

# Early Years Inspectorate Regulatory Report

## Pre School

<b>TUSLA Identifier:</b>	TU2015KK080
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<b>Name of Service:</b>	The Learning Garden
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<b>Address of Service:</b>	The Left Bank, Bennettsbridge, Co. Kilkenny
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<b>Eircode:</b>	R95 XK18
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<b>Name of Registered Provider:</b>	Vera Leacy
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<b>Service type:</b>	Full Day, Part Time, Sessional
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<b>Date(s) of Inspection:</b>	15/03/2023
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<b>No of pre-school children:</b>	AM	No.	PM	No.
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<b>Address of the Early Years Inspectorate:</b>	Tusla Child and Family Agency, Early Years Inspectorate, Ely Hospital, Ferrybank, Wexford
<b>Inspection undertaken by:</b>	E. Mc Garry
<b>Title:</b>	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).

<b>Conditions if applicable</b>	Not applicable
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### Description of service

This full day care service is located in a rural setting outside the village of Bennetts bridge in county Kilkenny. A service is provided to children aged 2 to 6 years of age. The service is open from Monday to Friday between 8.00am to 6.00pm (including a sessional service from 9.00am to 12.00pm for 38 weeks of the year). A school age service is also provided. The premises is a detached two single storey premises. The service consists of four early years rooms, an office, onsite kitchen, toilets, nappy changing facilities and two outdoor play areas.

### Staffing

There were six staff on the premises on the day of inspection including the manager who also works directly with the children. The registered provider was also in the service on the day of inspection. All staff working directly with the early years children held at least a major award in Early Childhood Care and Education at Level 5 on the National Qualifications 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 inspections may also focus on other areas as required. Compliance was assessed under the following regulations:

Regulation 9 Management and recruitment

Regulation 10 Policies and procedures

Regulation 11 Staffing levels

Regulation 19 Health, Welfare, and Development of child

Regulation 23 Safeguarding health, safety, and welfare of child

Regulation 25 First aid

Regulation 26 Fire Safety

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 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 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) (b)

The manager was the designated person in charge on the day of the inspection and remained in the service for the duration of the inspection. The registered provider arrived later on the day of inspection and was also available to facilitate the inspection.

(2)  
Following a discussion with the manager and on review of documentation, it was established that there were two staff employed in the service since the last inspection on 13 April 2021.

(a)(b)

There were four written and validated references available on file from past employers.

(c)

There was Garda vetting available on file in the service for the two staff members.

(d)

Police vetting was not required as none of the new staff members had worked in a state other than Ireland for a period of longer than six consecutive months.

(4)

All staff working directly with the early years children held at least a major award in Early Childhood Care and Education at Level 5 on the National Qualifications Framework.

(6A)

There was one staff member employed under the Access and Inclusion Model.

## 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

There were written policies, procedures, and statements, as specified in Schedule 5, available for the service. The policies reviewed on this inspection were the cleaning policy and the policy on healthy eating. The policies reviewed on this inspection and were found to be complete and specific to the setting.

### 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.*

*(3) Subject to paragraph (5), a registered provider of a sessional pre-school service shall ensure that at all times the minimum ratio of adults to children specified in column (3) of Part 2 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) therefore at that reference number is satisfied.*

*(4) Subject to paragraph (5), where a registered provider contemporaneously provides-*

*(a) a sessional pre-school service, and*

*(b) a full day care service or a part-time day care service, or both, the minimum ratio of adults to children applicable for the duration of the sessional pre-school service in respect of the children attending that service shall be the ratio specified in paragraph (3).*

#### Compliance Information

There was an adequate number of staff working directly with the children at all times during the inspection.

##### Preschool 1

At 10.30am there were 9 children aged from 3 to 6 years in the care of 1 staff.

##### Preschool 2

At 10.35am there were 9 children aged from 3 to 6 years in the care of 1 staff

##### Preschool 3

At 10.40am there were 10 children aged from 3 to 6 years in the care of 2 staff.

At 2.00pm there were 7 children aged from 3 to 6 years in the care of 2 staff.

The manager was in the service on the day of inspection and was available to assist across the rooms as required.

The registered provider arrived in the afternoon and was also available to assist in the rooms if required

### 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*

*(1) A registered provider shall, in providing a pre-school service, ensure that-*

*(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

(1)(a)

The registered provider ensured that each child's learning, development, and well-being was facilitated within the daily life of the service. Children were engaged in a variety of appropriate activities during the inspection including, painting, drawing, doing jigsaws and practicing their fine motor skills using beads and threads. Children were encouraged to be independent appropriate to their age and stage of development, for example, children were observed in preschool three tidying up and taking great care to mind the toys they had been given to play with.

During activities staff used opportunities to extend children's learning and development. Staff were observed facilitating a yoga class. The children were encouraged to "shake out the sillies". Children were taught how to stretch their muscles. After the class they were helped to relax and pretend to be sleeping bunnies. Staff were observed to be constantly engaged with the children in their care.

Children were proud to show the inspector crafts they had made for Mother's Day. These crafts included a lavender hand scrub and a card which included the child's observations of their mother. Staff noted on the cards answers to questions asked of the children. For example, "What age do you think your mother is?" "What food does your mother like to eat?"

The materials and equipment available in the service included a range of plastic bricks, art materials, jigsaws and trucks and diggers. Original artwork was displayed on the walls of the early years rooms. There was a display of the children's handprints in the preschool room three.

There was a display of artwork the children had completed all about St. Patricks day in the preschool room two. Staff had taken the time to take note of the children’s emerging interests and displayed them on the wall of the early years rooms. For example, one child had said “I want to learn to do bigger jigsaws”. Staff who spoke to the inspector said that this exercise was to ensure the children were included in the planning of the curriculum in the service.

1(b)

The registered provider ensured that appropriate and suitable care practices were in place. The service provided all the snacks and meals for the children attending the service. A freshly cooked dinner cooked in the onsite kitchen was served to the children on the day of inspection. Children were observed enjoying a dinner of rice and chicken curry with mixed vegetables on the day of inspection. There was plenty of food for the children and many children availed of extra portions when offered to them. Children were encouraged to use the toilet independently. Staff were observed to encourage and supervise children washing their hands after using the toilet before meals and after messy play.

### 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

The registered provider had taken the following steps to ensure the safety of the children attending the service.

##### General Safety:

- Access to the service was gained through the front door.
- The openings of the windows were restricted with appropriate restrictive opening devices.
- All radiators were thermostatically controlled and were purpose built to include protective coverings.
- The main stairway was well lit. There were two banisters in place, one at child’s level and one at staff level to ensure safety for both age groups.

##### Infection Control:

- The service was observed to be clean and well maintained on the day of inspection.
- All sinks for hand washing in the service were equipped with warm thermostatically controlled water, liquid soap, and foot operated pedal bins. The temperature of the hot water flowing from the wash hand basin in the nappy changing unit beside little fairies was recorded at 36°C on the day of 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)

There was a person trained in first aid for children immediately available to the children attending the early years service.

(2)(a)(b)

There was a suitably equipped first aid box stored in an easily accessible position on the premises and was available to the children attending the early years 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.
- (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.
- (3) A registered provider shall ensure that a record referred to in paragraph (2) is retained for a period of 5 years after its creation
- (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)

There was a record of fire drills that had taken place in the service. The last recorded fire drill took place in the service on 13 March 2023.

(b) There was a record available on file stating the firefighting equipment was last serviced in December 2022, and the smoke alarm in March 2023.

(4)

There was a notice of the procedures to be followed in the event of fire displayed in a conspicuous position in the main entrance of the service.