Staff files for 17 staff members employed in the service, and 3 students on placement in the service were reviewed by the inspector.

(a)(b) Two references were available on file for each of 17 staff members, 26 of which were validated, from either a past employer or from a reputable source.

Two references were available for each of two students and one reference was available for one student, from either a past employer or from a reputable source.

(c) Garda vetting certificates were available on file, for each staff member working directly with the children.

The service demonstrated compliance with the Early Years Inspectorate Regulatory Notice requiring services to renew Garda vetting every three years.

(d) Police vetting was available for each of two staff members, who had lived outside of the state for a period longer than six months.

(4) Certificates of qualification were available in each staff member's file, demonstrating that each staff member held a qualification at the minimum level 5 and above on the national framework of qualifications.

(7) The deputy designated person in charge demonstrated that staff had recently reviewed the service's policies and procedures. A record of same was available for inspection, in each staff member's file. Staff, in discussion with the inspector, outlined the steps they would take if they were concerned with anything in the setting. They spoke to the inspector of having a meeting with the members of the board of management in August, of this year, during which they were provided with information and their views sought.

Non-Compliance Information

(2)(a)(b) Eight of the 34 references for staff employed in the service were not validated.

One validated reference was not available for one student on placement in the service.

The five references that were available for students on placement in the service, were not validated.

Corrective & Preventive Action submitted by the Registered Provider

The following response was submitted by the designated person in charge.

Corrective and Preventive Action

On speaking with the students' teachers, they informed management that all references have been validated and there is no need for management to redo this process. Following the Early Years Inspectorate last inspection review, all references have been now validated. The student whose reference was missing, now has been updated and all references have been verified. Including the 8 staff references.

A new recruitment page has been attached to the staff folder with strict specifications to all paperwork needed for all students before they will undertake work experience at Muckalee Community Childcare.

A new student folder has been made with all the relevant paperwork need it prior to their start.

Management will ensure that going forward all references will be verified prior work/work practice commence at Muckalee Community Childcare regarding their job title.

Supporting documentation submitted

Copy of developed recruitment checklist.

Summary Comment

The actions submitted are appropriate to address the non-compliances. The implementation of these actions will be reviewed on 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 was an adequate number of staff members working directly with the children across the four preschool rooms. The deputy designated person in charge was supernumerary and available to provide support in any of the four preschool classrooms that were in operation and to provide relief for staff breaks.

(2) In the Baby/ Wobbler Room there were 2 staff members directly caring for 7 children aged 1 to 2 years throughout the inspection.

In the Toddler Room there were 9 children aged 2 to 2 years and eight months directly cared for by 2 staff members and 1 student.

In the morning, in ECCE Room 1 there were 18 children 4 to 5 years directly cared for by 2 staff members and one student.

In the afternoon there were 14 children remaining for the full day care service directly cared for by 2 staff members and a student.

In the morning, in ECCE Room 2 there were 22 children aged 3 to 4 years cared for by 3 staff members.

In the evening 18 children remained and were directly cared for by 3 staff members.

(8) The deputy designated person in charge ensured that there were always at least two adults on the premises

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

(b) appropriate and suitable care practices are in place in the pre-school service, having regard to the number of children attending the service and the nature of their needs.

(2) A registered provider shall ensure that no corporal punishment is inflicted on a pre-school child whilst attending the service.

(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

(1)(a) Each of the four preschool classrooms provided age-appropriate physical environments appropriate to the ages of the children in attendance. The baby/wobbler room was decorated with neutral interior with jungle animal decorations to create a warm welcoming environment for the young children. Interest areas included a soft play area in front of a ballet bar and shatter proof mirror. The children were observed climbing on the soft play mat and shapes and looking at themselves in the mirror. There was clear floor space and secure furniture such as a wooden kitchen and low-level shelving containing treasure baskets of blocks, appropriate sized small world figurines and textured toys. Children were observed to use the secure furniture to enhance their physical motor skills as they pulled themselves up or carefully navigated the room holding onto the furniture. An adult sized rocking chair was available for the staff to sit and nurture or comfort the children, when required during the day.

The layout of the toddler room had been revised since the last inspection and interest areas were more clearly observed with a kitchen / home area shop area, soft yellow couch and box of reading materials.

