

Early Years Inspectorate Regulatory Report

Pre School

TUSLA Identifier:	TU2015KY041
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Name of Service:	Duagh Community Development Ltd.
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Address of Service:	Duagh Village, Listowel, Co. Kerry
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Eircode:	V31 FH67
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Name of Registered Provider:	Bernie Keane
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Service type:	Full Day, Part Time, Sessional
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Date(s) of Inspection:	24/01/2024
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No of pre-school children:	AM	59	PM	38
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Address of the Early Years Inspectorate:	13 Market Square, Mallow, Co Cork.
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Inspection undertaken by:	F Collins
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Title:	Early Years Inspector
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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	N/A
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Description of service

Duagh Community Development Ltd. is a full day care service located in the rural setting of Duagh Village.

A full day care service is offered to children attending the early years service aged between 0 and 6 years and the service also offers a registered School Age Service.

The service is open on Monday to Thursday between 08.00 and 18.00 hours and between 08:00 and 17:00 on Friday.

The service accommodates the Early Childhood Care and Education (ECCE) scheme.

The premises is a detached, two storey premises and has six care areas with one large room downstairs broken into three separate care areas plus an additional room and two separate rooms upstairs.

There is a large dedicated outdoor space available with both outdoor and sheltered facilities and a small area beside the building where the smaller children can play when the weather is poor.

The service has ancillary areas of kitchens, adult and children's toilets, sleep rooms, storage facilities and an office.

There is adequate off-road parking available and the entrance is secured by an electromagnetic locking gate

Staffing

There were 15 adults on the staff roster of which there were 11 present and caring directly for the children on the day of inspection.

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.

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

An immediate action notice was issued to the registered provider on 25.01.2024 in relation to a staff member that was not Garda Vetted.

A response was received on 25.01.2024 that adequately addressed the concerns.

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) The service had a designated person in charge on the premises on the day of inspection. The registered provider arrived at the service as scheduled later in the morning.
 - (b) The person in charge or the deputy person in charge were on the premises at all times during the operation of the service.
 - (c) There was a clear structure in the service that identified persons in charge and deputy person in charge. Each care room had a room leader and childcare workers therefore each person's role and responsibility within the service was identified.
- (2)
- Fifteen staff were employed in the service, all 15 staff files were assessed for completeness.
- (a) Of the 30 references required 19 validated references were available from past employers.
 - (b) Of the 30 references required seven validated references were available from a source other than a past employer.
 - (c) Garda vetting disclosures were on file for 14 of the 15 staff employed by the service.
 - (d) Police vetting was required and available for one staff member who worked in the service and had access to children.
- (4) Fourteen of the 15 staff held relevant qualifications in Early Childhood Care and Education at level 5 or above or a qualification deemed as equivalent by the minister.

Non-Compliance Information

(2) (a) Two references on file were not dated or validated.

(a) /(b) Two references were not available on file for assessment.

(c) Garda vetting was not available for one adult who was working in the service and had access to children.

(d) Police vetting was not available for one adult that had resided outside of the country in another jurisdiction for greater than six consecutive months.

Not adequately vetting staff may allow for staff that are inappropriate have access to children.

(4) One staff member did not hold a relevant qualification in early childhood care and education and a component certificate only was on file. Not ensuring the staff are adequately qualified may allow staff who do not have the relevant training and qualifications have access to the children.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

(2) (a) Both references that were on file have now been validated. The two references not available have been received from past employers and have been validated. References will be obtained prior to staff commencing in the service.

(c) Garda vetting has been received for the one adult who required same and the service has committed that they will not allow any staff member commence work in the service until they are fully vetted.

(d) Police vetting is no longer required as the staff member has left the service. Staff will be fully vetted prior to commencing work in the service.

(4) One staff members qualification certificate was incorrectly filed. The qualification meets the required standard and is now on the staff member's file.

Supporting documentation submitted

(2) (a) Copies of two references and four validations have been received.

(c) A copy of the Garda Vetting has been received.

(d) Confirmation that police vetting is no longer required has been received on the Corrective and preventive action form.

(4) A copy of the qualification certificate has been received.

Summary Comment

An immediate action notice was issued via email to the registered provider on 25.01.2024 in relation to the staff member that was not Garda Vetted.

A response was received on 25.01.2024 stating the staff member was no longer in contact with children and the care room had been closed.

