

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015KK079
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Name of Service:	The Growing Patch Childcare Centre
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Address of Service:	Newpark Close Family Resource Centre, Newpark Close, Kilkenny, Co. Kilkenny
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Eircode:	R95 PF63
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Name of Registered Provider:	Kathleen Meagher
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Service type:	Full Day
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Date(s) of Inspection:	25/09/2024
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No of pre-school children:	AM	21	PM	13
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Address of the Early Years Inspectorate:	Early Years Inspectorate, Tusla Child & Family Agency, Athy Road, Carlow.
Inspection undertaken by:	Norma Thornton,
Title:	Early Years Inspector.

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

The Growing Patch Childcare Centre is a community childcare service providing sessional, part-time and full day childcare services, located in Kilkenny city. The service provides childcare for children aged 1 to 6 years of age between the hours of 08:30 and 17:45. The service operates from a purpose-built premises adjacent to a community family resource centre and is comprised of four preschool classrooms and includes an onsite outdoor play area.

Staffing

There were 14 staff members employed in the service including 3 designated kitchen staff and a cleaner. All staff who as part of their role in the service, were employed to work directly with the children in attendance, held at least a minimum Level 5 qualification in early childhood care and education (ECCE). The registered provider did not work in the service.

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 an 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.

A sampling process was used to assess compliance under the following regulations.

Regulation 8-Notification of Change in Circumstances,

Regulation 9-Management & Recruitment,

Regulation 10-Policies, Procedures etc. of Pre-School Service,
Regulation 11-Staffing Levels,
Regulation 15-Record of a Pre-School Child,
Regulation 16-Record in Relation to a Pre-School Service,
Regulation 19- Health, Welfare and Development of Child,
Regulation 23-Safeguarding the Health, Safety, and Welfare of Child,
Regulation 25-First Aid,
Regulation 26-Fire Safety Measures,
Regulation 28- Insurance.

As a result, the scope of the inspection included the “Bluebell” (toddler) room, The “Primrose” room and the “Acorn” room. The “Buttercup” (wobbler) room was not open on the day of inspection.

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.

An Immediate Action Notice was issued to the registered provider regarding no Garda Vetting Certificates available on file for two ancillary staff members, who as part of their roles in the service were observed to have access to the children’s classrooms on the day of inspection.

An adequate response to the Immediate Action Notice was subsequently submitted to the office of the Early Years Inspectorate on the evening of the inspection, 25 September 2024.

Acknowledgments

The inspector wishes 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.

Compliance Information

(3) The registered provider had recently submitted a change in circumstances form detailing a change in the named registered provider, which was subsequently approved on the 08 October 2024. The registered provider is currently in the process of recruiting a designated person in charge and will submit the appropriate details of that named person once the recruitment process is complete and prior to commencement of employment of the designated person in charge in the service. It is acknowledged that the deputy designated person in charge is currently managing the service.

Non-Compliance Information

(1) Changes to the details of the service in the early years register were not notified at least 60 days before the changes were to take effect. It is acknowledged that these changes were unforeseen and that the current registered provider is endeavouring to rectify the non-compliance in a timely manner.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

The registered provider has responded with the following corrective and preventive action – A Change in circumstance with the updated registered provider has been submitted to and approved by Tusla. All changes to the Tusla register will be submitted with 60 days notice as required and a new procedure is now in place.

Supporting documentation submitted

Copy of Change in circumstances form and approval email from the Early Years Inspectorate Registration department.

Summary Comment

The actions submitted are appropriate to address the non-compliance. The implementation of these actions will be reviewed on 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.

Compliance Information

- (1)(a) There was a named deputy designated person in charge who facilitated the inspection. The current designated person in charge as detailed on the register is on leave. A new designated person in charge is due to commence employment in the service in the coming weeks.
- (b) At all times during the inspection the deputy designated person in charge was in the service. A second named deputy designated person in charge was available to provide relief for break times.
- (c) On arrival to the service the inspector was informed clearly as to whom was the deputy designated person in charge, who was the room leader in each classroom and that there was a key worker system assigned to groups of children within each classroom.
- (2) Fourteen staff files were reviewed by the inspector on the day.
- (a)(b) Two references were available on file for each of six staff members, from either a past employer or from a reputable source, of which eight were validated.
- One reference was available for each of two staff members, from either a past employer or from a reputable source.
- (c) Garda vetting certificates had been obtained for each person who was working directly with the children in the service. The service demonstrated compliance with the Early Years Inspectorate Regulatory Notice requiring services to renew Garda vetting every three years for those working directly with the children.
- (d) Police vetting was available on file for two staff members employed in the service, who had lived in a state other than Ireland for a period longer than six months.
- (4) Certificates of qualification for each staff member, were available for review by the inspector. The documents provided, demonstrated that all staff working directly with the children, held at least the minimum Level 5 ranging to Level 6 qualifications in early childhood care and education, on the National Quality and Qualifications Ireland (QQI) Framework.