ECCE rooms 1 and 2 has clearly defined areas of interest which stimulated children's imaginative play. Play materials and resources were within easy reach of the children in visually labelled boxes on low level shelving.

(1)(b) Staff were responsive to the individual needs of children within ECCE room 2. Staff demonstrated a thorough understanding of the needs of a child with a diagnosis. Staff demonstrated their confidence and calm teamwork in responding to a child's needs when they became unwell. The staff closely monitored the child while ensuring the child could continue to play with their friends. Staff engaged with the child's parent by phone to update them and ensure that they were responding adequately.

Across the four preschool classrooms, staff were attentive to children's needs throughout the day. They facilitated children to play independently, joining in from time to time and sensitively intervening when disputes arose.

Children chose what toys they wished to play with throughout the morning.

In ECCE room 2 a small group of children made a fort with blankets and a play table. They were checked periodically and supported to tidy it away afterward.

Children were invited to join in circle time sharing news and singing songs. A child who did not wish to take part was allowed to play independently with staff checking in on the child intermittently and then putting together a jigsaw with them.

Children were afforded choice when it came time to play outside. Children were asked where they would like to play, and the staff facilitated their use of two outdoor play spaces. A box of wellies was available to the children. Staff were observed chatting comfortably with parents and allowing time for drop offs, where children were reluctant to come into the room. Each staff member had their name on their uniform allowing for new parents to get to know staff.

Children from ECCE 1 were facilitated to play outside on several occasions throughout the day. Staff were observed engaging with children and the inspector observed lunchtime to be fun and chatty.

(2) In discussion with staff in each of the preschool classrooms, staff were clearly informed as to what practices were prohibited in the service.

(3) Staff were knowledgeable and informed on service policies in relation to child safeguarding and managing positive behaviour in the service. Staff demonstrated knowledge and understanding as to what process to follow if they had any concerns in relation to any practice observed that was disrespectful, degrading, exploitive, intimidating, emotionally or physically harmful or neglectful to any child attending the service. Staff also informed the inspector that the service's policies had recently been reviewed by all staff in the service.

Non-Compliance Information

1. The green outdoor space proposed to be available to the children in the baby/wobbler room required review. As the children in this room were learning to walk, the uneven surfaces and sloping gradient of the area could compromise their ability to enjoy the area and potentially cause a child to injure themselves. The small area that was available to the children directly outside their classroom had been resurfaced with a rubber mat surface since last inspection, however a downpipe in this area which continued to spill onto the area continued to make it quite wet at times.
2. At 10:20 hours the children in the toddler room were observed having their snack out of their lunch boxes on the tables. No appropriate eating utensils, plates or personalised wipeable mats were provided.
3. The inspector observed that some children had dry nose secretions on their faces and these children did not have their faces cleaned by staff.

Corrective & Preventive Action submitted by the Registered Provider

The following actions and response were submitted by the designated person in charge.

Corrective and Preventive Action

1. The garden adjacent to the wobblers room had been now assigned to the wobblers and new age-appropriate equipment resourced. Wobblers now are enjoying daily outdoor time. The downpipe in the small wobbler garden has now been fitted with a new cover, preventing any dirt and spills to go on to the baby garden.
2. The toddlers now have their own individual wipeable placemats to use along their home snacks and cutlery is always available in the room.
3. The staff have been informed that going forward children's faces must be cleaned regularly and as often as needed when children show symptoms of flu and cold.

A new agreement is now ongoing between Muckalee Community Childcare Project and the national early years quality development initiative to undertake a programme of quality development in the service in collaboration with an assigned Early Years Specialist (EYS). The quality development programme is based on a whole setting approach. As part of this agreement, areas of practice with specific quality development goals to be achieved will be agreed and recorded.

1. This document will be reviewed as required. The EYS will work closely with the wobblers and toddlers rooms to create a safe and welcoming environment for children to learn and explore.
2. A new cutlery box and wipeable mats are now being stored in the room to be available for children as need it.
3. To prevent any blockage in the gutters the maintenance man will check the gutters weekly and clean them as need it to prevent water blockage/ spillage in the wobbler garden.