Garda Vetting for the staff member was received to the inspectorate on 29.01.2024.

Following receipt of the corrective and preventive action and the assurances received the requirements for this Regulation have been met.

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

The following policies were reviewed and contained all relevant information and guidance.

- The complaints policy.
- The infection control policy.
- The policy on outdoor play.

Non-Compliance Information

1. The Safe Sleep policy was not up to date and did not contain the relevant updated information on the supervision of children who were sleeping on floor/stackable beds, stating that they should be constantly supervised while sleeping.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

1. The safe sleep policy has been updated and now includes risk assessments, and states children on floor beds will be supervised at all times. The registered provider has committed to updating the policies as required to keep in line with updated practices.

Supporting documentation submitted

1. The safe sleep policy has been received and has been updated.

Summary Comment

Following receipt of the corrective and preventive action and the safe sleep policy the requirements for this Regulation have been met.

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.

Compliance Information

(1) The registered provider ensured that there were adequate staff available at all times.

(2) The adult child ratios were as follows:

- Baby room 1&2 were cared for together, there were five children one of who was less than 1 year being cared for by two adults. All children were attending for part-time or full day care. Four children were in these combined rooms in the afternoon being cared for by two staff.
- Toddler room 1: there were five children aged between 1-2 years being cared for by one adult, all children were attending on full day care basis. All five children remained in the service in the afternoon of the inspection being cared for by the one adult.
- Toddler room 2: There were 13 children attending in the morning, 11 of whom were attending on a full day care basis and were being cared for by three adults. The ten children remaining on in the service in the afternoon were being cared for by two adults.
- Pre-school room 1: Seventeen children were being cared for in the morning during the operation of the sessional service by two adults. In the afternoon one adult was caring for the eight children that remained on for full day care.
- Pre-school room 2: There were 19 children being cared by two adults in the morning during the operation of the sessional service. There were four adults in the afternoon caring for 11 pre-school children and eight school aged children.

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.*

(3) A record in writing referred to in paragraph (1) or (2) shall be open to inspection on the premises by-
(c) an authorised person.

Compliance Information

(1)

Of the 58 children present on the day of the inspection a sample of 22 children’s registration forms were examined. They included a cross section of the children attending in each care room/area.

The paperwork was completed as required in all sections as required in (a)- (i) above.

(3) (c) The records as identified above were available for inspection in all care rooms.

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:

- (h) details of attendance by each pre-school child on a daily basis;*
- (i) details of staff rosters on a daily basis;*
- (k) details of any accident, injury or incident involving a pre-school child attending the service.*

Compliance Information

- (1)
- (h) The records of the children’s attendance were available in each care room and the children and staff signed in daily in this record.
 - (i) The staff roster for the week of the inspection was available for assessment and previous rosters were also available for assessment. The roster was in keeping with the staff working in the service on the day of the inspection.
 - (k) The accident and incident record book for downstairs was assessed and of the six records assessed all six were completed and signed and dated by both staff and parents/guardians.

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*

Compliance Information

BASIC NEEDS:

- Meals the snacks on the day of inspection were served at appropriate times and children were able to access their drinks throughout the day. Assistance was given to the children in the junior rooms as required with the babies’ spoon fed and the younger toddlers assisted with eating as needed. A staff member sat at each table during meal and snack times. Appropriate crockery and cutlery were used.

- Snacks and meals were served at appropriate times with no long period between meals and snacks. Snack in the morning was served at 10.15, dinner at 12.15 and afternoon snack at 14.10.
- The temperatures of the care rooms were suitable for the care and comfort of the children with the care room temperature downstairs recorded at 20.3°C.
- Staff supported the children with toileting. Nappies were changed as required and on routine. Children were spoken to and interacted with during nappy changing.
- Children were reminded to wash hands and helped when needed, especially with the younger age group.
- Sleep was facilitated throughout the day with each child's sleep needs met when they indicated the need for same. Free access to sleep facilities was accessible to all children.
- All children could move about freely and there was no restriction placed on their movement.
- When going outside on the cold day the children were appropriately dressed in hats and coats.