Non-Compliance Information

- (2)(a)(b) Two validated references were not available for each of six staff members employed in the service. A second validated reference was not available for each of two staff members employed in the service.
- (2)(c) While two staff members were not employed to work directly with the children, the inspector did observe on the day of inspection, that as part of their role in the service, they entered each classroom, where children were in attendance.
- There was no Garda vetting certificates available for each of these staff members. An Immediate Action Notice was issued to the registered provider at the feedback meeting.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

The following corrective and preventive actions were submitted.

Two validated references are on file for all staff and a new reference check questionnaire has been developed.

All vetting is on file for the two staff members who work in the kitchen and have been submitted to Tusla.

A service specific recruitment policy is now in place. No staff will be appointed without Garda Vetting and two validated references.

Supporting documentation submitted

Copies of required Garda Vetting Certificates, Reference Check list and revised recruitment policy.

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

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

Compliance Information

Some of the service's policies and procedures were available in the service and open for inspection. The policies that were available for inspection were observed to be adequate and specific to the service.

Non-Compliance Information

The following policies were not available in the service on the day of inspection.

Policy on Outdoor Play, Policy on Staff Absences, Recruitment Policy, Staff Training Policy and Supervision of Staff Policy.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

The registered provider submitted the following g corrective and preventive actions:

A new policy has been created for each of the following Outdoor Play, Staff absences, Recruitment, Staff Training and Staff supervision

An annual review of all policies will be undertaken by the manager using the list of required policies in the QRF to ensure all required policies are on file.

Supporting documentation submitted

Copies of the developed policies.

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) Throughout the inspection, an adequate number of staff members were observed directly caring for and supervising the children in attendance.

(2) The minimum ratio of adults to children as required by schedule 6 was maintained as follows.

The “Bluebell” (Toddler) Room – there were 5 children aged 2 to 3 years directly cared for by 2 staff members.

The “Primrose” Room- There were 9 children aged 3 to 4 years directly supervised by 3 staff members.

In the afternoon there were 8 children aged 3 to 4 years directly cared for by 3 staff members

The “Acorn” Room- there were 7 children aged 4 to 5 years directly cared for by 2 staff members and a student.

In the evening this room was used for school age care and any children remaining for full day childcare joined the “Primrose” Room.

(8) In discussion with the deputy designated person in charge and on review of the staff roster the inspector observed that the registered provider ensured that there were always at least two qualified staff members on the premises.

Part IV – Information and Records

Regulation 15 – Record of pre-school child

(1) A registered provider of a pre-school service other than a pre-school service in a drop-in centre or a temporary pre-school service shall ensure that a record in writing is kept in respect of each pre-school child attending the service containing the following particulars:

- (a) the name and date of birth of the child;*
- (b) the date on which the child first attended the service;*
- (c) the date on which the child ceased to attend the service;*
- (d) the name and address of a parent or guardian of the child and a telephone number where that parent or guardian or a relative or friend of the child can be contacted during the hours of operation of the service;*
- (e) authorisation for the collection of the child;*
- (f) details of any illness, disability, allergy or special need of the child, together with all the information relevant to the provision of special care or attention;*
- (g) the name and telephone number of the child's registered medical practitioner;*
- (h) record of immunisations, if any, received by the child;*
- (i) written parental consent for appropriate medical treatment of the child in the event of an emergency.*

Compliance Information

There was a registration form available in respect of each child enrolled in the service. A sample of 11 forms completed by the parents were reviewed as part of the inspection process and were found to contain all the information required under parts (a) – (i) of this regulation.

Part IV – Information and Records

Regulation 16 – Record in relation to pre-school service

(1) A registered provider shall ensure that a record in writing is kept of the following information in relation to the service:

- (a) the name, position, qualifications and experience of the person in charge and of every other employee, unpaid worker and contractor;*
- (b) details of the class of service and the age profile of children for which the service is registered to provide services;*
- (c) details of the adult:child ratios in the service;*
- (d) the type of care or programme provided in the service;*
- (e) the facilities available;*
- (f) the opening hours and fees;*
- (g) the policies, procedures and statements the service is required to maintain in accordance with Regulation 10;*
- (h) details of attendance by each pre-school child on a daily basis;*
- (i) details of staff rosters on a daily basis;*
- (j) details of any medication administered to a pre-school child attending the service with signed parental consent;*
- (k) details of any accident, injury or incident involving a pre-school child attending the service.*

Compliance Information

(1) Documents and details referred to under regulation 16(1)(a) to (k) were available in the service and open for inspection.

(j) On review of a sample of 10 medication records for individual children, the records were documented in line with the service's administration of medication policy.

(k) Forty Accident and Incident reports were reviewed by the inspector over a period from 06 September to the 30 July 2024. These forms were observed to be completed in detail by the staff members working directly with the children, in line with the accident and incident policy in the service.

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.

Compliance Information

Physical environments in each of the rooms were appropriate to the age of the children in attendance and included rest areas, library areas, construction areas, home /kitchen corners and sensory play tables. Low level shelving provided play materials and resources which included small world figurines, peg boards, jigsaws, train tracks, trains and miniature cars.