Supporting documentation submitted

Photographic evidence of the following

1. New developed outdoor area for the wobbler room,
2. Securely covered drainpipe,
3. Photographic evidence of individual children's wipeable place mats.
4. Confirmation has been received by the early years inspector that an early years specialist from the national early years quality development initiative is working with the service.

Summary Comment

The actions and evidence submitted are appropriate to address the findings. The implementation of these actions will be reviewed on 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 Child Safeguarding Statement and contact details for the local social work team were posted on a noticeboard in the hallway for staff and parents.

The management team demonstrated the steps that they had taken to respond to an incident earlier this year when concerns were brought to their attention.

In discussion with staff, staff were well informed regarding policies and procedures to follow regarding reporting concerns to management and the board of management when required to do so.

Safe Sleep:

The inspector observed that children in the service requiring naps were placed to sleep as per best practice safe sleep guidelines and in adherence to the service's safe sleep policy. Staff responded to children's sleep cues appropriately and facilitated nap times as the children required them.

Staff were observed to ensure that both sleep rooms were maintained at the recommended temperatures, that the cots were checked and adequately spaced apart, that the children were placed to sleep, feet to the foot of the cot and on their backs.

The staff recorded physical checks of sleeping children every 10 minutes, recording each child's sleep position, colour and breathing.

Non-Compliance Information

General Safety:

1. The location of a smoking area for staff posed a hazard to the health of the children attending the service, by exposing them to second hand smoke. While observing in the toddler room the inspector could smell cigarette smoke wafting through the window into the Toddler classroom. One of the outdoor areas in the service was directly beside the staff smoking area and in view of staff smoking. The registered provider and deputy designated person in charge agreed to remove this risk without delay.

There were some hazards identified in the outdoor play area as follows:

2. A tyre with a concrete filling was located at the bottom of a hill which could potentially injure a child if they were to fall against it.
3. The metal green wire which surrounded and covered the septic tank was loose and lifting on the top. It also had quite sharp edges in places. A child could potentially gain a foothold on the wire fencing, climb it and fall or injure themselves on the sharp edges. As the wire across the top was lifted, it was possible that a child could get into the structure.
4. The rubber tiles in parts of the outdoor play area had separated and lifted in places posing a potential trip hazard.
5. The highchairs in use in the wobbler room were observed by the inspector to pose as a potential injury risk to the children as the children were able to pull off the trays independently and swing them around.

Action submitted by the Registered Provider

The following response was submitted by the designated person in charge.

Corrective & Preventive Action

General Safety:

Corrective Actions:

1. The smoking area has now been moved across the car park
2. The concrete tyre has now been removed from the garden

3.The green wires were fitted back properly and assessed by our maintenance man so no loose wires or gaps will present danger to children or staff.

4.All rubber tiles have been assessed and if broken totally removed

5.The old highchairs have now been replaced with 2 new higher chairs

Preventive Actions:

1.A new smoking point has been assigned far away from all children and playgrounds to prevent anyone encountering the cigarette smoke and smoking behaviours

2.Going forward all equipment entering our premises outdoor/indoor must be approved by the manager and undertake a risk assessment prior to its use.

3.A new standard timber enclosure will be fitted around the septic tank to prevent any loose wires. This new fence will be 6ft tall and the gate will be always locked to prevent children get into the structure. The fence will be fitted on the 9.11. 2024.

4.All rubber tiles have been assessed and where rubber tiles were not fitted on a hard surface they have been totally removed from that garden and replaced with tree bark to prevent any potential hazards.

5.The 4 highchairs have now replaced with 2 better quality ones. Going forward children won't be able to pull out the trays of the highchairs as these new highchairs are heavier, taller and avail of lock in system for children's trays to prevent children from pulling of the trays independently.

Supporting documentation submitted

General Safety:

1.Photographic evidence of the new designated smoking area.

2.Photographic evidence of proposed new wooden gate and fencing to surround septic tank.

3. Photographic evidence of replenished outdoor play area.

4.Photographic evidence of new highchairs.

Summary Comment

The actions and evidence submitted are appropriate to address the non-compliances. The implementation of these actions will be reviewed on next inspection.