SUPPORTING RELATIONSHIPS

- Each staff member was assigned to a care room and the children knew their carers and were observed to seek their support when required.
- When a child was observed to require comfort during bottle feeding the adult was observed to sit in a comfortable chair and bottle feed the infant in a relaxed and comforting way.
- The children in the pre-school rooms upstairs were observed to play alone and play in small and large groups. The groups supported each other especially when outside helping on the slides and ride on toys.
- Parents were spoken to at drop off and collection. The staff from the junior rooms completed a daily communication book for the parents which was sent home and the parents had the opportunity to communicate with the service using this book. This record had account of nappy changes, food eaten and sleeps taken during the day.
- Choice was given to the children on their activities and they were allowed in all care rooms to choose their activities and when they wished to opt out of activities and rest.
- When the children were outside the staff were observing from various locations in both play spaces and this allowed for observation and provision of support when needed but was not intrusive and allowed for child lead activities.

PHYSICAL AND MATERIAL ENVIRONMENT

- Each of the care rooms had a variety of toys and resources suitable for the ages of the children attending the room. The resources were specific to encourage the development of each child, i.e. jigsaws and colouring pencils for fine motor development. Playdough in pre-school 2 for sensory development. Dress up clothes and playhouses for imaginary play and storytelling for cognitive and speech development.
- Arts and crafts equipment to allow for creative play was available in each room.
- There were floor mats in each of the rooms that allowed the children to use this surface for play and using push toys of cars etc.
- All shelving was accessible to the children and they were able to choose their activities as required.
- Comfortable surfaces such as bean bags, couches and cushions were accessible to the children to rest and relax.
- The tables and chars used in the Babies 2 section were appropriate with the children able to sit in comfort with their feet on the floor which promotes balance and gives each child the independence to move about freely.

THE OUTDOOR ENVIRONMENT

- The outdoor environment was well developed with climb on toys of slides and climbing frames and ride on toys of tricycles. The area was covered in a soft matting and was divided into three separate spaces to accommodate the needs of the various age groups.
- There was a covered outdoor space that was set up as a classroom that could be used when the weather was wet to ensure each child got the opportunity to go outside daily.

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.

Compliance Information

1. (a) There were adequate facilities for the children to play both indoors and outside.
 - (b) Each care room/space had adequately developed an area where the children could rest and opt out of activities. There were couches, bean bags and mats accessible to the children. For the children that required sleep there were seven standard cots available in the sleep room used by the babies and wobblers and four cots and a stackable bed available for the children attending the toddler areas.
- The sleep areas were away from the general play areas and the lighting was suitable to ensure the children could be monitored during sleep and also create a restful environment.
- The noise levels in the sleep rooms were minimal.

Part V - Care of Child in Pre-school Service

Regulation 22 – Food and drink

A registered provider shall ensure that adequate and suitable, nutritious and varied food and drink is available for each pre-school child attending the pre-school service.

Compliance Information

- Snacks were provided by parents and were suitable for the ages of the children.
- In the junior rooms snack consisted of sandwiches, fruit, yogurts and crackers.
- Dinner consisted of mashed potatoes, shredded chicken, sweet corn, beans and pasta for those that requested pasta.
- The children had a choice of milk or water with their dinner.
- Children had access to their drinks throughout the day in each room.
- Afternoon snack was also provided by parents/guardians and consisted of crackers grated cheese, fruit and vegetables and sandwiches.

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 highchairs were clean and had appropriate harness in place.
- The toys were suitable and those assessed had no evidence of pinch or crush points that may cause injury to a child.
- The doors to the service were secured with electromagnetic locks and this ensured no child could leave the service unattended and no unauthorised adult could gain access to the premises.
- The windows were secured with window opening restrictors.
- The kitchen was inaccessible and the area was secured by a door secured by elector magnetic lock.
- The adult toilets were secured by running bolt from the children.
- Storage was inaccessible and out of reach of the children throughout the building.
- A suitable and safe staircase was being used to access the upstairs area and there were yellow markings at the edge of the steps to indicate the steps at the end.
- When outside the children were secure, with the playground secure and the walkway secured by a high fence and at the end by a gate secured by electromagnetic lock, this ensured no child could gain access to the carpark or the road.
- The television in pre-school room 2 was secured up high and the electric cables were out of reach of the children.
- No hot drinks were observed to be consumed by the staff near the children.

Infection Control:

- At each sink used by the children there was hot water, liquid hand soap and paper towels.
- The adult toilet facilities had appropriate hot water, soap and hand towels.
- Lidded pedal operated bins were used throughout the service.
- Nappies were bagged and binned in lidded bins after each nappy change.