(b) Throughout the day, the inspector observed how engaged the staff were with the children in each of their classrooms. Staff were constantly engaged with children moving between children that required help or wanted them to join in with play or standing back and affording children to play independently. Staff sat on the floor or at the child sized tables listening effectively to the children, availing of opportunities to extend conversations and promote speech development and the child's confidence. Staff were observed to praise children and reinforce positive behaviours when they saw children taking turns and sharing.

One staff member supported a child's imaginative play as they used construction tools as doctor's equipment and pretended to be the doctor's patient. Another staff member praised a child's creative work, "You're drawing your Mammy, good job! Are you going to draw your Nana and Grandad too?", availing of the opportunity to reinforce the child's identity and belonging and extending the opportunity for more creativity and conversation.

There was evidence in each classroom of short term and weekly curricular planning with September's theme incorporating themes of Autumn, new beginnings in preschool, children's identity and belonging, family photos and opportunities to explore "All about Me". Daily activities documented opportunities for dancing, language development, focusing on conversations and bonding with friends.

Staff were observed to resolve conflict gently with children, clearly identifying that it was the behaviour or action that required change, for example a staff member told children "No we don't throw it as we will lose it all over the floor and it might go in your eyes and hurt you" when they started to throw some sensory rice. The staff member then distracted the children by encouraging them to try new things with the coloured rice- "Try this -Wiggle your fingers and let it trickle through your hands on the tray".

Staff informed the inspector that they enjoyed discussing and planning their curricular activities, developing new ideas for learning that the children would become invested in or sharing opportunities for creativity around the children's emergent interests and incorporating the children's ideas into their daily activities.

Non-Compliance Information

(1)(b) Under Regulation 16, 40 Accident and Incident reports were reviewed by the inspector covering a period from 06 September 2023 to the 30 July 2024.

The inspector observed that 32 of the 40 reports pertained to a child's behaviours, of which the majority of incidents had caused injuries to other children and to staff.

The reports were completed in full and in detail by staff, however there was no evidence that management at the time carried out a risk assessment, developed a child centred plan or communicated with parents and staff to develop a solution focused plan of action.

This was not in line with the service's Positive Behaviour Management Policy, which stated "In the case of a particular incident we will always discuss ways forward with the parents or guardians of the child" "Recurring problems will be dealt with in an inclusive manner".

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

The registered provider submitted the following corrective and preventive actions. Staff have been retrained on the Behaviour Management Policy. New accident /incident report books have been purchased. The new manager has also been trained with the services behaviour management policy. All staff must inform the manager of all accidents/incidents that occur daily where required the manager will deal with all accidents/incidents in an inclusive manner with the parents/guardians and staff.

Supporting documentation submitted

Copy of revised policy and policy revision log for staff.

Summary Comment

The actions submitted are appropriate to address the non-compliances. 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 service was secured with a keypad fob system to prevent any unauthorised person from entering the building and to prevent any child exiting the building unsupervised. The outdoor play area was secured with a high metal fence.

Infection Control:

Staff and children were observed to wash their hands frequently after toileting, nappy changes, messy and outdoor play.

Cleaning schedules were maintained in the service with each classroom maintaining a daily list of cleaning tasks.

Safe Sleep:

A designated sleep room provided a quiet calm environment for sleeping children. Two standard cots and three blue stackable beds were available with appropriate bed linen for any child who wished to sleep during the day.

On the day of inspection, no child demonstrated the need for a nap. The staff showed the inspector previous sleep records which they had recorded on sleeping children, demonstrating that they carried out 10-minute physical checks on the sleeping child's colour, breathing and sleep position and ensured that the sleep room temperature was maintained at the recommended temperature of 16 to 20 °C.

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) There were seven staff members employed in the service who had current first aid responder (FAR) training. Six staff members with FAR training were present in the service on the day of inspection, as documented in the staff roster. On review of maintained staff rosters, the registered provider demonstrated that there was always at least one staff member with FAR training onsite, while children attended the service.

(2)(a) A first aid bag was clearly observed and safely stored in each of the classrooms.

(b) The first aid box was always available for the children and records were maintained to demonstrate that it was checked monthly to ensure that its contents were adequate and in date.

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.
- (2) The record referred to in paragraph (1) shall be open to inspection by-
- (a) a parent or guardian of a pre-school child attending or proposing to attend the pre-school service,
 - (b) an employee, and
 - (c) an authorised person.
- (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 record of monthly fire drills carried out in the service was maintained by the staff. The last fire drill was recorded as having taken place on the 9 May 2024. The service was closed from July to 16 September 2024.
- (b) Records of the annual maintenance checks of the service's firefighting equipment and fire alarm system were maintained. The last maintenance check for the firefighting equipment was recorded as having taken place in August 2024 and for fire alarm system was recorded as having taken place on the 11 September 2024.
- (2) All records relating to fire safety in the service were maintained onsite and open for inspection.
- (4) A notice of the procedure to be followed in the event of a fire was displayed in the entrance hall. A fire assembly point was clearly signed in the car park.

Part VI - Safety

Regulation 28 - Insurance

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

Compliance Information

An insurance certificate displaying adequate insurance for a childcare service for up to 80 children was available for inspection.

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