- Staff and children were observed to wash their hands after each nappy change to prevent cross contamination.
- Staff were observed to use single use gloves and aprons when changing each child's nappy, which were changed between children.
- Tables were cleaned after messy play and before and after mealtimes with suitable disinfectant to prevent contamination and cross infection.
- The registered provider informed the inspector that the service was deep cleaned with a steam cleaner prior to Christmas following the diagnosis of a case of E.coli. Additional hand washing was now being followed as indicated by one of the staff. The child in question followed the 6-week exclusion protocol and was assessed by Public Health prior to their return to the service.
- Bags were stored off the ground on hooks or in appropriate shelving.

Administration of Medication:

- Temperature reducing medication was stored out of reach of the children in its original container in the fridge.

Safe Sleep:

- Sleep room for toddlers, two children were observed to be sleeping at 12.20, the sleep room temperature was recorded at 20.1°C and both children were over 2 years of age. Sleep checks were being completed every 10 minutes and both children were sleeping in cots.
- The sleep facilities were safe with cots away from radiators and blinds and standard cots in use with safety mattresses.

Fire Safety:

- The firefighting equipment was safely tethered to the walls.
- The fire exits were not blocked on the day of inspection.

Non-Compliance Information

Safe Sleep:

1. At 09.20 a child was not supervised when sleeping on a stackable bed. The safe sleep guidelines indicate that children that sleep on beds must be supervised at all times as if the child/children wake they have unsupervised access to monitors, equipment and potentially other children which may cause and injury or accident.

Action submitted by the Registered Provider

Corrective & Preventive Action

Safe Sleep:

1. Stackable beds have been removed from the sleep room and should a child need to sleep on a stackable bed they will be provided with a suitable quiet space in the care room to ensure constant supervision.

Supporting documentation submitted

Safe Sleep:

1. The updated safe sleep policy and the assurances received on the corrective and preventive action form are accepted as evidence.

Summary Comment

The requirements for this Regulation have been met and will be assessed on the next 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) Nine of the staff in the service had first aid responder (FAR) training and this training was up to date. This ensured that a staff member trained in first aid was immediately available to the children at all times.

(2) (a) There were first aid boxes available on a high shelf both upstairs and downstairs.

(b) The first aid equipment was accessible to the staff at all times in the event it would be required.

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 fire fighting equipment and smoke alarms in the premises.
- (2) The record referred to in paragraph (1) shall be open to inspection by-
- (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) There was a record of the fire drills completed by the service available for inspection. The date of the last fire drill completed was recorded as being completed on 12.01.2024.
- (b) There was a record of the number type and maintenance of the firefighting equipment, the fire extinguishers were last serviced on 01.11.2023 and the fire alarms were last serviced on 07.12.2023 and a certificate for same was available for inspection.
- (2) (c) The fire alarm and fire extinguisher certificates were available for inspection by an authorised person.
- (4) The fire evacuation procedure notice was displayed both upstairs and downstairs.

Part VI - Safety

Regulation 28 - Insurance

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

Compliance Information

The service had an in-date insurance certificate. The certificate indicated that 100 children attending on a full day care basis were insured. The commencement of the insurance was the 28/03/2023 with an expiry date of 27/03/2024.

Part VIII - Notifications and Complaints

Regulation 31 - Notification of incidents

A registered provider shall notify the Agency in writing within 3 working days of becoming aware of any of the following incidents occurring in the preschool service:

(b) the diagnosis of a pre-school child attending the service, an employee, unpaid worker, contractor or other person working in the service as suffering from an infectious disease within the meaning of the Infectious Diseases Regulations 1981 (S.I. No. 390 of 1981);

Non-Compliance Information

(1) (b) The registered provider informed the inspector that the service had an incidence of E.coli before the Christmas break where one child had a confirmed case of E.coli. This infectious disease was managed by the Public Health Department however was not notified to Tusla. Not notifying such an incidence does not allow Tusla to take action if required and may compromise the care of the children.

Corrective & Preventive Action submitted by the Registered Provider

Corrective and Preventive Action

(1) (b) All staff have been informed of the requirements to notify Tusla in the event of a notifiable illness occurring in the service in line with the infection control policy.

Supporting documentation submitted

(1) (b) The assurances received on the corrective and preventive action form are accepted as evidence.

Summary Comment

The requirements for this Regulation have been met.